

Complaints and Appeals Policy

Purpose and Scope

The purpose of this Policy and Procedures is to ensure that the ECA College manages and responds to any allegations, complaints, and/or appeals involving the conduct of:

- ECA College, its trainers, assessors, or other staff
- a third party providing services on the RTO's behalf, its trainers, assessors or other staff or
- a learner of the RTO.

Responsibility

- The PEO is responsible for this policy, its implementation, management, and maintenance.

Policy

The ECA College has a complaints and appeals policy to manage requests for a review of decisions, including assessment decisions, made by the ECA College trainers/assessors or a third party providing services on behalf of the ECA College.

Complaints and Appeals Policy Principles

Respecting the mutual rights and responsibilities of all staff and students, the ECA College has adopted the following principles as guides for addressing and resolving all complaints and appeals.

The ECA College is committed to:

1. Observing the principles of natural justice in the resolution of complaints and appeals – the parties involved should respect each other's rights and responsibilities, act with openness, fairness and flexibility, and with no fear of retribution, victimisation or breach of confidentiality
2. Openly informing students as to their rights and responsibilities as students and the ECA College's policies and procedures.
3. Dealing with grievances, complaints and appeals impartially and, in the first instance, informally, and seeking resolution in a timely manner – all concerned parties will be fully informed of all outcomes/decisions and of the reasons for those decisions.
4. Respecting the right of all parties to nominate a third person to support their representation.
5. Maintaining full records of complaints and appeals, their processing and resolution, and making them available to all parties.

6. Respecting the rights of students to remain enrolled throughout all stages of any internal and external appeals processes they enter, except in cases of suspension or cancellation of enrolment for serious misbehavior (suspected criminal activity, a student being a danger to themselves and/or others, etc.).

Complaints Procedures

The ECA College Complaints Policy and Procedures relate to situations in which a student has a grievance relating to:

- The ECA College facilities, including building, classrooms, information technology and/or learning resources;
- administrative, educational and/or student services procedures and/or delivery;
- unfair behaviour on the part of a trainer/staff member or another student; and/or Third party; and/or
- a student being assessed as Not Yet Competent when the student believes the assessment tool and procedures were in some way invalid – either inappropriate or not implemented correctly.

Students with a grievance or complaint are encouraged to first seek an informal resolution by directly raising the matter with the person responsible. If desired the persons involved may also seek the informal advice of appropriate third parties such as the Student Welfare & Engagement Manager, a trainer or other staff member. Where these informal approaches resolve the grievance the agreed adjustments and changes will be implemented at that level.

Where informal resolution is either unsuccessful or inappropriate, students can initiate the Formal Complaints procedures by reporting the matter in writing to the PEO. The formal complaints process requires that the student includes clear documentation, for example by the use of the complaints forms to record their complaint or appeal.

On receipt of a complaint the ECA College's PEO will check the details and any attached documentation, and complete the complaints document and refer it and the associated materials to an appropriate investigating officer (varies depending on the nature/subject of the complaint). This must be completed within three working days of the receipt of the complaint.

In all cases, and especially in complaints relating to the conduct of staff, trainers, third party, and/or students, the investigation of complaints will be undertaken by an officer in a higher position and removed from the person identified in the complaint, either directly or indirectly.

The Investigating Officer will:

- examine the complaint and associated documentation;
- interview the complainant and any other relevant people the subject of or involved with the complaint (with all parties able to nominate an appropriate support person);
- where appropriate, facilitate negotiation and conciliation between the parties;
- make a recommendation for resolving the complaint; and
- clearly document the complaint
- pass all information on to the PEO to make a decision and respond to the student's complaint

On receipt of the complaint and the investigating officer's recommendations, the PEO will review the case and recommendations and make a decision to:

- endorse a conciliated/negotiated resolution;
- resolve the complaint in favour of the complainant.
- Dismiss the complaint on the basis that it is unsupported by the evidence provided and as such unfounded.

The appropriate person (as above) will notify the complainant of their decision in writing, providing:

- the reasons for the decision;
- information relating to any actions to be taken by all parties as a result of the decision; and
- information informing them of the right of either the complainant or respondent to make a formal Internal appeal against the decision.

The PEO will also identify potential causes of the complaint and will take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

It is expected that this process will be completed in a timely fashion, normally within 15 working days. Where the appropriate person (as above) considers that more than 60 calendar days are required to process and finalise the complaint, they will:

- inform the complainant in writing, including the reasons why more than 60 calendar days are required, and will
- regularly update the complainant on the progress of the matter.

All formal complaints and decisions made by ECA College staff or their partnering organisations will be documented and recorded in the student's file and stored in a secure location within ECA College.

Unsatisfactory Complaint Resolution

If the student feels that their complaint was not resolved satisfactorily by the ECA College, the respondent will inform the student that if they are dissatisfied with the decision/outcome, they have a right to appeal and enter the external appeals process within twenty (20) working days from the receipt of the letter; of their right to submit an external appeal to:

- National Training Complaints hotline – 13 38 73 – For any matters related to the RTO's services
- NSW Office of Fair Trading – 13 32 20 – For any matters related to consumer rights

If a student appeals against the decision/outcome, the ECA College will determine whether or not to implement its original decision/outcome prior to or after the internal appeal outcome is determined. Should the original decision be implemented and the appeal is subsequently determined in favour of the student, the ECA College will reverse its implementation.

Processing Internal Appeals

All Internal Appeals will be processed within 20 working days of the Appeal Form being submitted, with the Appellant being informed by the close of business on the twentieth day. If for unavoidable reasons the investigation of an Internal Appeal is held up, and the appeal cannot be resolved within twenty working days, the Appellant will be notified in writing of this, explaining the reasons for the delay in the response, and advised when the outcome will be communicated to him/her.

The ECA College's PEO is ultimately responsible for the coordination and management of all Internal Appeals in consultation with the ECA College.

All Internal Appeal Forms will be submitted to the Student Welfare & Engagement Manager for initial registration and referral for investigation. This entails:

- attaching a Complaint and Appeal Registration Form, and completing the Form, entering the student's name, student number, the date on which the complaint was lodged, the deadline date for the Response to the Appeal, and the type of appeal;
- informing (in person or by telephone call or email) the student that they have a right to make a personal representation of their case to the responsible officer, and that they have a right to be accompanied by a support person at such a meeting;
- referring the appeal along with the Complaint and Appeal Registration Form to the responsible investigation officer to complete the Complaint and Appeal Registration Form.

The designated responsible investigating officer will be the appropriate staff member for the area in which the complaint has been made.

The responsible investigating officer will:

- gather relevant information and documents;
- make a preliminary evaluation of the materials (for example, checking the validity of medical certificates);
- enter the relevant information in the Complaint and Appeal Registration Form;
- refer the appeal to the RTO PEO or other appropriate staff member;
- where necessary, the investigating officer will source information from other staff; and
- send all documentation to the ECA College for review.

If a student decides to take up the opportunity to make an in-person presentation of their case (with or without a support person being present) the RTO PEO (or the appropriate staff member) will:

- facilitate that meeting at a time and place mutually agreeable to both parties;
- conduct the meeting, ensuring that minutes are taken;
- document all relevant information and insert it in the student's file and/or on the student management system;
- send a copy of all relevant documentation to the ECA College for review.

The responsible staff member will then:

- in conjunction with the ECA College, formulate a recommended outcome and related action;

- document the action appropriately; and
- refer the appeal to the appropriate senior manager for final resolution.

Processing Assessment appeal

If the appeal is in relation with an assessment result, students can initiate the Formal Complaints procedures by reporting the matter in writing to the PEO. The formal complaints process requires that the student includes details of the assessment results in the complaints forms to record their appeal.

On receipt of a complaint the ECA College's PEO will check the details and any attached documentation, and complete the complaints document and refer it, and the associated materials (including assessment guides, assessment marking criteria and other relevant documents), to an independent qualified assessor for a re-marking of the assessment evidence. This must be completed within three working days of the receipt of the complaint.

The independent assessor will report his/her assessment decision to the PEO within seven days. The PEO will communicate the assessment decision to the student no longer than three days after receiving the report from the independent assessor.

If the independent assessor's decision is different to the initial decision, the assessment records will be updated accordingly by the Student Welfare & Engagement Manager.

General considerations

If a student's Internal Appeal is approved the reason for the approval will be conveyed by the Student Welfare & Engagement Manager to PEO and the responsible investigating Officer so that any required corrective action/s can be identified and implemented.

If the Internal Appeal is rejected documentation must be provided to advise the student of the grounds for the rejection, and advise them of their right to external appeal to the National Training Complaints hotline – 13 38 73, and indicating that if nothing is heard from the student within 10 working days of student being informed, the original/intended decision/action will be implemented. The student will be requested to inform the Student Welfare & Engagement Manager if they decide to make an external complaint/appeal, with attached documentary evidence of their lodging the complaint/appeal.

At all times through any appeals procedures the student's file and electronic record will be promptly updated to include the outcome of any appeals process, and any subsequent actions.

If a student remains dissatisfied with these appeals policies and procedures and/or the outcome of these procedures, they can contact Australian Skills Quality Authority (ASQA) through ASQA's online complaints form (<https://rms.asqa.gov.au/registration/newcomplaint.aspx>) or calling 1300 701 801, but only after the students completed the complaints and appeals process (including the external appeal), and the student still believes that the provider's appeals process was not conducted correctly or that the provider did not make the appeals process available to the student.

Review and Improvement

The ECA College is committed to ongoing monitoring and improvement of its policies and procedures, and to this end has an integrated strategy including:

1. The Management Team, ECA College Education conducting reviews of specific elements of the appeals policy and procedures when an appeal is upheld and thereby indicating a possible problem to be addressed. This will then be referred to the ECA College PEO for approval.
2. Staff at the Partner institution with responsibilities relating to the managing of appeals being encouraged to submit any concerns about, and suggestions for making improvements to the appeals policies and procedures to the appropriate Manager in the Partner institution who is responsible for ensuring that appropriate responses are reported to the ECA College for development.
3. The Management Team, the ECA College Education managing an annual review of the written Policy and procedures documents, both of which may lead to modifications and improvements.
4. The PEO at the ECA College monitoring legislative and regulatory changes to ensure that policies and procedures are updated and fully compliant with the Australian VET Quality Framework and other conditions defined in the National VET Regulator Act 2011.

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