

# Complaints and Appeals Policy and Procedure



**The Association of Superannuation Funds of Australia Limited (ASFA)**

PO Box 1485, Sydney NSW 2001

T +61 2 9264 9300 or 1800 812 798 (outside Sydney)

F 1300 926 484

RTO Code 90755

ABN 29 002 786 290

ACN 002 786 290

This material is copyright. Apart from any fair dealing for the purpose of private study, research, criticism or review as permitted under the Copyright Act, no part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without prior written permission.

Enquiries are to be made to The Association of Superannuation Funds of Australia Limited.

**[www.superannuation.asn.au](http://www.superannuation.asn.au)**

© ASFA 2017

*October 2017 Version 01*

# Contents

<b>Document control</b>	4
<b>Purpose</b>	4
<b>Definitions</b>	5
<b>Policy</b>	6
1. Nature of complaints and appeals	6
2. Principles of resolution	6
3. Timeframes for resolution	6
4. Records of complaints and appeals	7
5. Making a complaint or appeal	7
6. Resolution of complaints and appeals	7
7. Independent parties	7
8. External complaint avenues	8
9. Review and Improvement	8
10. Publication	8
<b>Procedures</b>	9
1. Complaints management	9
2. Appeals management	11
3. Reviews by independent party	12
4. External complaint or appeal	13



## DOCUMENT CONTROL

<b>Document No &amp; Name</b>	CI2 - Complaints and Appeals P&P V1.0
<b>Quality Area</b>	Continuous Improvement
<b>Author</b>	RTO Advice Group Pty Ltd
<b>Status</b>	Approved
<b>Approved By</b>	Head of Learning
<b>Approval Date</b>	05/10/2017
<b>Review Date</b>	05/10/2018
<b>Standards (SRTOs)</b>	Clause 6.1, 6.2, 6.3, 6.4, 6.5 & 6.6

## PURPOSE



The purpose of this policy and procedure is to outline ASFA's approach to managing complaints and appeals of students, clients, staff and other members of the community. It provides a transparent approach for all complaints and appeals to be addressed in a fair, efficient and confidential manner.

This policy and procedure ensures compliance with Standard 6 of the Standards for RTOs 2015.



## DEFINITIONS

**Appeal** means a request for a decision made by ASFA to be reviewed

**Appellant** means a person, group or company that appeals a decision made by ASFA

**Complaint** means a person's formal expression of dissatisfaction with any product or service provided by ASFA

**Complainant** means a person, group or company that makes a complaint

**Discrimination** means any action, direct or indirect, which disadvantages an individual and/or a group. Discrimination may be embedded in or take effect through the operation of a system. Harassment occurs when behaviour and/or language is found to be offensive, intimidating or otherwise distressful. It does not apply to reciprocal behaviour or banter in private which neither party finds offensive

**Mediation** means the act of seeking to resolve a perceived cause of contention between two parties. Such action may involve bringing the parties into direct contact in the presence of the third person, or it may involve providing a means of communication and dialogue between parties which do not meet

**Services** means training, assessment, related educational and support services and/or activities related to the recruitment of prospective learners. It does not include services such as student counselling, mediation or ICT support

**SRTOs** means the Standards for RTOs 2015 – refer definition of 'Standards'

**Standards** means the Standards for Registered Training Organisations (RTOs) 2015 of the VET Quality Framework which can be accessed from <https://www.asqa.gov.au/standards/about-standards-rtos-2015>



# POLICY

## 1. Nature of complaints and appeals

- ASFA responds to all allegations involving the conduct of:
  - The RTO, its trainers and assessors and other staff
  - Any third party providing Services on behalf of ASFA
  - Any student or client of ASFA.
- Complaints may be made in relation to any of ASFA's services and activities such as:
  - the application and enrolment process
  - marketing information
  - the quality of training and assessment provided
  - training and assessment matters, including student progress, student support and assessment requirements
  - learning systems used by the RTO
  - the way someone has been treated
  - discrimination or harassment
  - the actions of ASFA staff or another student.
- An appeal is a request for a decision made by ASFA to be reviewed. Decisions may have been about:
  - course admissions
  - access to support services
  - refund assessments
  - response to a complaint
  - assessment outcomes / results
  - academic misconductother general decisions made by ASFA.

## 2. Principles of resolution

- ASFA is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, ASFA ensures that complaints and appeals:
  - Are responded to in a consistent and transparent manner
  - Are based on evidence that is relevant, sufficient, current and authentic
  - Are responded to promptly, objectively, with sensitivity and confidentiality
  - Are reviewed by an impartial person who was not involved in the original issue
  - Are able to be made at no cost to the individual
  - Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.
- ASFA will inform all persons or parties involved in any allegations made as well as providing them with an opportunity to present their side of the matter.
- Nothing in this policy and procedure limits the rights of an individual to take action under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.
- Where a student chooses to access this policy and procedure, ASFA will maintain the student's enrolment while the complaint / appeal handling process is ongoing.

## 3. Timeframes for resolution

Complaints and appeals will be finalised as soon as practicable or at least within 30 calendar days unless there is a significant reason for the matter to take longer. In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated weekly on the progress of the matter until such a time that the matter is resolved.

## 4. Records of complaints and appeals

ASFA will maintain a record of all complaints and appeals and their outcomes on the *Complaints and Appeals Register*, which will be securely stored according to ASFA's *Privacy Policy and Procedure*.

## 5. Making a complaint or appeal

- Complaints about a particular incident should be made within ninety (90) calendar days of the incident occurring and appeals must be made within thirty (30) calendar days of the original decision being made.
- Complaints and appeals must be made in writing using the *Complaints and Appeals Form*, or other written format and either emailed to [learning@superannuation.asn.au](mailto:learning@superannuation.asn.au) or sent to ASFA's head office at Level 11, 77 Castlereagh Street, Sydney, NSW 2000 attention to the Compliance and Administration Officer or Training and Development Manager.
- When making a complaint or appeal, provide as much information as possible to enable ASFA to investigate and determine an appropriate solution. This should include:
  - The issue you are complaining about or the decision you are appealing – describe what happened and how it affected you
  - Any evidence you have to support your complaint or appeal
  - Details about the steps you have already taken to resolve the issue
  - Suggestions about how the matter might be resolved.
- Your complaint or appeal will be acknowledged in writing via email or post within 5 working days.

## 6. Resolution of complaints and appeals

- Some or all members of the ASFA Learning Leadership Team will be involved in resolving complaints and appeals as outlined in the procedures.
- Where a complaint or appeal involves another individual or organisation, they will be given the opportunity to respond to any allegations made.
- Where a third party delivering Services on behalf of ASFA is involved, they will be included in the process of resolving the complaint or appeal.
- In the case of an assessment appeal, an assessor who is independent from the original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task.

## 7. Independent parties

- ASFA acknowledges the need for an appropriate independent party to be appointed to review a matter where this is requested by the complainant or appellant and the internal processes have failed to resolve the matter. Costs associated with independent parties to review a matter must be covered by the complainant / appellant unless the decision to include an independent party was made by ASFA.
- ASFA may also appoint an independent party to be involved in the resolution of a complaint or appeal where it is deemed necessary.
- ASFA will provide complete cooperation with the independent party investigating the complaint/appeal and will be bound by the recommendations arising out of this process.
- ASFA's Compliance and Administration Officer will ensure that any recommendations made are implemented within twenty (20) days of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation.

## 8. External complaint avenues

Complaints can also be made via the following avenues:

- National Complaints Hotline:

The Department of Education's National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency /authority / jurisdiction to assist with their complaint. Consumers can register a complaint with the National Training Complaints Hotline by:

- Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally
- Email: [skilling@education.gov.au](mailto:skilling@education.gov.au).

For more information about the National Complaints Hotline, refer to the following webpage: <https://www.education.gov.au/NTCH>

- Australian Skills Quality Authority (ASQA):

Complainants may also lodge a complaint with ASFA's RTO registering body: Australian Skills Quality Authority (ASQA).

However, ASQA will only use the information you provide to inform its regulatory approach and will not contact ASFA on behalf of the complainant or act as their advocate. For more information, refer to the following webpage:

<http://www.asqa.gov.au/complaints/make-a-complaint---domestic-students/make-a-complaint---domestic-students1.html>

You can contact ASQA by:

- Phone: 1300 701 801, Monday–Friday, 9am to 7pm nationally
- Email: [enquiries@asqa.gov.au](mailto:enquiries@asqa.gov.au)

## 9. Review and Improvement

- All Complaints and Appeals will be reviewed by the ASFA Learning Leadership Team and used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.
- Areas of improvement identified during the review process may be in relation to policies, procedures, or practices of ASFA and will be added to ASFA's *Continuous Improvement Register* and a plan will be put in place for implementing and monitoring improvements.

## 10. Publication

- This policy and procedure will be published on ASFA's website and outlined in the *Student Handbook*.



# PROCEDURES

## 1. Complaints management

Procedure	Responsibility
<p><b>A. Receive and acknowledge complaint</b></p> <ul style="list-style-type: none"> <li>As per policy, complaints are to be made in writing by the complainant, attention to the Compliance and Administration Officer or Training and Development Manager.</li> <li>The Compliance and Administration Officer or Training and Development Manager will review all complaints upon receipt.</li> <li>Acknowledge receipt of complaint in writing by sending an email or letter to complainant within 5 working days of receipt.</li> <li>Record details of the complaint on the <i>Complaints and Appeals Register</i>.</li> </ul>	<p>Compliance and Administration Officer / Training and Development Manager</p>
<p><b>B. Investigate the complaint</b></p> <ul style="list-style-type: none"> <li>Upon receiving the complaint, the matter is to be investigated to ensure all relevant information is available and it is accurate and complete.</li> <li>Further details from the complainant, respondent or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face.</li> <li>If the matter is in relation to a third party delivering Services on behalf of the RTO, the third party should be involved in the resolution of the complaint.</li> <li>The Compliance and Administration Officer or Training and Development Manager will review the information and decide on an appropriate response. Where deemed necessary, the matter may be reviewed by other members of the ASFA Learning Leadership Team to arrive at an appropriate resolution.</li> <li>Note: The complaint must be completely resolved within 30 calendar days of receipt of the original complaint. If the matter is particularly complex and it is going to take longer to resolve, the complainant is to be advised in writing along with reasons for the extra time. They must be provided with updates on progress on a weekly basis thereafter until the matter is resolved.</li> </ul>	<p>Compliance and Administration Officer / Training and Development Manager</p>

Procedure	Responsibility
<p><b>C. Advise of the outcome and update records</b></p> <ul style="list-style-type: none"> <li>• Provide a written response to the complainant outlining: <ul style="list-style-type: none"> <li>• ASFA’s understanding of the complaint</li> <li>• The steps taken to investigate and resolve the complaint</li> <li>• Decisions made about resolution, with reasons for the decisions made</li> <li>• Areas that have been identified as possible causes of the complaint and improvements to be recommended</li> <li>• Their right to access the appeals process if they are not satisfied with the outcome of the complaints process.</li> </ul> </li> <li>• Update the <i>Complaints and Appeals Register</i> so it includes the outcome of the complaint.</li> <li>• Keep a copy of the complaint and supporting documents in the Complaints and Appeals folder in I:\Education\RTO\RTO Compliance\Complaints and Appeals and in the student’s record within Microsoft Dynamics CRM.</li> </ul>	<p>Compliance and Administration Officer / Training and Development Manager</p>
<p><b>D. Review complaints</b></p> <ul style="list-style-type: none"> <li>• Discuss the complaints process and its outcome at the next ASFA Learning Leadership Team Meeting to consider whether there are any improvements to be made to prevent recurrence.</li> <li>• Update the <i>Continuous Improvement Register</i> if applicable for any improvements to be made as per ASFA’s <i>Quality Assurance Policy and Procedure</i>.</li> </ul>	<p>ASFA Learning Leadership Team</p>

## 2. Appeals management

Procedure	Responsibility
<p><b>A. Receive and acknowledge appeal</b></p> <ul style="list-style-type: none"> <li>• Upon receipt of a request for an appeal, acknowledge receipt of appeal by email or in writing within 2 working days of receipt to ensure appellant receives it within 5 working days.</li> <li>• Record details of appeal on the <i>Complaints and Appeals Register</i>.</li> </ul>	<p>Compliance and Administration Officer / Training and Development Manager</p>
<p><b>B. Respond to assessment appeals</b></p> <ul style="list-style-type: none"> <li>• In the case of appeals against assessment decisions, the original assessment decision will be reviewed by having an assessor independent of the original decision mark the assessment task again.</li> <li>• The assessment decision made during the appeals process will be considered the actual assessment outcome for the task.</li> <li>• Advise the student of the outcome of the appeal as per point D below.</li> </ul>	<p>Compliance and Administration Officer / Training and Development Manager</p>
<p><b>C. Respond to appeals against non-academic decisions</b></p> <ul style="list-style-type: none"> <li>• Upon receiving the appeal, the matter is to be investigated to identify the original decision made and the reasons for the decision.</li> <li>• Further details from the appellant, respondent, the person who made the original decision, or other involved parties may be requested during this stage. This may be in writing, by email, over the phone, or face-to-face.</li> <li>• If the matter is in relation to a third party delivering Services on behalf of the RTO, the third party should be involved in the resolution of the appeal.</li> <li>• The appellant may request for an independent party (mediator) to be involved in the process. Where this is requested by the appellant, they will bear the costs associated. Additionally, ASFA may decide to call upon an independent mediator to assist to resolve the issue where a decision cannot be reached internally. If engaged by ASFA, this will be at ASFA's cost.</li> <li>• ASFA's Learning Leadership Team will review all relevant information and decide on an appropriate response.</li> <li>• The appeal must be resolved within 30 calendar days of receipt of the original appeal. If the matter is particularly complex and it is going to take longer to resolve, the appellant must be advised in writing along with reasons for the extra time. They must be provided with progress updates on a weekly basis thereafter until the matter is resolved.</li> </ul>	<p>ASFA Learning Leadership Team</p>

Procedure	Responsibility
<p><b>D. Advise appellant of the outcome and update records</b></p> <ul style="list-style-type: none"> <li>Provide a written response to the appellant outlining: <ul style="list-style-type: none"> <li>ASFA’s understanding of the reasons for the appeal</li> <li>The steps taken to investigate and resolve the appeal</li> <li>Decisions made about resolution and reasons for the decisions</li> <li>Areas that have been identified as possible causes of the appeal and improvements to be recommended.</li> </ul> </li> <li>Update the <i>Complaints and Appeals Register</i> so it includes the outcome of the appeal.</li> <li>Keep a copy of the complaint and supporting documents in the Complaints and Appeals folder in I:\Education\RTO\ARTO Compliance\Complaints and Appeals and in the student’s record within Microsoft Dynamics CRM.</li> </ul>	<p>Compliance and Administration Officer / Training and Development Manager</p>
<p><b>E. Review appeals</b></p> <ul style="list-style-type: none"> <li>Discuss the appeal and its outcome at the next ASFA Learning Leadership Team Meeting to consider whether there are any improvements to be made to prevent recurrence.</li> <li>Update the <i>Continuous Improvement Register</i> if applicable for any improvements to be made as per ASFA’s <i>Quality Assurance Policy and Procedure</i>.</li> </ul>	<p>ASFA Learning Leadership Team</p>

### 3. Reviews by independent party

Procedure	Responsibility
<p><b>A. Appoint and cooperate with mediator/ independent party</b></p> <ul style="list-style-type: none"> <li>A complainant or appellant may request that an independent party is involved in resolution of the matter. Where this is requested by the appellant, they will bear the costs associated. Additionally, ASFA may decide to call upon an independent mediator to assist to resolve the issue where a decision cannot be reached internally. If engaged by ASFA, this will be at ASFA’s cost.</li> <li>The CEO may also decide that an independent party is required to resolve particularly complex matters or in situations where there may be bias.</li> <li>Contact independent party (mediator) to arrange mediation/ review.</li> <li>ASFA will co-operate fully in the process of the external party reviewing and investigating the matter. This will include providing access to the relevant information surrounding the complaint or appeal and the internal complaints records where permitted to do so by law.</li> <li>All staff must cooperate in such instances and to give an accurate account of the events as they understand them.</li> </ul>	<p>Compliance and Administration Officer / Training and Development Manager</p>

## 4. External complaint or appeal

Procedure	Responsibility
<p><b>A. External complaint or appeal</b></p> <ul style="list-style-type: none"> <li>• If dissatisfied with the internal processes, the complainant / appellant may initiate an external complaint or appeal.</li> <li>• If requested, ASFA will respond as necessary.</li> <li>• All records will be kept securely in the Complaints and Appeals folder in I:\Education\RTO\RTO Compliance\Complaints and Appeals.</li> <li>• ASFA will fully co-operate with external parties to respond to the complaint as required.</li> </ul>	<p>Compliance and Administration Officer / Training and Development Manager</p>
<p><b>B. Review external complaints or appeals</b></p> <ul style="list-style-type: none"> <li>• Discuss the external complaint and its outcome at the next ASFA Learning Leadership Team Meeting to consider whether there are any improvements to be made to prevent recurrence.</li> <li>• Update the <i>Continuous Improvement Register</i> if applicable for any improvements to be implemented as per ASFA's <i>Quality Assurance Policy and Procedure</i>.</li> </ul>	<p>ASFA Learning Leadership Team</p>