



**AUSTRALIAN  
TRADE  
SKILLS**

## **COMPLAINTS AND APPEALS POLICY**

**Standards for RTOs 2015 and ESOS Act**

## BACKGROUND

### ASQA Standards for RTOs 2015

This document has been prepared for Australian Trade Skills , Registered as a Training Organisation operating under the jurisdiction of the Australian Skills Quality Authority (ASQA); referred to in this document as the Regulatory Agency.

**Throughout the Policy & Procedures Manual and associated forms, documents and templates, the term College refers to the Registered Training Organisation, Rocchi Training Academy Pty Ltd and any trading name associated with this legal entity.**

## POLICY DEFINITIONS

The National Code recognizes that both internal and external complaint and appeals processes play a role in ensuring that grievances are appropriately heard and addressed for both the student and the registered provider. These processes will enable students to firstly seek recourse using the registered provider's internal processes, and then if needed, through an independent, external person or body. The complaints and appeals requirements stipulated in **Standard 10** may be satisfied by the processes established by the registered provider to satisfy other regulatory requirements. As the student's stay in Australia is subject to the period of his or her student visa, the timeliness of decision making is a consideration in the development of appropriate complaints and appeals policies, procedures and practices.

### OUTCOME OF STANDARD 10

#### REGISTERED PROVIDERS' COMPLAINTS AND APPEALS PROCESSES ARE INDEPENDENT, EASILY AND IMMEDIATELY ACCESSIBLE AND INEXPENSIVE FOR THE PARTIES INVOLVED .

- The registered provider must have an appropriate internal complaints handling and appeals process that satisfies the following requirements, or can use its existing internal complaints and appeals processes as long as it meets these requirements:
  - a process is in place for lodging a formal complaint or appeal if the matter cannot be resolved informally, which requires a written record of the complaint or appeal to be kept;
  - each complainant or appellant has an opportunity to formally present his or her case at minimal or no cost to him or herself;
  - each party may be accompanied and assisted by a support person at any relevant meetings;
  - the complainant or appellant is given a written statement of the outcome, including details of the reasons for the outcome, and

- the process commences within 10 working days of the formal lodgment of the complaint or appeal and supporting information and all reasonable measures are taken to finalize the process as soon as practicable.
- The registered provider must have arrangements in place for a person or body independent of and external to the registered provider to hear complaints or appeals arising from the registered provider's internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal.
- If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, the registered provider must advise the student of his or her right to access the external appeals process at minimal or no cost.
- If the student chooses to access the registered provider's complaints and appeals processes as per this standard, the registered provider must maintain the student's enrolment while the complaints and appeals process is ongoing.
- If the internal or any external complaint handling or appeal process results in a decision that supports the student, the registered provider must immediately implement any decision and/or corrective and preventative action required and advise the student of the outcome.

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### **THE COLLEGE UNDERTAKES TO ENSURE THAT:**

1. All disputes Complaints and Appeals will be handled professionally, equitably, confidentially, and in a timely manner, with a view to achieving satisfactory resolution;
2. All parties will have a clear understanding of the steps involved in the Student Complaints and Appeals procedure, prior to, and during the carrying out of the procedure;
3. Prospective students are provided with a copy of the Student Complaints and Appeals Procedure document before making a contract to enrol, and again at course commencement;
4. Relevant staff members are familiar with the Student Complaints and Appeals Procedure

### **DEFINITION OF A COMPLAINT**

5. Students may raise any matters of concern relating to teaching/training delivery and assessment, certification, compliance, student amenities, discrimination, harassment and any other issues that may arise.
6. Description of types of Complaints/Appeal:
  1. An academic matter – something to do with teaching, learning, or assessment issues in a student’s course
  2. An administrative matter – anything to do with the management of the College and/or the administration of a student’s enrolment at the College
  3. A more general matter – anything to do with a student’s comfort, safety and general well being whilst attending the College

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### **BEFORE AN ISSUE BECOMES A FORMAL COMPLAINT**

Students are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned. There are Student Counsellors available to assist students to resolve their issues at this level.

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### **PROCEDURE**

This procedure is designed to be utilized by students who wish to lodge a formal complaint. Where a student lodges a formal complaint, their enrolment will be maintained throughout the process. There is no cost for a student to lodge a complaint or an appeal.

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### **STAGE ONE:**

Complaints must be submitted in writing to the Training Manager. Receipt of any complaints will be acknowledged in writing within 5 days and the complaints process will commence within 10 days of the receipt of the complaint. The Training Manager or their nominee (“the RTO representative”) will then, if necessary, seek to clarify the outcome that the complainant hopes to achieve. When such clarification occurs in a face-to-face interview with the complainant, they may ask another person to accompany them. Australian Trade Skills representative will then endeavour to resolve the complaint, providing a written report to the complainant within 20 working days on the steps that will be taken to address the complaint, clearly stating the reasons for the decision.

A Complaint Handling Record Sheet will be initiated during Stage One and details of the complaint, any actions arising and the outcome of the complaint will be recorded.

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### **STAGE TWO:**

If the complainant is unsatisfied with the outcome of the complaint, they may appeal the decision reached in Stage One in writing to the CEO within 15 days of receiving the written report of the outcome of Stage One. The CEO will appoint a person who was not involved in the original decision to consult with the complainant and other relevant parties. Where possible such consultations should take the form of face-to-face interviews so that the complainant has an opportunity to formally present their case. The complainant may ask another person to accompany them to interviews.

Once the CEO receives a report of the consultation procedure, they will provide a written report to the complainant on the further steps taken to address the complaint, clearly stating the reasons for the decision.

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### **STAGE THREE:**

If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process the provider will assist the student to access independent mediation at minimal or no cost to resolve the dispute.

The mediator will report to Australian Trade Skills the outcome of the mediation, including any recommendations arising, within 14 days of the completion of the review. Once the RTO receives the report of the outcomes from independent mediation, they will provide a written report to the complainant within 10 working days on the recommended actions to resolve the grievance.

If the student is dissatisfied with the appeals process, the student may lodge a complaint with the Department of Education or with the NSW Ombudsman [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

Australian Trade Skills agrees to be bound by the independent mediator's recommendations and will ensure that any recommendations are referred to the Continuous Improvement Committee for action.

If a student chooses to access the provider's complaints and appeals processes, Australian Trade Skills will maintain the student's enrolment while the complaints process and appeals is ongoing.

The dispute resolution process described in the policy does not prevent an overseas student from exercising the student's right to other legal remedies.

Nothing in this Dispute Resolution Policy negates the rights of students to pursue other legal remedies.

If the internal or external complaint handling or appeal process result in a decision that supports the student, Australian Trade Skills will immediately implement any decision and/or corrective and preventive action required and advise the student of the outcome.

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#### **RECORD KEEPING AND CONFIDENTIALITY**

Records of all complaints handled under this procedure and their outcomes shall be maintained for a period of at least five years to allow all parties to the complaint appropriate access to these records, upon written request to the College. All records relating to complaints will be treated as confidential and will be covered by the RTO's Privacy Policy.

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#### **NOTE - RE: COURSE PROGRESS**

The student may access and receive the outcome of only one external appeals process before the College may report the student to DET with regards to non-compliance for course progress issues (DEEWR-DET Course Progress Policy).

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#### **NOTE - RE: SUSPENSION/CANCELLATION OF ENROLMENT**

Where the appeal relates to the College's decision to defer/suspend or cancel a student's enrolment for misbehaviour (Standard 9 - National Code 2010), the College will only await the outcome of the internal appeals process if it supports the College before notifying DET through PRISMS of the change to the student's enrolment.

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### **POLICY CHANGES IN THE EVENT OF SUBSTANTIATED COMPLAINTS**

- If the outcome of the internal or external appeals process results in a decision favouring the student the College will immediately:
- implement any corrective action, decision or measures required and advise the student of the outcome.
- These new changes will be communicated to all staff and students.
- Policy and procedure manuals will be updated.
- Website information will be updated.

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### **STUDENT RIGHTS**

The Refund Policy of Australian Trade Skills does not remove the right to take further action under Australia's consumer protection laws.

The dispute resolution processes of Australian Trade Skills do not circumscribe the student's rights to pursue other legal remedies.

Australian Trade Skills has a documented Student Complaints and Appeals Procedure by which it ensures that students will be granted immediate access to the College's complaints and appeals process.

The Fees Charged by Mediators;

The fees (exclusive of GST) for external mediators will be the lower end of the scale charged by mediation practitioners, as follows;

- ♣ Any matter involving students or staff \$80.00 per hour
- ♣ Any other matter \$120.00 per hour
- ♣ The College agrees to pay half the cost of mediation in fairness to the student
- ♣ The costs are only estimates

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**“THIS AGREEMENT, AND THE AVAILABILITY OF COMPLAINTS AND APPEALS PROCESSES, DOES NOT REMOVE THE RIGHT OF THE STUDENT TO TAKE ACTION UNDER AUSTRALIA'S CONSUMER PROTECTION LAWS”.**

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## **DOCUMENTATION REQUIRED**

### **STAGE 1 - INFORMAL RESOLUTION:**

Record of interview/counselling notes signed and dated by the interviewer and student (Copies: Head of College & student)

### **STAGE 2 - INFORMAL RESOLUTION:**

Record of interview/counselling notes signed and dated by the Head of College and student (Copies: Head of College & student)

### **STAGE 3 - INTERNAL FORMAL RESOLUTION:**

(i) Formal student complaint/appeals form to be completed – internal process (Copies: Head of College & student)  
(ii) All documentation e.g. counselling notes, letters/correspondence, student documents etc. to be attached by the HOS /Attendance Officer

### **STAGE 4 - INTERNAL FORMAL RESOLUTION:**

- Letter advising the student of date and time of complaint/appeal hearing to be sent (Copies:, Head of College, Student Support Officer & student)
- Student Complaints & Appeals Committee Meeting Minutes Record Sheet signed and dated by the Principal/Campus Manager and the student (Copies HOS, Student Support Officer & student)
- All documentation e.g. complaint/appeal form, counseling notes, letters/correspondence, student documents etc. attached

### **STAGE 5 - EXTERNAL FORMAL RESOLUTION:**

- Student External Appeals Form (HOS, Student Support Officer & student)
- Written outcome of the External Appeals committee hearing signed and dated by the independent mediator of the committee and the student (Copies: mediator, Head of College, Student Support Officer & student)

### **DOCUMENTATION NOTE:**

At the completion of the Internal Complaints and Appeals process (where the student does not access the External Appeals process) or the External Appeals process (where the student does access the External Appeals process) a copy of all documentation is put on the student file and is filed in the Complaints and Appeals Meetings File to be kept by the Head of College – hardcopy and electronic file.

Australian Trade Skills has arrangements in place for a person or body independent of and external to the registered provider to hear complaints or appeals arising from the registered provider's internal complaints and appeals process or refer students to an existing body where that body is appropriate for the complaint or appeal.



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### OVERSEAS STUDENT OMBUDSMAN'S - EXTERNAL APPEAL CONTACT

You may make your complaints directly to the Overseas Student Ombudsman's

Web Address: <http://www.oso.gov.au/>

<http://www.oso.gov.au/making-a-complaint/>

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### MAKE A COMPLAINT ONLINE

You can make your complaint online by using our [online complaint form](#).

**Note:** In order to use the online complaint form, you need to have the Adobe Reader installed. If you don't already have it, you can [download the latest Adobe Reader version for free from the Adobe website](#).

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### TELEPHONE

**YOU CAN CONTACT US BY TELEPHONE, 9AM TO 5PM MONDAY TO FRIDAY, AUSTRALIAN EASTERN STANDARD TIME**

(AEST). In Australia, call: 1300 362 072 (calls from mobile phones at mobile phone rates). Outside Australia, call +61 2 6276 0111.

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### USING AN INTERPRETER

If you want to make a complaint in your language you can. Call the Translating and Interpreting Service (TIS) in Australia on 131 450, outside Australia call +61 3 9203 4027. We will pay for the interpreter.

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### IF YOU ARE DEAF, HEARING OR SIGHT IMPAIRED

You can contact us via the National Relay Service. Teletypewriter (TTY) users phone 133 677 and then ask for 1300 362 072. Speak and Listen users phone 1300 555 727 and then ask for 1300 362 072. Internet Relay users connect to the National Relay Service <https://www.dss.gov.au/contact/national-relay-service> and then ask for 1300 362 072

Fax- You can send us a fax. In Australia: 02 6276 0123. Outside Australia: +61 2 6276 0123.

Mail - You can write a letter and post it to: Overseas Students Ombudsman  
GPO Box 442  
Canberra ACT 2601  
AUSTRALIA

Each complaint, grievance, appeal and its outcome is recorded in writing and each party to the complaint is given a written statement of the appeal outcomes, including reasons for the decision.

If after the services of an external mediator have been accessed and no resolution can be found, either party may contact the Quality Branch on (07) 5561 3333.

If the problem resolution fits within equal opportunity guidelines, it will be managed under those guidelines.

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### **VICTIMISATION**

All complaints will be handled with fairness in accordance with the principles of natural justice. Australian Trade Skills is committed to ensuring that students do not experience any victimisation as a result of making either an informal or formal complaint.

Whether a complaint is formal or informal, steps will be taken to ensure that neither party is victimised or disadvantaged as a result of a complaint being made. The Nominee appointed to manage a formal complaint will be responsible for ensuring that no victimisation occurs.

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### **INDEPENDENT MEDIATION**

If the student is dissatisfied with the appeals process, the student may lodge a complaint with the Department of Education or with the NSW Ombudsman [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

If the student is concerned about the actions of the provider they may approach the State Registration Authority for CRICOS.

Australian Trade Skills agrees to be bound by the independent mediator's recommendations and will ensure that any recommendations are referred to the Continuous Improvement Committee for action.

If a student chooses to access the provider's complaints and appeals processes, Australian Trade Skills will maintain the student's enrolment while the complaints process and appeals is ongoing.

The dispute resolution process described in the policy does not prevent an overseas student from exercising the student's right to other legal remedies.

Nothing in this Dispute Resolution Policy negates the rights of students to pursue other legal remedies.

If the internal or external complaint handling or appeal process result in a decision that supports the student, Australian Trade Skills will immediately implement any decision and/or corrective and preventive action required and advise the student of the outcome.

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## INDEPENDENT MEDIATION

If the student is dissatisfied with the appeals process, the student may lodge a complaint with the Department of Education or with the NSW Ombudsman [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

**Should student wish to use any fee for service professional then the cost must be borne by the study.**

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## DOCUMENTATION REQUIRED

Stage 1 - informal resolution:

Record of interview/counselling notes signed and dated by the interviewer and student

Stage 2 - informal resolution:

Record of interview/counselling notes signed and dated by the director of studies and student

Stage 3 - internal formal resolution:

- Formal student complaint/appeals form to be completed – internal process
- All documentation e.g. counselling notes, letters/correspondence, student documents etc. to be attached by the DOS/Attendance Officer

Stage 4 - internal formal resolution:

- i. Letter advising the student of date and time of complaint/appeal hearing to be sent
- ii. Student Complaints & Appeals Committee Meeting Minutes Record Sheet signed and dated by the Principal/Campus Manager and the student
- iii. All documentation e.g. complaint/appeal form, counselling notes, letters/correspondence, student documents etc. Attached

Stage 5 - external formal resolution:

- i. Student External Appeals Form (Campus Manager & student)
- ii. Written outcome of the External Appeals committee hearing signed and dated by the independent mediator of the committee and the student (Copies: mediator, Campus Manager & student)

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## DEFAMATION

Defamation may be defined as the publication or making of false statements about another, which damage that person's reputation. The defamatory statement must be untrue and also intended to be taken seriously. Its effect must be damaging to the reputation of the plaintiff.

A defamatory statement may be in one of two forms – libel or slander. Libel is a defamatory statement in written words, pictures or other visual form, or broadcast over radio or television with an element of permanence about it. Slander is a defamatory statement in spoken or written words or other transitory form.

All parties to a problem resolution process should ensure that they limit their discussions to details of the complaint and that they act within their role in pursuing Australian Trade Skills's Complaints, Grievance and Appeals policy.

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## **NATURAL JUSTICE**

The duty to act fairly includes two rules: the fair dealing rule and the no bias rule.

This means that all parties must be given the opportunity to present their case, be fully informed about allegations and decisions made and have the right to be represented by another person.

In addition, a decision maker must have no personal interest, beyond the scope of their role in this process and must be unbiased. If the decision maker cannot meet these requirements they must immediately withdraw from the process. The procedure shall have regard to the duration of an overseas student's stay in Australia. In order to expedite the process, students shall also have regard for this and not unduly interfere with the mediation agent or the procedure. Should interference by the student affect the normal process of events, Australian Trade Skills shall not be held responsible for the consequences.

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## **POLICY CHANGES IN THE EVENT OF SUBSTANTIATED COMPLAINTS**

- I. Australian Trade Skills will implement new policies and procedures that affect grievances of any complaint that is found to be substantiated.
- II. These new changes will be communicated to all staff and students.
- III. Policy and procedure manuals will be updated. Website information will be updated.