



Complaints and Appeals Policy and Procedures

Version 2.0

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1. Terms and Definitions

Terms	Definitions
The College	Alpha Training and Recognition Pty Ltd
Complaint	Any issue, discontentment, or dispute that a complainant expresses to raise and resolve, which when filed formally in the college is called a complaint.
Complainant	A person (i.e. students, college staff and/or any third party acting on behalf of the college or the college staff) who lodges complaint/appeal.
Complaint Resolution Authority	Refers to the authority that shall deal with and resolve all formal complaints filed in the college. The academic manager shall be the Complaint Resolution Authority assigned by the CEO to authorise, assist, and manage the process of complaints and appeals, except for when the complaint is filed against the academic manager himself/herself, and in that case, the CEO shall select any other college staff as the Complaint Resolution Authority.
Complaint Resolution Process	The mechanism ¹ the college has in place for dealing with and resolving any formal complaints filed in the college.
Appeal	A formal in-writing request from an appellant to review the decision or outcome of a formal complaint either before the Appellate Authority ² or the External Appellate Authority ³ .
Appellant	A person who appeals to a higher authority for a review of the decision or outcome of a formal complaint.
Respondent	Any person against whom a complaint or appeal has been lodged.
Appellate Authority	The authority that decides the appeal, which in the present policy is the CEO.
Appeal Resolution Process	The mechanism ⁴ that the college has in place for dealing with and resolving any appeals filed in the college.
External Appeal Resolution Process	Where any person is dissatisfied with the outcome or decision of a complaint or appeal, they may opt for an External Appeal Resolution Process ⁵ where the external appellate authority, a person independent

¹ Please refer to Section 6.2 of the present policy.

² Please refer to Section 6.3 of the present policy.

³ Please refer to Section 6.4 of the present policy.

⁴ Please refer to Section 6.3 of the present policy.

⁵ Please Refer to Section 6.4 of the present policy.

Terms	Definitions
	and not affiliated with either the college or the complainant or appellant, shall review the said outcome or decision.
Support Person	A person who may help a complainant make a complaint, provide support, or give advice on the procedures. A support person may be a friend, student, staff member or family member. Agents of any kind, lawyers, or anyone who has a perceived commercial interest shall not be a support person as they are considered to have a conflict of interest.
Principles of Natural Justice	<p>The Principles of Natural Justice encompass fundamental principles of fairness and due process that are applied in legal and administrative proceedings to ensure a fair and unbiased decision-making process. Natural justice is a creed that uplifts the quality of fairness to protect anyone who is affected by the dictatorial exercise of power. There are two foundation rules for natural justice:</p> <ul style="list-style-type: none"> • all perspectives of an argument should be treated with fairness, given an equal chance to be heard, and explained before the decision is made by the authority • the decision maker must not have a pre-decision on the circumstance or be perceived as having a pre-decision on the circumstance.

2. Purpose

The purpose of the policy is to ensure that the college implements a proficient, systematic, fair, effective and well-documented complaint and appeal resolution process to deal with any complaints or appeals filed against the college, any college staff member, any third party acting on behalf of the college or the college staff and any students at the college. The present policy is based on the Principles of Natural Justice⁶. The present policy satisfies the requirements of Clauses 6.1 to 6.6 of the RTO Standards 2015⁷.

3. Scope

- 3.1. The present policy applies to the CEO, the academic manager, all the staff of the college, and all students at the college. The roles and responsibilities that these persons carry out have been detailed under section 6 of the present policy.
- 3.2. The college has formulated the present policy to deal with and resolve any allegations in a complaint or appeal involving the conduct of:

⁶ Refer to Section 5 of the present policy

⁷ Standards for Registered Training Organisations (RTOs) 2015

- a) all students currently enrolled at the college (including those who choose to lodge a formal complaint, an internal appeal and/or an external appeal),
 - b) trainers and assessors and other staff of the college, either against whom any complaint or appeal is filed, or the college staff involved in the complaint and/or appeal resolution process; and
- 3.3. The authority granted by other policies or laws remains unaffected by this policy. The complaints and appeals policy and procedure do not limit a person's right to pursue legal action under Australia's Consumer Protection Law. Complainants retain the option to seek resolution through alternative legal avenues.

4. Policy Statements

- 4.1 The college shall implement a systematic complaint and appeal resolution process to prevent similar and potential recurrences.
- 4.2 The college shall ensure that it develops a culture wherein complaints and appeals are viewed as opportunities for growth and improvement for the college.
- 4.3 The college shall initiate the investigation of a complaint or appeal within ten (10) working days of its submission under this Policy, ensuring a timely resolution. However, in complex cases, resolution may take longer.
- 4.4 Where the college considers more than sixty (60) calendar days are required to process and finalise the complaint or appeal, the college shall inform the complainant or appellant in writing, including reasons why more than sixty (60) calendar days are required; and regularly updates the complainant or appellant on the progress of the matter.
- 4.5 The college shall inform the appellants within ten (10) working days of their right to pursue an external appeals procedure, providing contact details for the appropriate external complaints handling body and outlining the procedure for external appeals if the student remains unsatisfied with the outcome of the internal process.
- 4.6 The present policy adheres to the Principles of Natural Justice⁸.
- 4.7 The college shall ensure that the present policy in its latest version is made available to the students during pre-enrolment consultation sessions, and on the college website.
- 4.8 A complaint may be filed against the college, any college staff, or any students at the college on issues including, but not limited to:

⁸ Please refer to Section 5 of the present policy for more details

- (a) The admission process including selection and acceptance of students to various qualifications on the scope of registration of the college.
 - (b) The enrolment and/or orientation process
 - (c) The training and assessment
 - (d) Assessment result or outcome
 - (e) Access to records
 - (f) Certificate issuance
 - (g) Any rule, regulation or action executed by the college in contravention of any policy and procedure of the college.
 - (h) Cancellation of enrolment
 - (i) Refunds of fees
 - (j) Warnings given to the student for breaching the terms of any policy and procedure.
 - (k) The manner of treating and behaving with anyone that amounts to harassment, discrimination or bullying.
 - (l) Any other such matter
- 4.9 The complainant shall file a formal complaint by lodging the *Complaint and Appeal form* to the college and opt for the Complaint Resolution Process⁹.
- 4.10 Any complainant who is dissatisfied with the outcome of the Complaint Resolution Process may file an appeal with the Appellate Authority¹⁰ of the college.
- 4.11 In case any complainant is dissatisfied with the outcome or decision of a Complaint or Appeal, he/she shall have the option to opt for an External Appeal¹¹ which the college shall make arrangements for.
- 4.12 If the parties to a complaint or appeal are found to have any conflict of interest with the Complaint Resolution Authority or Appellate Authority, the college shall immediately change the composition of the Complaint Resolution Authority or Appellate Authority and commence the resolution process anew.
- 4.13 The complainant or appellant who is a party to any dispute and a complaint or appeal resolution process may be assisted and accompanied by a support person.
- 4.14 The college shall maintain a record of all complaints and appeals filed along with their outcome in the *Complaints and Appeals Register*. The college shall identify the potential

⁹ Please refer to Section 6.3 of the present policy.

¹⁰ Please refer to Section 6.4 of the present policy.

¹¹ Please refer to Section 6.5 of the present policy.

causes of complaints and appeals and take appropriate corrective actions to mitigate the likelihood of similar recurrences.

- 4.15 The college shall ensure that the decision of any complaint, appeal or external appeal is implemented forthwith, and the college shall take appropriate preventive and corrective measures and apprise the students or college staff of such measures and actions.
- 4.16 The college shall ensure that once the allegations levelled against certain person/s raised in a complaint or appeal have been decided upon, all further investigation on those allegations related to those certain person/s shall cease unless it is in the interests of improving the services, products or processes of the college.
- 4.17 The college shall ensure that the complaint and appeal resolution process is prompt, objective, confidential and sensitive to the needs of the parties involved.
- 4.18 The college shall ensure that the views of the complainant, appellant and respondent/s are respected and that any party to a complaint or an appeal is neither discriminated against nor victimised.
- 4.19 While the complaint or appeal resolution process is underway, the complainant or appellant shall continue their routine as usual unless any of their health or safety is potentially at risk or if any of them poses a health or safety risk to others. In case it is considered appropriate and safe for the complainant or appellant to complete his/her training and assessment outside the classroom, the same shall be discussed with the complainant or appellant at the commencement of the complaint or appeal resolution process.
- 4.20 The college shall be under no obligation to meet with or respond, in any form (phone, email, etc.) to any request received from any agent, lawyer or similar person/s seeking information about any complaint or appeal which may appear to have any conflict of interest or any commercial interest whatsoever.
- 4.21 The college shall regularly update and train if required, its staff members on the complaint and appeal resolution process and the terms of the present policy.

5. Principles of Natural Justice

- 5.1. The college shall uphold the Principles of Natural Justice in dealing with and resolving complaints or appeals.
- 5.2. The complaints and appeals resolution process shall be fair, efficient and effective.
- 5.3. The procedure of the complaints and appeals resolution process shall be made publicly available to the students or the college staff.
- 5.4. The college shall acknowledge complaints and appeals in writing and strive to resolve them promptly.

- 5.5. The contents and allegations of any complaint or appeal filed against respondent(s) shall be shared with the respondent(s).
- 5.6. The complainant, appellant and respondent shall be given a reasonable opportunity to be heard and put forth their case. No party shall be left without being allowed to make their case.
- 5.7. The Complaint Resolution Authority, Appellate Authority and External Appellate Authority deciding on the complaints or appeals shall be fair, just, and impartial.
- 5.8. The college shall ensure that for every complaint and appeal filed the present policy is followed in letter and spirit.
- 5.9. The college shall ensure that the complaints and appeals are resolved efficiently and effectively in a reasonable timeframe.

6. Procedure

6.1. Roles and Responsibilities

- 6.1.1. The following table contains the roles and responsibilities the relevant staff of the college has for the intents and purposes of the present policy.

College Staff	Roles and Responsibilities
CEO	<p>The CEO is the head of the college and is primarily responsible for ensuring all legal, statutory, and operational requirements are met for all the training products on its scope of registration and giving all necessary approvals. She reviews and approves all policies and procedures.</p> <p>The CEO shall be the Appellate Authority for deciding upon internal appeals. The CEO is responsible for choosing an alternate Complaint Resolution Authority in cases where a complaint is filed against the academic manager.</p>
Academic manager	<p>The academic manager shall be the Complaint Resolution Authority, responsible for resolving all filed formal complaints (unless a formal complaint is filed against him/her only). The academic manager shall keep and maintain a record of all complaints and appeals filed in the college.</p>

6.2. Complaint Resolution Process

- 6.2.1. A complainant may file a formal complaint on issues mentioned under section 4.8 of the present policy.
- 6.2.2. A complainant may file a formal complaint at no additional cost by completing the *Complaint and Appeal Form*, which is available on the college website.
- 6.2.3. The complainant may choose to submit the *Complaint and Appeal Form*. They can do it by downloading the form via the college website and mailing it to the academic manager after completing the form at admin@atr.edu.au
- 6.2.4. The *Complaint and Appeal Form* filed by the complainant must include:
 - a) The issue(s) complained about, including the date and place where the incident took place.
 - b) The parties in concern and any support person whom the student requires to include during discussions and the investigative procedure.
 - c) The desired outcomes from the formal complaint and/or appeal investigation.
 - d) Any other relevant information.
- 6.2.5. The academic manager is required to provide written notification to the respondent(s) within seven (7) working days of the formal complaint being submitted, along with the allegations made against them, as per the guidelines outlined in sections 6.2.1 and 6.2.2 of the current policy. If the complaint is critical in nature and needs to be kept confidential, the academic manager may choose to withhold the complainant's identity.
- 6.2.6. The respondent shall get a duration of seven (7) working days to address the complaint.
- 6.2.7. The academic manager shall be the Complaint Resolution Authority to decide upon any filed formal complaint, except for when the complaint is against the academic manager. The CEO shall appoint any other member of the college staff as the Complaint Resolution Authority in the event that a formal complaint is made against the academic manager.
- 6.2.8. The Complaint Resolution Authority shall meet with the parties either separately or collectively and collect all relevant information as well as evidence they wish to put forth to make their case. The Complaint Resolution Authority shall also conduct its own investigation into the matter and keep a record of the investigation process.
- 6.2.9. The Complaint Resolution Authority may ask the parties for additional information and/or records.
- 6.2.10. The Complaint Resolution Authority shall after taking into account all the data, records, and evidence gathered throughout the investigation, as well as the case's merit,

pronounce the decision in favour of either party objectively or document the reasons in writing.

- 6.2.11. The Complaint Resolution Authority shall pronounce its decision or outcome on a formally filed complaint within a reasonable amount of time. The Complaint Resolution Authority will notify the complainant via email or writing if the entire complaint resolution process takes longer than sixty (60) calendar days, or if it is anticipated to take longer than sixty (60) days, from the date the official complaint was lodged. Additionally, every five (5) working days, the Complaint Resolution Authority will notify the complainant of the status of the Complaint Resolution Process.
- 6.2.12. The academic manager shall maintain a record of all lodged formal complaints, the Complaint Resolution Process, the related documents and evidence and the complaint decision or outcome in the *Complaints and Appeals Register*.

6.3. Appeal Resolution Process

- 6.3.1. Any complainant who is dissatisfied with the decision of a complaint outlined in section 6.2.9 of the current policy or believes that the Principles of Natural Justice as outlined in section 5 of the current policy have been violated, may choose to use the college's *Complaint and Appeal Form* to file an appeal for Appeal Resolution Process, or they may choose to use the CEO's formal request to initiate an External Appeal Resolution Process.
- 6.3.2. An appellant may file an appeal within twenty (20) working days of the day the complaint decision or outcome was pronounced.
- 6.3.3. An appellant may file a formal appeal at no additional cost by completing the *Complaint and Appeal Form*, which is available on the college website.
- 6.3.4. The appellant may choose to submit the *Complaint and Appeal Form* by downloading the form via the college website and emailing it to the academic manager after completing the form at admin@atr.edu.au
- 6.3.5. An Appeal that is filed against the outcome or decision of the complaint must be on the following grounds:
 - a) The evidence, material or document produced by either party was not considered or appreciated by the complaint resolution authority.
 - b) Either party was not given a reasonable opportunity to be heard or to provide requisite records and documents.
 - c) The complaint outcome was not decided considering all the facts and circumstances of the case.
 - d) The complaint outcome was decided without objectivity and was influenced by bias, prejudice, or conflict of interest exhibited by the complaint resolution authority.

- e) The complaint resolution authority comprised of the person(s) against whom the allegations of the complaint directly or indirectly pertained.
- f) The complaint resolution process violated the present policy or any other policy and procedure of the college.
- g) The complaint resolution process violated the Principles of Natural Justice as mentioned under section 5 of the present policy.

6.3.6. An appellant shall not file an appeal against an outcome or decision of a complaint if:

- a) The dissatisfaction with the complaint outcome or decision exists simply because the outcome or decision was decided against them.
- b) The course structure and assessment method and strategies
- c) Workload of the student or the amount of training and assessment a student is required to undergo.
- d) Financial implications of not passing any unit(s) of competency or qualification.
- e) Discontent with grades compared to those received by other students.
- f) Grace marks/additional marks not granted to enable the student to pass any unit(s) of competency.

6.3.7. The CEO shall be the Appellate Authority deciding on all appeals in the Appeal Resolution Process.

6.3.8. The Appellate Authority shall verify if the appeal has been filed subject to sections 6.3.4 and 6.3.5 of the present policy; and if not, it may dismiss the appeal citing the reasons for appeal dismissal in writing to the appellant. In such a case, the Appellate Authority shall provide the appellant with the option of External Appeal Resolution Process as well as mentioned under section 6.4 of the present policy.

6.3.9. The Appellate Authority shall communicate the details and the grounds of appeal filed to the respondent within seven (7) working days from the date the appeal was filed.

6.3.10. The respondent shall get a duration of seven (7) working days to respond to the appeal.

6.3.11. The Appellate Authority shall meet with the parties either separately or collectively and collect all relevant information as well as evidence they wish to put forth. The Appellate Authority shall also conduct its own investigation into the matter and keep a record of the investigation process.

6.3.12. The Appellate Authority may ask the parties for additional information and records.

6.3.13. The Appellate Authority shall, after taking into account all of the data, records, and evidence gathered throughout the investigation and the merits of the case, impartially

declare the decision or result of the appeal in favour of either party and document the reasons in writing.

- 6.3.14. The Appellate Authority shall pronounce its decision on an appeal within a reasonable amount of time. If the Appeal Resolution Process exceeds or is likely to exceed sixty (60) calendar days from the day the appeal was filed, the Appellate Authority shall send an email or letter to the Appellant intimating them about the delay and the reasons for the delay. Moreover, the Appellate Authority shall update the Appellant about the progress of the Appeal Resolution Process every five (5) working days.
- 6.3.15. The academic manager shall maintain a record of all filed appeals, the Appeal Resolution Process and related documents and evidence and the Appeal outcome in the *Complaints and Appeals Register*.

6.4. External Appeal Resolution Process

- 6.4.1. In case a complainant or an appellant is dissatisfied with the outcome of the complaint or appeal, or with the college for not following the present policy in the complaint or appeal resolution process, he/she may opt for an External Appeal Resolution Process, the college will inform the dissatisfied complainant or an appellant within ten (10) working days of concluding the internal review of their right to access an External Appeal Resolution Process at minimal or no cost. The college shall give the complainant or an appellant the contact details of the appropriate complaints handling and external appeals body.
- 6.4.2. Complainant or Appellant may opt for external appeal resolution process only as per the condition mentioned under section 6.4.1 of the present policy and not to decide on a dispute instead of the college.
- 6.4.3. As per section 6.4.1 of the present policy, in order to opt for the External Appeal Resolution Process, the complainant or appellant shall email the CEO asking to initiate the External Appeal Resolution Process.
- 6.4.4. The CEO shall appoint the following as the external appellate authority-
- New South Wales Ombudsman**
- Phone: 1800 451 524
- Website: <https://www.ombo.nsw.gov.au/>
- 6.4.5. The External Appellate Authority shall communicate the details, and the grounds of the appeal filed to the respondent at least within seven (7) working days from the date the appeal was filed.
- 6.4.6. The External Appellate Authority shall meet with the parties either separately or collectively and collect all relevant information as well as evidence they wish to put forth. The External Appellate Authority shall also conduct its own investigation into the matter and keep a record of the investigation process.

- 6.4.7. The External Appellate Authority may ask the parties for additional information and records.
- 6.4.8. The External Appellate Authority shall after taking into account all of the data, records, and evidence gathered throughout the investigation and the case's merits, impartially declare the decision or result of the external appeal in favour of either party and document the reasons in writing.
- 6.4.9. The academic manager will contact the External Appeal resolution within thirty (30) calendar days to request an update on the pronouncement of its decision and outcome.
- 6.4.10. The academic manager shall maintain a record of all filed external appeals, the External Resolution Process and related documents and evidence and the Appeal outcome in the *Complaints and Appeals Register*.

6.5. Implementing Complaint and Appeal Outcome

- 6.5.1. The academic manager, with the review and subsequent approval of the CEO, shall immediately implement the changes in methods, practices, processes, policy and procedure or any such relevant action after the decision or outcome of a complaint or appeal is pronounced.
- 6.5.2. In case an appeal has been filed to review the complaint outcome, the decision or outcome of the complaint shall be implemented as per section 6.5.1 of the present policy albeit subject to the outcome of the pending appeal.
- 6.5.3. The CEO shall annually review the records of all filed complaints and appeals and identify potential risks, complaints and disputes that may arise in the college and take preventive and corrective measures to mitigate them.
- 6.5.4. The CEO and the academic manager shall review the feedback received from students, trainers and assessors, college staff as well as the student ombudsman for improvement and enhancement of the college and college policies and procedures.

7. Monitoring And Feedback

The CEO in collaboration with the academic manager shall monitor the complaint and appeal resolution process of the college, be it internal or external. The CEO shall review if the relevant college staff and external appellate authority are carrying out their roles and responsibilities as per this policy as well as Clauses 6.1 to 6.6 of the RTO Standards 2015.

The students, college staff or relevant stakeholders (such as the student ombudsman) shall provide suggestions and feedback to the academic manager at least once a year for improvement in the complaints and appeal resolution process of the college through various channels, including email and face-to-face meetings.

8. Continuous Improvement

As part of the college's continuous improvement framework, any feedback and recommendations will be documented in the continuous improvement (CI) register. The details of the continuous improvement process are mentioned in the college's Continuous Improvement Policy and Procedure, which offers a structured framework for refining and enhancing the college's practices based on valuable input from the staff members involved.

9. Version Control

Approved by	CEO
Version number	2.0