8. Complaints and Appeals Policy and Procedure

Training Australia First is committed to providing a fair complaints and appeals process that includes access to an independent external body if necessary.

What is a complaint?

A complaint is generally negative feedback about services or staff which has not been resolved locally. A complaint may be received by Training Australia First in any form and does not need to be formally documented by the complainant in order to be acted on. Complaints may be made by any person but are generally made by students, staff and/or employers.

What is an appeal?

An appeal is an application by a student for reconsideration of an unfavourable decision or finding during training and/or assessment. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within 28 days of the decision or finding is informed to the student.

Early resolution or complaints and appeals

In all cases, issues that arise during training and assessment that are the source of frustration or are in dispute should be resolved at the time they occur between the persons involved.

Relationship to continuous improvement

Frequently, the complaints and appeals handling process will expose weaknesses in the training and assessment system that can flow into the continuous improvement system as opportunities for improvement. This outcome of complaints and appeals handling is very positive and should be actively applied by all persons involved.
Complaints Procedure

1. Students may raise any matters of concern relating to the training delivery and assessment, the quality of the teaching, student amenities, discrimination, sexual harassment, training provided by a 3rd party of behalf of Training Australia First and other issues that may arise.

2. Students are encouraged to raise the matter informally with their trainer/assessor. The outcome of any informal complaint will not be kept on the student file unless requested to do so by the student. If the matter has been raised informally by way of email; then, the email and any response thereto will be deleted unless otherwise requested by the student.

3. If the informal complaint raises a matter of importance for Training Australia First; then, the complaint and outcome will be documented, but, if possible, the name of the student will not be included in any documentation.

4. If the complaint cannot be resolved informally; then, the student is encouraged to lodge a formal complaint.

5. Students are encouraged to resolve their concerns and complaints using the Complaints and Appeals Procedure.

6. The current complaints and appeals process and form must be available on Training Australia First’s website. Training Australia First will maintain a current copy for students and prospective students to inspect or read. A hard copy is available upon request from the Student Services & Records Manager.

7. All complaints will be handled professionally and confidentially in order to achieve a satisfactory resolution.

8. Unless otherwise decided by the General Manager, all formal complaints will be handled by the Student Services and Records Manager (SSR). If the formal complaint is in respect to the SSR; then, the General Manager will handle that complaint. If the complaint is in respect to the General Manager; then, the complaint will be handled by the CEO.

9. All formal complaints should be lodged in writing by the student and the resolution process will commence within 10 working days of the lodging of the formal complaint.

10. The complaint will be resolved fairly and equitably and at the earliest possible time. (No later than 20 working days).

11. If the complaint has been made via ASQA by the student, the CEO will be informed immediately. The complaint is to be resolved fairly and equitably within the time frame provided by ASQA.
12. Training Australia First will ensure that students have a clear understanding of the steps involved in the procedure.
13. At any stage in the complaints process students are entitled to have their own nominee included in the resolution process.
14. Where a complaint cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to mediate between the parties.
15. If the student is not satisfied with the outcome of the complaint, the student may request Training Australia First to assist the student in referring the matter to an external independent mediator. Training Australia First will ensure that there is no cost to the student if the student elects to appeal the external independent mediator. The external independent mediator for international students is the Overseas Student Ombudsman
Contact details: 1300 362 072
Email: ombudsman@ombudsman.gov.au
Website: http://www.oso.gov.au

The independent party recommended by Training Australia First is the Melbourne Commercial Arbitration and Mediation Centre (http://www.mcamh.com.au/); however complainants and appellants are able to use their own external party at their own cost.

16. Nothing in this procedure inhibits student’s rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies. Students wishing to take this course of action are advised to;

Contact the Law College of Victoria, 470 Bourke St Melbourne 3000, and telephone 9602 5000 for a referral to a solicitor.

17. If there is any matter arising from a student complaint that is a systemic issue which requires improvement action, the complaint will be documented (depending on the nature of the complaint) as part of the continuous improvement process.

18. The outcome of the complaints will be provided in written to the student and documented in the Complaints and Appeals Register.
19. Students may phone the National Training Complaints Hotline’ on 13 38 73 to discuss their issue of concern at any time. For more information
about the National Complaints Hotline, refer to the following webpage:
Appeals Procedure

1. Appeals may arise from a number of sources including appeals against assessment, appeals against discipline actions and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by Training Australia First. All training and assessment related appeals will be managed by the SSR, unless the appeal is against a decision of the SSR. In that case the appeal shall be managed by the General Manager.

2. Training Australia First will attempt to resolve the appeal informally and, if this cannot be achieved, the formal appeals process will commence.

3. A student’s enrolment must be maintained whilst an appeal is in progress and the outcome has not been determined.

4. The appeals process, both informal and formal, is initiated by a student completing the student appeals form. The complaints and appeals form is available at Training Australia First’s website or on request from the SSR.

5. International students only: Students wishing to lodge an appeal in respect to the Training Australia First’s intention to Report the student for unsatisfactory course progress, or on being notified that Training Australia First intends to suspend or cancel the enrolment of the student, must do so within 20 working days. (The 20 working days will be calculated from 2 days of the issuance of the Intention to Report letter, and the 20 working days will be calculated from the day the letter notifying of the intention to suspend or cancel.)

6. The resolution phase must commence within 10 working days of the appeal being lodged in writing.

7. A maximum time of 20 working days from the appeal being lodged in writing will be allowed for the resolution unless all parties agree in writing to extend this time.

8. The formal internal appeal process will be conducted by the Continuous Improvement Committee at Training Australia First and at no cost to the student.

9. Students appealing an assessment, including RPL outcome, will be given the opportunity for reassessment by a different assessor selected by Training Australia First. Costs of reassessment will met by Training Australia First. The recorded outcome of the assessment appeal will be
the most favourable result for the student from either the original assessment or the reassessment. If the student is not satisfied with the result of the reassessment, the student may make a request of Training Australia First pursuant to clause 12. The reassessment shall be regarded as the completion of the internal formal appeal.

10. For all internal formal appeals;
   • The student will have an opportunity to present his or her case in person, or, if the students elects, in writing
   • A student may be accompanied and assisted by a support person at any relevant meetings
   • In all other respects the appeals procedure will be determined by the legal representative
   • The outcome of the formal internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the legal representative and the student and placed in the student file as well as logged in the Complaints and Appeals Register. The student will be provided with a copy of the signed written document

11. If the student appeal is successful Training Australia First must implement the decision.

12. If the student is not satisfied with the outcome of the formal internal appeal; the student may request Training Australia First to assist the student in an appeal to an external independent mediator. Training Australia First will ensure that there is no cost to the student if the student elects to appeal the external independent mediator. The external independent mediator for international students is the overseas student ombudsman.
   Contact details: 1300 362 072
   Email: ombudsman@ombudsman.gov.au
   Website: http://www.oso.gov.au
   The independent party recommended by Training Australia First is the Melbourne Commercial Arbitration and Mediation Centre (http://www.mcamh.com.au/); however complainants and appellants are able to use their own external party at their own cost.

13. If the student appeal is unsuccessful Training Australia First may implement the decision, notwithstanding that the student had appealed to an external mediator.

14. Training Australia First will ensure, if requested by the student, that the appeal is lodged within 3 working days after the request from the student.
15. There are no further avenues within Training Australia First for appeals after an internal formal appeal phase has been completed.

16. Notwithstanding that a student has appealed, or intends to appeal, to the external mediator, Training Australia First may implement the decision if the internal formal appeal is dismissed, unless the external appeal is in respect to the decision of Training Australia First to report the student for unsatisfactory course progress or attendance.
Complaints Process

Student tries to resolve the complaint informally with the trainer/assessor. This process is not normally documented.

Students not happy can lodge formal complaint

Register formal complaint with the SSR

All complaints are to be signed by the student before submitting

Resolution phase is to commence with 10 working days

Response to complaint should be completed no later than 20 working days

Outcome to be documented on the Complaints and Appeals register and all relevant documents to be maintained in the complaints and appeals folder

Student appeals (Refer to appeals procedure for details)

Appeals successful or unsuccessful

Student informed in writing

Resolved

Not resolved

Student does not appeal

Outcome to be documented on the Complaints and Appeals register and all relevant documents to be maintained in the complaints and appeals folder
### Appeals Process

1. **Student decides to appeal**
   - SSR may try to solve the appeal informally if this cannot be achieved

2. **Student lodges the appeal in writing on the Complaints and Appeals form and submits to the General Manager**
   - Resolution phase is to begin within 10 working days

3. **Maximum 20 working days for resolution outcome; from the time the Appeal’s been lodged**
   - Internal Formal appeals process to be conducted by General Manager

4. **Outcome to be documented on the Complaints and Appeals register and all relevant documents to be maintained in the complaints and appeals folder**

   - Internal Appeal successful, Training Australia First to implement the decision

   - If the appeal is unsuccessful, student is guided to external appeals. (Refer to clause 12 of Appeals Policy)

   - Provide the outcome to the students in writing

   - Student can be assisted with a support person

   - Student can present his or her case in person or in writing