

## **Complaints & Appeals Policy**



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# 1 • Complaints and Appeals

## Complaints and Appeals Policy

1. SITE seeks to continuously provide a high quality education and training services. The complaints and appeals policy aims at managing and responding to allegations involving the conduct of the RTO, its Trainers and Assessors or other staff, third parties providing services on behalf of the RTO, the conduct of other students, and any other matters covering training and / or assessment services delivered by SITE.
2. Site has a defined complaints and appeals process that will ensure all complaints and appeals are addressed effectively, efficiently and in a timely, fair, unbiased and confidential manner. The Complaints and Appeals Policy is publicly available.
3. The policy applies to all students (including current, prospective and existing students) undertaking study or training in courses offered by the RTO, including Apprentices or Trainees under a contract of training. Students under a contract of training will also need to seek advice from the relevant government department in their State about their rights and responsibilities. This policy also applies to RTO staff, trainers and assessors, Co-providers and their Trainers and Assessors, industry representatives and employers.
4. Confidentiality will be maintained at all times. All parties have a right to confidentiality and privacy, subject to necessary legal responsibilities, and the complaint will be forwarded to the most appropriate qualified person (as determined by the CEO of SITE) to assist the effective and rapid resolution of any complaint and / or appeal.
5. Complaints and appeals are acknowledged and dealt with fairly, efficiently and effectively. At all times, parties to the complaint may be accompanied by an advocate of their choosing (at their own cost), except where that advocate is a legal practitioner. Each party will have opportunity to present their side of the matter.
6. A complainant has the right to withdraw a complaint at any stage.
7. If a student is utilising the complaints and appeals process, their enrolment will be maintained whilst the complaints or appeals process is ongoing, unless the student is in breach of another RTO Policy.
8. Decisions or outcomes of the complaint handling process that find in favour of the student shall be implemented immediately.

### Definitions

**Complaint** - A complaint is an expression of dissatisfaction that a person's rights, existing interests and/or reasonable expectations have been adversely and unjustifiably impacted because of an action, decision or omission within the control or responsibility of SITE. Any circumstance related to the RTO's operations, services and decisions, training and assessment, the conduct of RTO staff, its students, and people associated with SITE or its facilities may be the subject of a complaint.

**Appeal** – An appeal arises when a person is not satisfied with a decision made as a result of an enquiry or a complaint. An escalation step is open when a person associated with SITE is dissatisfied with an adverse decision, or perceives an adverse outcome has been made.

**Academic appeal** – An academic appeal arises when a student is not satisfied with the outcome of an assessment decision. The student has the right for the assessment outcome to be reconsidered.

### **Procedural Fairness & Natural Justice**

The RTO applies the principles of procedural fairness and natural justice throughout the Complaints and Appeals handling process. All decision-makers within SITE will inform people of any cases against them or their interests, and will give them a right to be heard (the 'hearing' rule). The decision makers will not have a personal interest in the outcome (the rule against 'bias') and they will act only on the basis of logically probative evidence (the 'no evidence' rule). This means that:

- Any person subject to a decision by the RTO, or anyone who has allegations made against them, will be informed and has the opportunity to tell their side of the story before a decision is made.
- Appellants, or anyone who has allegations made against them, will be provided with an opportunity to formally present their case.
- The decision maker will be independent of the complaint/decision being reviewed
- Decisions made by SITE will be done so in an unbiased and fair manner based on facts provided or determined through investigation of a complaint.
- The RTO will address each complaint in a confidential, effective and timely manner.

### **Victimisation**

All complaints will be handled with fairness in accordance with the principles of natural justice. SITE is committed to ensuring that participants 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.

### **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 person.

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 the RTO's Complaints and Appeals policy.

### **Resolution Timelines**

All parties involved in any formal complaint or appeal will be advised of the outcome in writing within twenty (20) working days of the date of the complaint/appeal.

Where a complaint takes more than 60 calendar days to process and finalise a complaint the RTO will:

- a) Inform the complainant in writing, including the reasons why more than 60 calendar days are required and
- b) Regularly update the complainant on the progress of the matter. Updates shall be provided to the complainant at a minimum of four (4) weekly intervals

### **Record Keeping**

Secure records of complaints and appeals and their outcomes will be maintained electronically by the Human Resources Officer (Site Group Services). All records relating to complaints and appeals are treated as confidential and meet the RTO's Privacy Policy obligations. Complaints and Appeals are subject to review by senior management, which will identify potential causes and take appropriate corrective action to eliminate or mitigate the likelihood of future reoccurrence.

### **Complaint and Appeal Procedure**

#### **Informal complaint**

A complaint is considered to be informal when it is made verbally, and addressed to the person against whom the complaint is being made. An informal complaint must be able to be resolved at the local level with a minimum number of people involved.

#### **Formal complaint**

- Students may make a formal complaint by forwarding a signed written complaint to the Operations Manager of the respective office within one month of the incident to which the complaint relates.
- The Operations Manager will forward a copy of the complaint to the Quality and Compliance Manager at ([compliance@site.edu.au](mailto:compliance@site.edu.au)) who will notify the CEO SITE that a complaint has been received.
- The Operations Manager will commence their review of the complaint within seven (7) working days from the date the complaint was submitted. The Operations Manager will make enquiries about the matter or may task another person on their behalf to research the matter against the relevant policy. All parties have a right to confidentiality and privacy, subject to necessary legal responsibilities, and the complaint will be forwarded to the most appropriate qualified to assist the effective and rapid resolution of any complaint.
- The Operations Manager will finalise their response to the complainant and provide the complainant a response as soon as possible but no later than twenty (20) working days from when the complaint was submitted.
- The Operations Manager is to communicate the response in writing to the complainant, and is to seek feedback from the complainant about their level of satisfaction with the complaint outcome. If the complainant is not satisfied with the outcome the Operations Manager is to advise the complainant of their options, as detailed herein (refer Review by external independent party/agency)
- The outcome of the complaint and all associated records must be on forwarded within seven (7) days of the outcome to the Quality and Compliance Manager at [compliance@site.edu.au](mailto:compliance@site.edu.au) who will review the outcomes, brief the CEO SITE and on forward the documents to Human Resources (Site Group Services) for record keeping.

### **Academic appeal**

All students have the right to make an academic appeal. Where a student is dissatisfied with an assessment the student/participant should discuss this informally in the first instance with their assessor.

Where a student/participant is dissatisfied with the outcome of assessment of practical work and/or vocational placement assessments performed in the workplace, the student should discuss this informally in the first instance with their workplace mentor/supervisor. If the student remains dissatisfied, the issue should be discussed informally with their assessor.

If the issue cannot be resolved informally, a student can submit a formal academic appeal in writing to the relevant Operations Manager within twenty (20) working days of receiving the reviewed academic result.

The appeal must outline why the student has requested a formal review of the result. The student will be advised in writing that the appeal has been received. The relevant Operations Manager will seek to resolve a formal academic appeal through the appointment of an independent and impartial assessor to conduct an investigation and make a recommendation.

The relevant Operations Manager will make the final decision on all formal academic appeals.

All parties involved in any formal academic appeal will be advised of the outcome in writing within twenty (20) working days of the date of the appeal. If a student's formal academic appeal is successful, the academic result will be amended.

A student/participant whose formal academic appeal is not upheld by the relevant Operations Manager will be advised in writing of the option to either access the appeals procedure or the process for external mediation.

- The Operations Manager is to communicate the response in writing to the appellant and is to seek feedback from the appellant about their level of satisfaction with the outcome. If the appellant is not satisfied with the outcome the Operations Manager is to advise the appellant of their options, as detailed herein (refer to Review by external independent party/agency)
- The outcome of the academic appeal and all associated records must be on forwarded within seven (7) days of the outcome to the Quality and Compliance Manager at [compliance@site.edu.au](mailto:compliance@site.edu.au) who will review the outcomes, brief the CEO SITE and on forward the documents to Human Resources (Site Group Services) for record keeping.

## Compliant and appeals process

If a complainant is dissatisfied with the outcome of their formal complaint or academic appeal they may lodge an appeal against the decision. The RTO provides the right of appeal against decisions made following the resolution or completed investigation of a complaint or academic appeal, whether informal or formal or a breach of the RTO's Policy. At all times, parties to the appeal may be accompanied by an advocate of their choosing (at own cost), except where that advocate is a legal practitioner. Each party will have opportunity to formally present their case should they wish to do so.

An appeal must be lodged in writing within twenty (20) working days of the date of notification of the original decision. Any appeal must set out the grounds for the appeal.

The Operations Manager or nominee may convene an Appeals Panel to assess the appeal, and act as Chairperson. In addition to the Chair, an Appeals Panel will consist of at least 2 staff of SITE. The appellant will not normally have the right to be present when the Appeals Committee convenes.

Non-academic appeals do not ordinarily require the convening of an Appeals Panel; however, the Operations Managers may seek the input of suitably qualified staff that are independent of the grounds of the appeal. Where the grounds of an appeal involve statutory issues such as harassment or discrimination the Operations Manager will participate in the appeals process

The appellant will be notified in writing of the outcome of the appeal outlining the reasons for the decision within twenty (20) working days of the date of lodgement of the appeal. The report will further advise the appellant of their right to access the external mediation process if they are not satisfied with the outcome of their appeal.

## Resolution Timelines

All parties involved in a formal appeal will be advised of the outcome in writing within twenty (20) working days of the date of the complaint/appeal.

Where an appeal takes more than 60 calendar days to process and finalise a complaint SITE will:

- c) Inform the appellant in writing, including the reasons why more than 60 calendar days are required and
- d) Regularly update the appellant on the progress of the matter. Updates shall be provided to the appellant at a minimum of four (4) weekly intervals

The outcome of the appeal and all associated records must be on forwarded within seven (7) days of the outcome to the Quality and Compliance Manager at [compliance@site.edu.au](mailto:compliance@site.edu.au) who will review the outcomes, brief the CEO SITE and on forward the documents to Human Resources (Site Group Services) for record keeping.

## Review by external independent party/agency

Complainants can choose to utilise resources outside of SITE to resolve their complaint/appeal if they are not satisfied with the process applied by the RTO. SITE has engaged Resolution Institute, which incorporates LEADR and IAMA to facilitate independent reviews of complaints and appeals. Information can be located on their website <http://www.resolution.institute/>. Any fees charged by an external agency will be the responsibility of the complainant or appellant. The complainant/appellant will incur all associated costs or fees charged by the external agency

Each complaint and appeal outcome will be recorded in writing and each party to the complaint/appeals will be given a written statement of the outcomes, including reasons for the decision.

If the complainant is not satisfied with the external independent party/agency they may refer the matter to the national regulator of Australian vocational education and training (VET) providers - Australian Skills Quality Authority (ASQA) <http://www.asqa.gov.au/complaints>. Complainants are to be advised that ASQA will require that SITE formal complaints process has been completed prior to considering all or part of the complaint.