

Complaints and Appeals Policy and Procedure

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Complaints and Appeals Policy and Procedure

1. Purpose

TDT Training Australia (TDT) is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (SRTOs 2015). This policy and associated procedures meet the requirements of Standard 6 of the Standards for RTOs 2015.

This policy and associated procedures outline TDT's approach to manage complaints and appeals with an objective to ensure that complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.

2. Policy Statement

Approach

TDT acknowledges that complaints may be made against the RTO, its trainers and assessors and other staff, a learner of the RTO, as well as any third-party providing services on behalf of the RTO including education agents.

Complaints can be in relation to any aspect of the RTO's services provided.

Appeals can be made in respect of any decision made by RTO. An appeal is a request for the RTO's decision to be reviewed in relation to a matter, including assessment appeals.

TDT will ensure that the complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively and in doing so TDT will ensure that:

- a. The principles of natural justice and procedural fairness are adopted at every stage of the complaint process. This means reviewing each complaint or appeal in an objective and consistent manner.
- b. The complaints and appeals policy will be publicly available.
- c. Complaints will be treated seriously and dealt with promptly, impartially, sensitively and confidentially.
- d. Complaints will be resolved on an individual case basis, as they arise.
- e. The complaint and appeals resolution procedure will be based on the understanding that no action will be taken without consulting the complainant and respondent, using a process of discussion, cooperation and conciliation.
- f. TDT will appoint relevant person/s to manage complaints and appeals.
- g. The internal complaints and appeals process will be conducted at no cost to students.

- h. Potential causes of complaints and appeals will be investigated and corrective and preventative action will be taken in relation to complaint and appeals. Complaints and appeals will also be seen as an opportunity for improvement.
- i. All individuals, including third parties will be informed of allegations made and will have the opportunity to present their case.
- j. 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.
- k. TDT encourages complainants to first seek to address the issue informally by discussing it with the person involved. However, if the person is not comfortable with this or has tried this unsuccessfully, they are to follow the procedures below.
- l. All records of complaints and appeals will be stored by TDT and entered into the complaints and appeals register.
- m. The rights of the complainant and respondent will be acknowledged and protected throughout the complaint and appeals resolution process, including the conduct of separate interviews initially.
- n. If the complaints process fails to resolve the complaint or the complainant is not satisfied with the outcome of the complaint the matter will be referred to an independent third party for review, at the request of the complainant. All costs incurred for the third party review will be advised to the complainant.
- o. Victimisation of complainants, respondents or anyone one else involved in the complaint resolution process will not be tolerated.

Making a complaint or appeal a decision

Complaints and appeals are to be made as follows:

- a. *Complete a complaints and appeals form:* Submit complaint or appeal in writing to TDT administrative staff using TDT's complaints and appeals form. The complaints and appeals form outlines the information that must be provided.
 - a. *Email* complaints and / or appeal to complaints@tdt.edu.au
- b. Submit complaint in writing within 7 business days of the incident or in the case of an appeal within 7 business days of the decision being made.
- c. If the complaint may take in excess of 60 calendar days to finalise, inform the complainant in writing providing the reasons why more than 60 calendar days are required. The complainant will also be provided with regular updates on the progress of the complaint and / or appeal.

Response

Complaints and appeals will be responded to in the following ways:

- The complaint or appeal will be acknowledged in writing within 3 working days of receipt.
- Review of the complaint or appeal will commence within 5 working days of receiving the complaints.
- Complaints and appeals will be finalised as soon as practicable or within 30 business days.
- Where the complaint or appeal is complex and is expected to take more than 60 calendar days to process, RTO will write to inform the complainant or appellant of this including the reasons for such. Following this update, regular updates will be provided of progress.
- The outcomes of the complaints and appeals process will be communicated in writing to the person making the complaint or appeals. This will also include the reasons for the outcome.

Complaints and appeals handling

- Each individual involved in the complaint may have a support person of their choice present at any meetings to resolve the complaint or appeal.
- An independent assessor/investigator will be identified to conduct a review of an assessment decision that is being appealed.

Enrolment during a complaints process

Students' enrolment will be maintained throughout the complaints and appeals process unless the complaint is in relation to misconduct.

Independent appeal process

- Where the internal process has failed to resolve the complaint or appeal, the matter will be referred to an independent mediator.
- All associated costs are to be met by the complainant/appellant unless it is RTO that made the decision to appoint the independent party.
- The independent party recommended by RTO for cases involving domestic students is the Resolution Institute. However, another mediator of the student's choice can be appointed.
- During the mediation process, RTO will cooperate in full and commits to immediately implement the decision or recommendation made by the external mediator and/or take preventative or corrective action required by the decision or recommendation.
- All actions taken will be communicated in writing to students.

External referrals

Australian Mediation Association (AMA): The AMA is a group of Mediators and conflict resolution practitioners who provide private mediation services, consulting services, and education in mediation, communication and negotiation, to help businesses and individuals avoid disputes through planning and to resolve disputes through mediation.

[Australian Mediation Association \(ama.asn.au\)](http://ama.asn.au)

Ph 1300 MEDIATE (1300 633 428); Email: info@ama.asn.au

Complaints can also be made to the organisations indicated below:

National Training Complaints Hotline:

The 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. Access to the Hotline is through:

Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally

Email: ntch@education.gov.au

Australian Skills Quality Authority (ASQA):

Complainants may also complain to the RTO's registering body, Australian Skills Quality Authority (ASQA). It is important to understand that ASQA does not act as an advocate for individual students and is not responsible for resolving disputes between students and training providers. ASQA only uses information from all complaints as intelligence to inform regulatory activities. More information can be found at: <https://www.asqa.gov.au/complaints>

3. Procedure

Refer to the table below with 'roles and responsibilities' for specific tasks to manage complaints and appeals along with the timeframes to action each step.

Note: **Business Day** means each day not including the day of the act or event¹

Process of complaints and appeals		Responsibility	Timeframe
3.1	<p>Receive and file the complaints and appeals form.</p> <p>This may be via email (complaints@tdt.edu.au), or via the student submitting a soft or hard copy to the administration team member at any TDT site, or via a web enquiry with details of the complaint and complainant.</p>	<p>Hallam TDT admin staff to action emails received at complaints@tdt.edu.au</p> <p>All admin staff at each site to action complaints received via any other method (email, hard copy etc).</p> <p>Trainers and Assessors at each site to provide completed Complaints Lodgement Form to admin staff for student complaints.</p> <p>Sales team member to action web enquiries relating to a complaint from all sites and forward to complaints@tdt.edu.au</p> <p>TDT Admin staff or a delegate for the role must review the complaint received to ensure there is enough information to lodge the complaint and allow the investigation to begin. If there is not enough information, contact the staff, student or third party for clarification.</p>	<p>Within 2 business days of receiving the complaint.</p>
3.2	<p>Send out an acknowledgement.</p>	<p>Once the complaint has been received and checked for completeness, a TDT admin staff will formally acknowledge receipt of a complaint or appeal using agreed format.</p>	<p>Within 3 business days of receiving the complaint or appeal.</p>

¹ [Business Day | legal definition of Business Day by Law Insider](#)

Process of complaints and appeals		Responsibility	Timeframe
3.3	Record details of the complaint or appeal in complaints and appeals register	<p>TDT admin staff will:</p> <ul style="list-style-type: none"> • Create an entry in the Complaints and Appeals Register and provide details of the complaint in the relevant columns within the register. • Update the “assigned to” column in Complaints Register. • Attach any relevant documentation into the Complaints and Appeals Register (such as the Complaints Lodgement Form). To do this: <ul style="list-style-type: none"> ○ Open the Register in Excel by choosing the “Open in Desktop App” tab, then ○ Click inside the cell of the spreadsheet where you want to insert the object. Click on Insert, then click Object. Click the Create from File tab. Click Browse, and select the file you want to insert. • Email the lead investigator with the following details: <ul style="list-style-type: none"> ○ Student name, ○ Complaint ID, ○ Complaint summary, and ○ Any information provided by the student (eg Complaints Form or initial email from student). • Update the Course Planner with a brief summary of the complaint, and the Complaint ID (within the “View and Edit Notes” in the “Clients” tab). 	2 business day
3.4	Organise relevant staff to review the complaint and commence investigation.	<p>The assigned investigator conducts a thorough investigation that includes but is not limited to:</p> <ul style="list-style-type: none"> • Read details of complaint, and investigate the comments made by the complainant. • Discuss the details of the complaint with those involved in the complainant’s experiences. • Contact complainant if required to discuss complaint in more detail. • Assess resolution options. • Update Complaint & Appeals Register with comments on status, including the date comment was made or results of discussion with the complainant. 	Up to 10 business days

Process of complaints and appeals		Responsibility	Timeframe
3.5	Where the matter is an appeal about an assessment decision, the investigation process will include an independent review of the assessment evidence and decision by another assessor. A relevant independent assessor should be organised.	Assigned alternate assessor to conduct reassessment.	3 business days
3.6	Complete the investigation.	<p>The assigned investigator to communicate planned resolution outcome with the complainant:</p> <ul style="list-style-type: none"> • Send an email to the complainant with the findings of the investigation. • Update Complaints & Appeals Register with the outcome and complainant feedback. • Depending on complainant feedback, you may need to begin appeals process by referring to the third party (external). • Include reference to Continuous Improvement, if applicable. 	Up to 5 business days
3.7	If it is considered that it may take longer than 60 calendar days to process the complaint or appeal.	The assigned investigator to inform the complainant or appellant of this including the reasons for the delay. Following this update, regular updates should be provided of progress of the complaint and/ or appeal.	1 business day
3.8	Where the process finds in favour of the complainant or appellant	<p>The assigned investigator will organise a management meeting to discuss:</p> <ul style="list-style-type: none"> • the process and its outcome; and • the actions to be taken to implement the decision, including both corrective/preventative actions. <p>Following the meeting, the agreed actions will be immediately implemented.</p>	1 business day
3.9	Update the complaints and appeals register.	The assigned investigator will update the Complaint & Appeals Register to close the complaint or appeal raised.	1 business day
3.10	Complete the investigation and inform the complainant and appellant of the outcome.	<p>The assigned investigator to:</p> <p>Inform the complainant or appellant in writing of the outcome using the complaints and appeals outcome letter. Where the response is in relation to</p>	1 business day

Process of complaints and appeals		Responsibility	Timeframe
		a complaint, the letter will advise that the internal appeals process may also be accessed.	
3.11	Archive the complaint or appeal documentation.	The assigned investigator to appropriately file all communication records with the complainant and / or appellant in accordance with TDT's record keeping policy and procedure.	1 business days
Organise external appeals			
3.12	In cases where the student has organised the mediator.	The assigned investigator to respond to the mediator's requests.	Within 1 business
3.13	Where the mediator gives an outcome in favour of the student.	<p>The assigned investigator to organise a management meeting to discuss:</p> <ul style="list-style-type: none"> the external process and its outcome; and actions to be taken to implement the decision, including both corrective/preventative actions. <p>Following the meeting, agreed actions will be immediately implemented</p>	1 business day
3.14	Advise the appellant of the outcome and action that TDT will take in response.	The assigned investigator to inform the appellant of the outcome and actions that will be taken in response to the external mediator's decision.	1 business day

4. Roles & Responsibilities

Role	Responsibility
Admin Team (admin roles across all sites)	<ul style="list-style-type: none"> • Receive complaints • Quality check complaints • Lodge complaints in register • Send acknowledgement email to student • Update Course Planner with Complaint ID • Assign a lead to investigate complaint – either the Operations Manager (for operational / training issues) or the Business Development Manager (for commercial issues) • Email the investigator with details of the complaint <ul style="list-style-type: none"> ○ Student name, ○ Complaint ID, ○ Complaint summary, and ○ Any information provided by the student (eg Complaints Form or initial email from student). • Create bookings and action refunds (as part of complaint resolution) • ## Hallam Only - Manage and respond to positive and negative ratings and comments from social media (Note – depending on the scenario, this may become a complaint. If so, follow the complaints process).
Business Development Manager or delegate	<ul style="list-style-type: none"> • Investigate complaints • Speak with students and trainers • Assess resolution options • Update complaints register with status and resolution details • Seek refund approval (cash refund, or free / discounted training / testing) • Create Continuous Improvement item • Potential use of Appeals process
Operations Manager or delegate	<ul style="list-style-type: none"> • Investigate complaints • Speak with students and trainers • Assess resolution options • Update complaints register with status and resolution details • Seek refund approval (cash refund, or free / discounted training / testing) • Create Continuous Improvement item • Potential use of Appeals process
Trainers and Assessors across all TDT sites	<ul style="list-style-type: none"> • Provide completed Complaints Forms to admin staff • Provide information to complaint investigators
Director/CEO or delegate	<ul style="list-style-type: none"> • Approve refunds
Finance Manager or delegate	<ul style="list-style-type: none"> • Action refunds
Project Manager or delegate	<ul style="list-style-type: none"> • Conduct regular review of open complaints
Quality Assurance & Compliance Manager or delegate	<ul style="list-style-type: none"> • To conduct internal audits on practices related to this policy to ensure compliance with SRT02015 clauses 6.1-6.6 in accordance with TDT's internal audit schedule.
IT Manager or delegate	<ul style="list-style-type: none"> • Identify and share negative and positive ratings and comments to TDT Admin staff.

ANNEXURE A: COMPLAINTS AND APPEALS PROCESS

