

Complaints & Appeals Policy and Procedure

RTO Code 21837

Complaints and Appeals Policy and Procedure

Partners in Training Australia (Partners in Training/ PTA) (RTO Code 21837) is committed to managing and responding to any complaint or appeal (including assessment appeals) any stakeholder may have as quickly and amicably as possible. In all instances, Partners in Training will manage and respond to complaints or appeals in a fair, safe, supportive and productive environment consistent with the principles of procedural fairness and natural justice.

The following sections of this Complaints and Appeals Policy and Procedures outline how we manage and respond to complaints or appeals.

If you have any queries, concerns or complaints in relation to this Complaints and Appeals Policy and Procedures please contact:

Compliance Manager

complaints@pta.edu.au

Partners in Training reserves the right to amend this Complaints and Appeals Policy and Procedures at any time and will post an updated version of on Partners in Training's website at <https://www.partnersintraining.edu.au/complaints/>.

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Complaints and Appeals Policy and Procedure

Scope of the Complaints and Appeals Policy and Procedures

This Complaints and Appeals Policy and Procedures applies to any matter relevant to the training and assessment services provided by Partners in Training, including academic and non-academic matters, involving the conduct of:

- Partners in Training, Partners in Training's trainers and assessors or other Partners in Training staff members;
- a third party (including the personnel of a third party) providing services on Partners in Training's behalf;
- a student or prospective student of Partners in Training; and
- an assessment decision made by Partners in Training's trainers and assessors.

A complaint or appeal may be made by any affected stakeholder of Partners in Training in relation to the conduct of the persons listed above.

Grounds for a complaint or appeal

The grounds giving rise to a complaint or appeal (being a request for a review of decision) by a stakeholder may include, but is not limited to:

- a failure to adhere to Partners in Training's policies and procedures;
- a failure to adhere to a regulatory requirement;
- improper or negligent conduct of any person, including bullying;
- unfair treatment, prejudice or bias; or
- a decision being made without sufficient consideration of facts, evidence or circumstances.

Grounds for an assessment appeal

The grounds giving rise to an assessment appeal arising from a decision made by Partners in Training to a final assessment grade, mark or result, of a student may include, but is not limited to:

- the student was affected by the assessment decision made without sufficient consideration of facts, evidence or circumstances;
- the student was affected by improper or negligent conduct, including bullying, whilst undertaking the assessment;
- the learning and assessment tasks were not clearly explained to the student; or
- the student's work was submitted in a timely manner but was allegedly not received and/or marked by the assessor.

Complaints and appeals procedure

The procedures set out below will be followed to manage and respond to all complaints and appeals.

No charges are imposed by PTA during the internal or external stage of these procedures.

At all times during the complaints and appeals process, the following principles of procedural fairness and natural justice must be followed:

- All persons must act in good faith and seek at all times to achieve an amicable resolution.
- All persons must be provided with an opportunity to respond to the complaint or appeal.

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- All complaints and appeals must be investigated and decided by a Partners in Training employee who is *independent* of the complaint or appeal.
- A person must not be subject to reprisals for making or participating in the complaint or appeal in good faith.
- A person must not be subject to adverse action until the complaint or appeal process has come to an end.
- All persons may request access to all records relevant to the complaint or appeal in accordance with the Privacy Policy and Procedures.
- Each party relevant to the complaint or appeal has the right to be accompanied by a support person (at that party's own cost) during any stage of the complaint or appeal process. A support person is an observer who shall not speak unless requested by a person directly involved in the complaint or appeal process.
- All persons may remain anonymous provided it is practicable and appropriate in the circumstances.
- All persons must maintain and respect the privacy and confidentiality of persons involved in and records of the complaint or appeal, except where the release of certain information is required by law. This means that all persons involved in any complaint or appeal should only discuss the complaint or appeal with the persons who have responsibility for dealing with the complaint or appeal, which includes their nominated support person.

If any complaint or appeal is made against a member of Partners in Training's management, the matter will be taken directly to the Director.

If the Compliance Manager considers that more than sixty (60) calendar days are required to process and finalise the complaint or appeal, the Compliance Manager will:

- inform all persons involved in writing with reasons as to why more than sixty (60) calendar days are required to process and finalise the complaint or appeal; and

Step 1: Preliminary informal action

Before making a formal written complaint or appeal, the complainant should first attempt to try and resolve the matter directly with the persons concerned.

If the complainant believes that their complaint or appeal has not been adequately resolved after discussion with the persons concerned, the complainant should discuss the issues with the designated complaint person at each Campus, such as a Student Support officer.

If the complainant believes that their complaint or appeal has still not been adequately resolved after discussion with the designated complaint person, the complainant may make a formal written complaint or appeal.

If a complainant makes a formal written complaint or appeal without taking preliminary informal action, the Compliance Manager may require the complainant to take preliminary informal action before accepting the formal written complaint or appeal.

Step 2: Making a formal complaint or appeal in writing

All complaints or appeals should be made within thirty (30) calendar days of the occurrence of the circumstances giving rise to the complaint or appeal.

A complainant should submit their complaint or appeal in writing to:

Compliance Manager

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complaints@pta.edu.au

When submitting their complaint or appeal, the complainant should provide a clear written statement setting out:

- the persons involved and their relationship to Partners in Training;
- the circumstances and grounds giving rise to the complaint or appeal;
- the complaint or appeal; and
- a suggested solution that the complainant believes will settle their complaint or appeal.

The complainant may request the assistance of a Partners in Training staff member to submit their complaint or appeal.

Step 3: Investigation of a written complaint or appeal

Within five (5) calendar days of receipt of a complaint or appeal, the Compliance Manager will:

- provide a written acknowledgement to the complainant that the complaint or appeal has been received; and
- direct the complaint or appeal to the relevant staff member(s); or
- start to investigate the complaint or appeal with support from the relevant staff members(s), which includes but is not limited to:
 - interviewing the complainant;
 - interviewing relevant staff members, third parties, students or other relevant persons; and/or
 - reviewing any documentation relating to the complaint or appeal.

Step 4: Outcome of investigation will be sent in writing

Within twenty (20) calendar days of providing a written acknowledgement of receiving the complaint or appeal, the Compliance Manager after consultation with the CEO will provide an overview and recommended outcomes of the investigation by email, including any agreed actions by the persons involved.

This may include a recommendation that the Compliance Manager is reasonably satisfied that the complaint or appeal is frivolous, malicious, or vexatious in nature, and should not be taken any further.

Step 5: Escalation of a written complaint or appeal to the Chief Executive Officer

Close the complaint or appeal

If all parties involved in the complaint or appeal are satisfied with the outcome of the investigation as notified in writing by the Compliance Manager, the complaint or appeal will be closed and will not be taken any further.

If no reply from any parties involved is received after ten (10) calendar days when the Compliance Manager sends the written reply and sets out the outcome of the complaint or appeal, the complaint or appeal will be closed and will not be taken any further.

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Escalation

If a person involved in the complaint or appeal is not satisfied with the outcome of the investigation as notified in writing by the Compliance Manager, they may escalate their complaint or appeal to the Chief Executive Officer (or Director where the Chief Executive Officer is not independent).

1. An escalation of a complaint or appeal should be made within ten (10) calendar days of the Compliance Manager emailing written notice to the parties involved.
2. A complainant must submit their escalated complaint or appeal in writing to:

Compliance Manager

complaints@pta.edu.au

When submitting the escalation of their complaint or appeal, the complainant should provide a clear written statement setting out:

- the reasons why they are not satisfied with the outcome of the investigation as notified in writing by the Compliance Manager; and
- a suggested solution that the complainant believes will settle their complaint or appeal.

The complainant may request the assistance of a Partners in Training staff member to submit their complaint or appeal.

1. Within five (5) calendar days of receipt of the escalation of the complaint or appeal, the Compliance Manager will
 - provide a written acknowledgement to the complainant that the request to elevate the complaint or appeal has been received; and
 - forward the elevated complaint or appeal to the Chief Executive Officer (or Director where the Chief Executive Officer is not independent).
2. Within twenty (20) calendar days of an elevated complaint or appeal being forwarded, the Chief Executive Officer (or Director where the Chief Executive Officer is not independent) will provide final written notice to all persons involved in the complaint or appeal setting out the outcome of the complaint or appeal. This may include written notice that the Chief Executive Officer (or Director where the Chief Executive Officer is not independent) is reasonably satisfied that the complaint or appeal is frivolous, malicious, or vexatious in nature, and will not be taken any further.

Step 6: Mediation

If a person involved in the complaint or appeal is not satisfied with the outcome of the final investigation as notified in writing by the Chief Executive Officer (or Director where the Chief Executive Officer is not independent), they may seek mediation of the complaint or appeal by submitting a request for mediation in writing, within thirty (30) calendar days of receipt of the written reply from the CEO, to:

Compliance Manager

complaints@pta.edu.au

Within ten (10) calendar days of receipt of a request to proceed to mediation, the Chief Executive Officer (or Director where the Chief Executive Officer is not independent) will determine whether mediation is practicable and appropriate in the circumstances and either:

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- obtain the written consent of all persons to proceed to mediation (including consent to the applicable costs) and notify all persons that the matter is proceeding to mediation if consent is obtained, or
- advise all persons that the Chief Executive Officer is reasonably satisfied that mediation would not be practicable nor appropriate in the circumstances or that all persons involved have not consented to the mediation and advise of the right to lodge an external complaint or appeal.

Any costs associated with mediation shall be borne in equal proportions between all parties, except for any legal costs which shall be borne by the party who engages the legal service.

Step 7: External agencies

A person may take their complaint or appeal to any of the following external agencies if the Chief Executive Officer is reasonably satisfied that mediation would not be practicable nor appropriate in the circumstances if all persons involved have not consented to the mediation or if mediation fails to resolve the complaint or appeal.

In most instances, the external agency may require the complainant to follow this **Complaints and Appeals Policy and Procedure** prior to lodging a complaint or appeal with them, unless doing so would disadvantage the person.

PTA will require that the external agency give written notice of the decision of their review to each party, including the reasons for their decision.

ASQA

<https://www.asqa.gov.au/complaints/complaints-about-training-providers>

Phone: 1300 701 801

Relevant State or Territory Consumer Affairs Agency

<https://www.skills.vic.gov.au/s/making-a-complaint>

The relevant State or Territory Consumer Affairs Agency is responsible for informing consumers and business about consumer rights and for enforcing consumer rights. The relevant Consumer Affairs Agency can investigate and resolve complaints about products, services or conduct of businesses.

Consumer Affairs Victoria

1300 55 81 81

Commonwealth Ombudsman VET Student Loans

<https://vet.ombudsman.gov.au/>

1300 362 072

Step 8: Consideration of Recommendations

PTA will take on board and provide for due consideration of recommendations arising from the external stage of the complaint or appeal outcome in a conscientious effort to continue to improve the quality and effectiveness of our processes, products and services.

Responsible officer

The Chief Executive Officer has overall responsibility for the implementation, administration and review of this Complaints and Appeals Policy and Procedures.

Version control

Date	Summary of amendments
30 March 2015	Original version
30 September 2015	Branding update
November 2015	All sections updated. Key amendments include new Quality and Compliance Officer; informal process required to be followed prior to formal process; additional natural justice and procedural fairness requirements; change to referral to mediation and costs; change to listed external agencies; prescribed frequency of notification if over 60 days; update to Appendix 1 procedure to reflect changes
April 2016	All sections updated throughout to reflect changes to responsibilities. "Operations Manager" has been amended to "Chief Executive Officer". "Complaints Officer" has been amended to "Quality and Compliance Officer".
December 2017	Update to Partners in Training's email addresses. Addition of step to ensure student discusses the complaint with the designated complaint person at their respective campus.
Oct 2019	Update to External Complaints parties.
Feb 2021	All sections updated throughout to reflect changes to responsibilities. "Quality and Compliance Officer" has been amended to "Compliance Manager". Simplify Step 3 to 5 and update the timeframe.
Jan 2022	Reviewed the document and corrected some typos.
Apr 2022	Included information to address VSL grievance procedure (specifically clauses 88(2)(d)&(f) and (4)(c) of VSL rules 2016). The words Elevation changed to 'Escalation'. Addition of Step 8 & update to flow chart.

Appendix 1 – Flow Chart of Complaints and Appeals Procedures

Step 1: Attempt to try and resolve the complaint or appeal directly and informally with the persons concerned. Discussion with designated complaint person at student's respective campus.



Step 2: If the complaint or appeal is not resolved, submit a formal complaint or appeal to complaints@pta.edu.au.



Step 3: Within 5 calendar days, the Compliance Manager will provide a written acknowledgement to the complainant that the complaint or appeal has been received. The investigation will start with relevant parties.



Step 4: Within 20 calendar days of initial written acknowledgement to the complainant, the Compliance Manager will provide written reply to all persons involved of the outcomes of the investigation and any actions agreed.



Step 5a: The complaint or appeal will be closed and will not be taken further; OR
Within 10 calendar days of the Compliance Manager sends the written reply, the complainant may elevate their complaint to the Chief Executive Officer if they are not satisfied with the outcome of their complaint or appeal, by submitting their elevated complaint or appeal to complaints@pta.edu.au.



Step 5b: Within 5 calendar days, the Compliance Manager will provide a written acknowledgement to the complainant that the elevated complaint or appeal has been received and will forward the information to the Chief Executive Officer.



Step 5c: Within 20 calendar days of receipt of an elevated complaint or appeal, the Chief Executive Officer will provide final written reply to all persons involved of the final outcome of the complaint or appeal.



Step 6a: Within 30 calendar days of the Chief Executive Officer sends the final written reply, if a person involved in a complaint or appeal is not satisfied with the final outcome, they may seek mediation by submitting a request for mediation in writing.



Step 6b: Within 10 calendar days of receipt of a mediation request, the Chief Executive Officer will determine whether mediation is practicable and appropriate and seek the consent of all parties to the mediation (including to the costs) and advise all persons that the mediation will proceed or that the mediation will not proceed because it would not be practicable nor appropriate in the circumstances or because all persons involved have not consented to the mediation and advise of the right to lodge an external complaint or appeal.



Step 7: External Agency. A person may take their complaint or appeal to an external agency if the Chief Executive Officer is reasonably satisfied that mediation would not be practicable nor appropriate in the circumstances, if all persons involved have not consented to the mediation or if mediation does not resolve the complaint or appeal.



Step 8: Review and consider recommendations and implement changes to relevant area where beneficial to the RTO scope of operations