

## Manage Complaints and Appeals

<b>Purpose:</b>	This policy and procedure has been developed to ensure that Cobra Training has a system in place so complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.
<b>Reference:</b>	ASQA – Standards for Registered Training Organisations (RTOs) 2015 Manage complaints and appeals (Clause 6.1 – 6.6)
<b>Who is responsible:</b>	The Director is responsible for implementing and ensuring that this procedure is adhered to.
<b>When:</b>	Upon submission of a complaint or appeal.
<b>Policy/ Process:</b>	<p><b>Clause 6.1. ~ The RTO has a complaints policy to manage and respond to allegations involving the conduct of:</b></p> <ul style="list-style-type: none"> <li>a. the RTO, its trainers, assessors or other staff;</li> <li>b. a third party providing services on the RTO's behalf, its trainers, assessors or</li> <li>c. other staff; or</li> <li>d. a learner of the RTO</li> </ul> <p><b>Clause 6.3. ~ The RTO's complaints policy and appeals policy:</b></p> <ul style="list-style-type: none"> <li>a. ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;</li> <li>b. are publicly available;</li> <li>c. set out the procedure for making a complaint or requesting an appeal;</li> <li>d. ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and</li> <li>e. provide for review by an appropriate party independent of the RTO and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.</li> </ul> <p><b><u>Informal Complaints:</u></b></p> <ul style="list-style-type: none"> <li>1. Where possible all non-formal attempts shall be made to resolve the complaint. Cobra Training encourages open communication and an environment of trust. Therefore, any student with a complaint is encouraged to raise the matter directly with the other party concerned to attempt to resolve the issue mutually or they can contact The Director.</li> <li>2. Advice, discussions and general mediation may take place in relation to the issue and complainant/student complaint</li> <li>3. The Director will note the informal complaint on the Complaints and Appeals Register accordingly. The Director will determine and ensure that the appropriate action will be taken if necessary.</li> <li>4. Any staff member can be involved in this informal process to resolve issues but if the student wishes to place a formal complaint, then the following process must be followed below.</li> </ul>

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### **Formal Complaints:**

1. Any student, potential student or 3rd party may submit a formal complaint to Cobra Training with the reasonable expectation that all complaints will be treated fairly with integrity and privacy. There is no cost for the complaints process unless it is referred to a 3rd party.
  - a. A complaint may have a direct connection to Cobra Training, its trainers/ assessors or other staff
  - b. a third party providing services on Cobra Training's behalf, its trainers, assessors or other staff or
  - c. a student of Cobra Training
2. A student can submit a formal complaint by completing the 'Complaints and Appeals Form' located on Cobra Training' website or they can obtain a copy by calling Cobra Training on 1300 262 721
3. All formal complaints must be submitted to The Director and contain as many details as possible:
  - a. Date complaint was submitted
  - b. Name of complainant
  - c. Nature of complaint
  - d. Date of the event which led to the complaint
  - e. Attachments (if applicable)
4. Once a complaint has been received, the information will be inserted into the 'Complaints and Appeals Register' spreadsheet which is monitored by the Director until resolved. The information to be inserted and retained on the register includes:
  - a. Date the complaint was submitted
  - b. Name of complainant
  - c. Description of complaint
  - d. Determined resolution
  - e. Date of resolution
5. Once a complaint has been logged in the 'Complaints and Appeals Register', the CEO will be notified of the complaint and will be provided with all relevant documentation related to the matter.
6. The Director and CEO will confer and decide on the appropriate action in order to ensure a successful resolution is attained.
7. The relevant staff member/s or contract trainer/assessors will be informed on the complaint and they will have the opportunity to present their side of the matter.
8. Once a decision has been reached, The Director will notify all of the relevant parties involved of the decision and outcome which is to be concluded in writing within 15 working days from the date the complaint was first received. Within the notification of the outcome, the student will be advised that they have the right to appeal the decision made by Cobra Training. Students will be referred to the appeals procedure as outlined below.
9. The Director will ensure that Cobra Training will act immediately on any substantiated complaint. If the internal or external complaint handling or appeal process results in a decision that supports the student, Cobra Training must immediately implement any decision and/or corrective and preventative action that is required and advise the student of the outcome.
10. The outcome will be placed on the 'Complaints and Appeals Register' and copies of relevant documentation will be stored in the SMS.
11. The student has the right to be accompanied by any person of their choice during the complaints or appeals process.

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**Clause 6.2. ~ The RTO has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the RTO or a third party providing services on the RTO's behalf.**

**Formal Appeals:**

1. If the student is not satisfied with the outcome from the formal complaint, then they have the right to appeal the decision made by Cobra Training where reasonable grounds can be established.
2. The areas in which a student may appeal a decision made by Cobra Training may include:
  - Assessment conducted
  - Deferral, suspension or cancellation decisions made in relation to a student's enrolment
  - Or any other conclusion/decision that is made after a complaint has been dealt with by Cobra Training in the first instance

To activate the appeals process, the student must submit an 'appeal application' by completing the 'Complaints and Appeals Form' located on Cobra Training' website or they can obtain a copy by calling Cobra Training on
3. The student is required to provide a summary of the grounds that the appeal is based on and the reason why they feel that initial decision made is unfair within 10 working days from the time they received the outcome for their initial complaint. Help and support with this process can be gained from the Director.
4. Once the appeal has been received, The Director and CEO will then determine the validity of the appeal and where necessary, organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate.
5. The process for all formally lodged appeals will begin within 15 working days from the date that the appeal was lodged.
6. The Director will ensure that Cobra Training acts on any substantiated appeal immediately.
7. The CEO and Director will review the initial documentation of the complaint and shall make a decision based on the grounds of the appeal.
8. The student will be notified in writing within 20 working days from the initial lodgement of the appeal of the outcome with reasons for the decision. The 'Complaints and Appeals Register' will be updated. The student will also be provided the option of activating the external appeals process if they are not satisfied with the outcome.

**Informal Assessment Appeals:**

1. If a student wishes to appeal an assessment they are required to notify their assessor in the first instance. Where appropriate, the assessor may decide to re-assess the student to ensure a fair and equitable decision is made. The assessor will be required to complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.

**Formal Assessment Appeals:**

If the informal assessment appeals process is still not to the students satisfaction, the individual can formally lodge an appeal by completing and submitting the 'Complaints and Appeals Form' to The Director which can be downloaded from.

- 2) Cobra Training' website or the student can obtain a copy by ringing the office 1300 262 721
- 3) The Director will document the information in the Complaints and Appeals Register and obtain details from the assessor and any other parties involved.

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- 4) A decision will be made regarding the appeal which will either indicate that the assessment decision remains as is or, details of a possible re-assessment by a 'third party'. The third party will be another assessor appointed by Cobra Training.
- 5) The student will be notified by writing within 20 working days from the initial lodgement of their appeal regarding the outcome with reasons for the decisions, and the 'Complaints and Appeals Register' updated. The student will also be provided the option of activating the external appeals process if they are not satisfied with the outcome

### **External Appeals**

1. If the student is still dissatisfied regarding the outcome/decision made that Cobra Training has provided, they may wish to refer the matter to an external/independent/third party mediator at their own expense.
2. Appeals can relate to assessment decisions and they can also relate to other matters such as the decision to exclude a student from a training program. Students are encouraged to resolve complaints and appeals through the Cobra Training complaint mechanism prior to consulting external parties.
3. If the student is not satisfied by the complaints and appeal outcome, they can contact:

**Dispute Settlement Centre of Victoria (DSCV)**  
**4/456 Lonsdale Street**  
**Melbourne Vic 3000**  
**Telephone: 03 9603 8370**  
**Toll free: 1800 658 528**  
**Email: dscv@justice.vic.gov.au**

This final stage will be addressed within 30 days.

Outcomes from the DSCV mediation in relation to a grievance will be implemented immediately.

**Clause 6.4. ~ Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:**

- a. **informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and**
- b. **regularly updates the complainant or appellant on the progress of the matter.**

### **Extensions**

If more than 60 calendar days are required to process and finalise the complaint or appeal, The Director will inform the individual in writing, including reasons why more than 60 days are required and regularly update the individual on the progress of the matter.

In most cases this would not be necessary as the timeframes identified in the above processes keep well under 60 days. It may need to happen if an appeal was to reach an external stage.

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	<p><b>Clause 6.5. ~ The RTO:</b></p> <ol style="list-style-type: none"> <li><b>securely maintains records of all complaints and appeals and their outcomes; and</b></li> <li><b>identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.</b></li> </ol> <p><b><u>Record Management</u></b></p> <ol style="list-style-type: none"> <li><i>Electronic records:</i> <ol style="list-style-type: none"> <li>Electronic records are safe from loss as the CEO performs electronic backups of server information at least once a week on site at Cobra Training premises.</li> <li>Confidentiality is maintained as limited staff have access to the database (password protected), and all student / client information is only released as per Cobra Training' privacy policy. All staff employed by Cobra Training will be required to apply themselves to the following written procedures and safeguard confidential and personal information according to the Privacy and Protection of Personal Information Act 1998</li> </ol> </li> <li><i>Hard copy records:</i> <ol style="list-style-type: none"> <li>Confidentiality is maintained – matters relating to a complaint or appeal are stored on the SMS where only the CEO and Director have access to</li> <li>Contents of files are not discarded unless the state and national storage requirements for retention, archiving and retrieval of information have been met.</li> </ol> </li> </ol> <p><b><u>Corrective Action</u></b></p> <p>In the instance that Cobra Training receives complaints and or appeals which demonstrate a pattern or trend, the CEO and Director will take the appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.</p> <p>The form of corrective action applied will be determined on a case by case basis where there are continuing trends and patterns.</p> <p><b>Clause 6.6. ~ Where the RTO is an employer or a volunteer organisation whose learners solely consist of its employees or members, does not charge fees for the training and/or assessment, and does not have in place a specific complaints and appeals policy in accordance with Clauses 6.1 &amp; 6.2, the organisation has a complaints and appeals policy which is sufficiently broad to cover the services provided by the RTO.</b></p> <p>Clause 6.6 is not applicable to Cobra Training.</p>
<p><b>Relevant Records</b></p>	<ul style="list-style-type: none"> <li>Published policy on Cobra Training' website</li> <li>Student Handbook</li> <li>Complaints/Appeals application form</li> </ul>