

Complaints and Appeals Policy and Procedure

Policy and Procedure Name	Complaints and Appeals Policy and Procedure
Version	1.4
Approved By	National Operations Manager
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1. Purpose and Scope

The following policy and procedure outlines Performance Education’s approach to providing its stakeholders with an accessible, transparent, fair and efficient complaints/appeals management process.

The Complaints and Appeals Policy and Procedure applies to stakeholders related to service delivery (e.g. student recruitment/enrolment, delivery of training and assessment, fees and refunds, privacy, advertising and marketing practices). Stakeholders represented in this policy include: Students, customers and team members of Performance Education as part of Gradability Pty Ltd.

This policy and procedure document also ensures that PE manages and responds to any allegations involving the conduct of:

- trainers, assessors, and PY program staff,
- any third-party providing services on behalf of Performance Education, Gradability Pty Ltd, its trainers, assessors, or other staff, or
- a student within the Professional Year Program.

The ‘Consumer Protection Policy and Procedure’ and the ‘Continuous Improvement Policy and Procedure’ provide additional information to support the complaint and appeals management system.

2. Abbreviations/Definitions

Appeal	A formal application to have an assessment decision or finding reviewed
Appellant	The person who is asking to have an assessment decision or finding reviewed
ACS	Australian Computer Society
Accounting PYP	Accounting Professional Year Program
Complaint	A grievance that requires a formal resolution process.
Complainant	The person or organisation who has raised the complaint
PE	Performance Education, a trading name applied by PE Pty Ltd
RTO	Registered Training Organisation

3. Policy

PE understands that from time to time stakeholders may wish to make a formal complaint about an aspect of service delivery or choose to appeal an assessment decision or process that they feel is unfair. PE welcomes such feedback as it provides valuable information that can be used to meet the needs of its stakeholders and improve the delivery of its service and its working environment. The principles of the organisation's complaints and appeals process are as follows;

- The Complaints and Appeals policy and procedure is free and publically available to all stakeholders.
- Information on how to make a complaint/appeal is available in this policy and the following related documents listed below:
 - Consumer Protection Policy and Procedure
 - PE website
 - ACS Complaint Policy (as referenced in parts of this Policy)
- So that stakeholders are aware of their rights and options for making a complaint or providing feedback, clients are entitled to contact the appropriate state-based Training Ombudsman websites. Information can be found at these addresses:
 - NSW: www.ombo.nsw.gov.au, VIC: www.ombudsman.vic.gov.au, SA: www.ombudsman.sa.gov.au, WA: www.ombudsman.wa.gov.au, QLD: www.ombudsman.qld.gov.au.
- Complaints and appeals are investigated and resolved as quickly as possible. Where practicable complaints are resolved at the time that they are raised.
- All *formal* complaints and appeals received are acknowledged in writing within 3 *working days* and finalised after a comprehensive investigation has occurred.
- PE aims to form a response to the complainant/appellant within 10 working days of all formal complaint/appeal being received.
- Where the organisation considers more than 60 calendar days are required to process and finalise the complaint/appeal they will inform the complainant/appellant in writing as to why this is required and will provide the complainant/appellant regular progress updates on the progress of this matter. Updates will be provided in writing.
- Procedural fairness and the principles of natural justice are adopted at each stage of the complaint/appeal process.
- For Formal complaints, the decision maker is always independent of the complaint being reviewed.
- Confidentiality of information is maintained at all stages of the complaint/appeal process in accordance with our Privacy Policy (see PE website for details).
- Where Formal complaints and appeals are unable to be resolved internally and at the request of the individual a review by an appropriate independent party of the RTO and the complainant/appellant occurs.
- To mitigate the likelihood of a similar complaint/appeal reoccurring opportunities for improvement identified through the complaints and appeals process are actioned through the organisation's continuous improvement process.
- PE securely maintains records of all complaints and appeals and their outcomes for a period of 30 years.

- PE may at times share information regarding the complaint or appeal with their accrediting bodies to assist in complaint and appeal management as per the terms and conditions with the accrediting bodies.
- All customers may request updates to their complaints and appeals at any time during the process, however, must also accept that at times PE may be awaiting response from other parties which may lead to no current developments. PE always seeks to resolve complaints in a timely, compliant and efficient manner.

4. Procedure

4.1 Informal Complaint

Complaints can range in severity and complexity. Informal complaints may be received verbally or in written form. Informal complaints are usually appropriate when:

- the stakeholder wants to complain informally
- the complaint/appeal is less serious and will not affect the stakeholder or the company in a major way
- there is chance of stopping the problem quickly before it becomes a major issue
- a suitable resolution can be found quickly and does not hinder the stakeholder, the business or the business activity

4.2 Informal complaint resolution:

Students must first make a complaint/appeal informally and follow the process in VII. All steps must be undertaken before a formal complaint can be made.

- I. Resolve concerns or difficulties with the person directly. For Program related complaints, students may wish to speak to the Operations team to assist them with the informal complaint. For delivery based complaints or appeals, students may wish to first speak with the Trainer and Assessor, the Campus Coordinator (Qld, S.A. and W.A. only), or the customer service team for assistance in making a complaint or appeal. These team members are experienced at counselling students and are available to assist students to resolve issues of an informal nature.
 - II. Once a complaint/appeal is received, investigate all avenues, including the actions of other parties involved, if any. At all times, seek to be fair to all concerned, follow due process according to relevant policies and procedures in place.
 - III. Should you require further approval and clarification, always consult with your direct line manager to ensure that approval for the decision is made, where necessary. In most cases this will be the National Operations Manager.
 - IV. All communications, actions taken and outcomes should be provided in RTOM in the student's file for reference and clarity of process, actions taken and results in relation to the complaint/appeal.
 - V. For further clarification, where necessary consult the National Operations Manager for advice and guidance on policy and procedure and/or approval. The National Operations Manager may consult Compliance regarding the complaint/appeal.
 - VI. Where students are dissatisfied with the outcome or the grievance is of significant and ongoing concern, students may proceed to the formal complaints and appeals process.
- VII. PE complaints procedure:
- 1. Student complains to PE staff

- 2. PE staff tries to resolve
- 3. Not resolved, escalates to National Program Manager
- 4. Not resolved, escalates to National Operations Manager
- 5. Not resolved, student may put in formal complaint to Compliance Manager in writing to compliance@gradability.com.au

4.3 Formal complaint

Formal complaints must be received in writing following completion and unsatisfactory result from the informal complaints procedure, in most cases. Formal complaints require a process of investigation to take place in order to resolve the issue at hand and must include details of the grievance and how this has affected the complainant in a negative manner.

The formal complaint process should be followed if:

- The stakeholder feels threatened or feels they could be harmed in any way
- The informal complaint resolution was unsatisfactory or did not resolve the issue
- The stakeholder feels negatively impacted by the situation in a manner that they cannot proceed as per normal. Evidence must be provided to support this.

Generally, formal complaints will have more details and evidence provided to substantiate the complaint. If this is not evident then these will be requested from the complainant in order to understand the nature and gravity of the complaint.

4.4 Formal complaint process

Formal complaints can be addressed to the Compliance Manager by writing and email or a letter outlining the type and cause of their grievance. Contact details for the Compliance Manager are as follows:

Compliance Manager
 Level 6, 11-31 York St,
 Sydney NSW 2000
 Email: compliance@PE.com.au
 Tel: +61 (0)2 9619 5350

All complaint/appeal communication/documentation at each stage of the complaint/appeal resolution process is managed in accordance with the organisation's Privacy Policy and Procedure. In the case of appeal students are asked to lodge an appeal within 28 days of the unfavourable assessment decision being made. *Complaints/Appeals process is found in Diagram 1 of this document.*

I. Acknowledgment of Complaint/Appeal

Within 3 working days of receiving the Formal written complaint/appeal, the Compliance Manager will acknowledge in writing that they have received the complaint/appeal and will outline the next steps in the resolution process.

II. Investigation/Moderation

A comprehensive and objective investigation that respects the rights and privacy of all involved, subsequently occurs. The principles of procedural fairness and natural justice are adopted at each stage of the complaint process. *Please refer to Diagram 1 below.* Investigation may include speaking with individuals involved (separately) and requesting further evidence. Should such a meeting need to

take place a complainant or respondent is entitled to be accompanied by a support person. A resolution will be provided within 10 working days of receipt of the formal complaint.

Where this process could take over 60 days the complainant will be notified in writing as to why this is required and will be provided with regular progress updates on the progress of this matter.

In the case of an **appeal** regarding a student's assessment task(s) the assessment will be reviewed by a suitably qualified independent panel consisting of at least two Trainer and Assessors (moderation activity) to ensure that the principles of assessment and rules of evidence have been implemented. Recommendations from that activity inform the outcome of the student's appeal.

III. Outcome Notification

To ensure a fair and objective process the decision maker is always independent of the decision being reviewed. The complainant/appellant is notified in writing of the outcome of their complaint (outcome notification) within 10 days from the date the complaint was initially received. Where 60 calendar days or more are required to process and finalise the complaint/appeal the complainant/appellant will be informed in writing as to why this is required and will provide the complainant/appellant regular progress updates on the matter. *Please see Appendix 2 for email template for outcome notification.*

IV. Independent Review

If the complainant/appellant is dissatisfied with the outcome of their complaint/appeal they can ask for their case to be reviewed by an independent party. PE must receive notification of this intention within 14 working days of the date of outcome notification.

In the instance that an independent review is requested, PE will organise for an independent party to review the complaint and where required mediate the resolution. There will be no additional cost to the complainant for the review of the complaint/appeal by an independent party.

If after the independent review, the complainant/appellant is still dissatisfied with the outcome of their complaint/appeal they are able to complain to the relevant authority from the table below:

Relevant authority	Contact
Performance Education	
NSW: Office of Fair Trading	www.fairtrading.nsw.gov.au
VIC: Consumer Affairs Victoria	www.consumer.vic.gov.au
QLD: Fair Trading Queensland	www.fairtrading.qld.gov.au
SA: Consumer and Business services	www.cbs.sa.gov.au
WA: Consumer protection	www.commerce.wa.gov.au/consumer-protection

If the cause of the complaint is around the collection, use, disclosure or storage of personal information the consumer can complain to the Office of the Australian Information Commissioner. Further information can be found on www.oaic.gov.au.

V. Continuous Improvement

Where an investigation or moderation activity identifies opportunities for improvement these are actioned through the organisation's continuous improvement process and added to the relevant continuous improvement register. See Continuous Improvement Policy and Procedure for more information.

VI. Non-resolution of complaint

Where the complaint is not resolved the complainant may address their complaint to the accrediting bodies or other such agencies for further independent review.

4.5 Documentation and Record Keeping

All formal complaints and appeals are recorded in PE's Complaints and Appeals Register. The register and all other associated documentation is securely stored (electronically) for a period of 30 years. All communications including emails, phone call logs and verbal communication notes regarding informal complaints (where applicable) and formal complaints should be stored in the Complaints and Appeals file in a secure folder within the Compliance files.

4.6 Monitoring

The Complaints Register is monitored by the Compliance Manager to ensure that required timeframes are met and are realistic, opportunities for improvement are actioned and the process is fair, transparent and conducted in a way that protects the rights of its consumers. The register is contained in a safe and secure folder in the Compliance files and is supported by the Privacy Act 1988.

The Executive team is made aware of all formal complaints and appeals and the outcomes of these by the Compliance Manager. Information on informal complaints will be provided to the Executive team where these may inform procedural change.

5. Related Documents

- ACS Complaints Policy and Procedure
- PE Privacy Policy
- Privacy Act 1988
- Consumer protection Policy and Procedure
- Complaints and Appeals Register
- Continuous Improvement Register

Diagram 1 PE Formal Complaints and Appeals Procedure



NB. Where the organisation considers more than **60** calendar days are required to process and finalise the complaint/appeal they will inform the complainant/appellant in writing as to why this is required and will provide the complainant/appellant regular progress updates on the progress of this matter. Updates will be provided in writing.

Diagram 2: Formal Complaints and Appeals Procedure

