COMPLAINTS AND APPEALS POLICY

RELEVANT STANDARD(S): *Standards for Registered Training Organisations (RTOs) 2015 Standard 2 and 6; National Code Standard 8*

PURPOSE

College of New Wales is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (SRTOs 2015) and the National Code of the Department of Education and Training. This policy provides the framework and general principles for complaints and appeals of **College of New Wales.**

This policy is based on providing and maintaining training services that are fair and reasonable and afford a forum where issues or inadequacies can be resolved. The **College of New Wales** process provides adequate opportunity for complaints and appeals to be forwarded to **College of New Wales** management for resolution in a timely, confidential and sensitive manner. **College of New Wales** will ensure that the principles of natural justice and procedural fairness will be adhered to throughout the hearing of all complaints and appeals.

The object of this policy is to ensure that **College of New Wales** staff act in a professional manner at all times. This policy provides clients with a clear process to register a complaint. It ensures all parties involved are kept informed of the resulting actions and outcomes.

SCOPE

College of New Wales acknowledges the student's right to lodge a complaint or appeal when they are dissatisfied with the training and/or assessment services and experiences that they have been provided by **College of New Wales** or by a third-party provider (if applicable).

College of New Wales ensures that clients have access to a fair and equitable process for expressing complaints and appeals, and that **College of New Wales** will manage the complaint by implementing principles of natural justice and procedural fairness.

With this **College of New Wales** ensures that:

1. It has a procedure for collecting and managing complaints and appeals in a constructive, timely, confidential and sensitive manner.
2. These procedures are communicated to all staff, contractors, third party partners and students.
3. Each complaint and appeal and its outcome are recorded in writing.
4. Complainants and appellants are given written statements or communication of the appeal or complaints handling outcomes, including decision and reason for the decision.
5. Outcomes of complaints and appeals are utilised to review to review current practices which may potentially lead to continuous improvement initiatives in order to mitigate the likelihood of the complaints and appeals.

POLICY PRINCIPLES

Complaints and Appeals Policy:

1. Details concerning the scope of **College of New Wales** Complaints and Appeals Policy are to be clearly displayed throughout the **College of New Wales** and contained within Moodle.

2. Complaints and appeals are treated seriously and dealt promptly, impartially, sensitively and in confidence.

3. Complaints and Appeals will be resolved on an individual case basis and as the needs arise.

4. All **College of New Wales** students have the right to express a concern or problem and/or lodge a formal complaint, at minimal or no cost to the student, if they are dissatisfied with the training and assessment services they have been provided, including through a third party (if applicable) or the behavioural conduct of another learner or **College of New Wales**.

5. **College of New Wales** supports the right of a student to lodge an appeal, at minimal or no cost to the student, against any assessment decision and will not impair that right in any way. **College of New Wales** will do everything possible to address the appeal in an unbiased and professional manner.

6. The **College of New Wales** allows all parties involved, where desired, to be accompanied and assisted by a support person at any relevant meetings.

7. In the event that a student lodges a complaint or appeal, the student's enrolment will be retained by the **College of New Wales** for as long as the complaints and appeals process is ongoing and unless otherwise invalidated by the result of the complaints and appeals process.

8. The handling of a complaint or appeal is to commence within 10 working days of the lodgement of the complaint or appeal and all reasonable measures are taken to finalise the process as soon as practicable.

9. All complaints and appeals are acknowledged in writing and finalised as soon as practicable. **College of New Wales** will aim to complete the complaints process as quickly as possible. **College of New Wales** will keep the learner informed of the progress of the complaint throughout the process by phone communication, email correspondence or face-to-face meeting.

10. If the complaint will take in excess of 60 calendar days to finalise, **College of New Wales** will inform the complainant in writing providing the reasons why more than 60 calendar days are required.

11. The **College of New Wales** will immediately inform the student of the decision resulting from the lodged complaint or appeal. Where the result of the complaints and appeals process, may be internal or external, arrives in a decision in favour of the student the **College of New Wales** will promptly implement any and all corrective actions and preventive measures required.

12. In the event that a student is dissatisfied with the result or conduct of the complaint handling or appeals process of the **College of New Wales**, student is advised of their right to an external complaints and appeals process to be conducted by an independent person or body completely separate from the **College of New Wales**.

13. Where a student exercises their right to access an external complaints and appeals process, the **College of New Wales** ensures that arrangements are in place for an independent and external person or body, completely separate from **College of New Wales**, to hear and review the complaints or appeals of the student. Where applicable, the **College of New Wales** may also refer the student to an existing body appropriate for the nature of the complaint or appeal.

14. In the event of a suspension or a cancellation of a student's training, he/she will be given 20 working days to initiate an internal appeal, unless his health or wellbeing, or the wellbeing of others, is at risk. The suspension or cancellation will not be official until either the 20-day period has run its course, or the appeals process yielded a result that does not favour the student.

15. Overseas students will be reminded of their right to an external appeals process, should the internal appeal yield an outcome that does not favour them. An external appeal is part of the general appeals process, so if an overseas student decides to pursue an external appeal, any cancellation or suspension of his training will not yet be official until the external appeal process has been concluded.

16. If the conclusion of an appeal, whether internal or external, favours a student, the final recommendations of the appeal process will be immediately acted upon.

17. All complaints will be recorded in the **College of New Wales** Complaints and Appeals Register and on PRISMS. These records including the outcomes will be secured and maintained by **College of New Wales**.

18. No **College of New Wales** shall disclose information to any person without the permission of the **Training Manager**, a decision to release information to third parties can only be made after the complainant is given permission for this to occur.

Types of Complaints

A complaint or grievance may include allegations involving the conduct of:

1. The RTO, its trainers and assessors, or other staff members; or
2. A third party providing services on behalf of **College of New Wales;** or
3. A student of **College of New Wales**

Grounds for Appeal

Valid grounds for an appeal against an assessment decision (where the client feels the assessment decision is incorrect) could include the following:

1. The judgment as to whether competency has been achieved and demonstrated was made incorrectly;
2. The judgement was not made in accordance with the Assessment Plan;
3. Alleged bias of the assessor;
4. Alleged lack of competence of the assessor;
5. Alleged wrong information from the assessor regarding the assessment process;
6. Alleged inappropriate assessment process for the particular competency;
7. Faulty or inappropriate equipment; and/or
8. Inappropriate conditions

Appeal Outcomes

1. Appeal is upheld; in this event the following options will be available:
    a. The **College of New Wales** assessment will be re-assessed, potentially by another assessor.
    b. Appropriate recognition will be granted.
    c. A new assessment shall be conducted / arranged.
2. Appeal is rejected / not upheld; in accordance with the **College of New Wales** assessment policy the client will be required to:
    a. Undertake further training or experience prior to further assessment; or
    b. Re-submit further evidence; or
    c. Submit / undertake a new assessment

Complaints and Appeals Process

1. **College of New Wales** adopts the principles of natural justice and procedural fairness at every stage of the complaints and appeals process. **College of New Wales** handles and manages all complaints and appeals in accordance to the **Complaints Handling Process and Appeals Process** document.
2. Students are provided with a clear process to follow in order to lodge a complaint or an appeal. All parties involved will be kept informed of the resulting actions and outcomes.

3. If a student has a complaint, they are encouraged to speak immediately with the trainer / assessor to resolve the issue. If the complainant is not satisfied that the issue has been resolved they will be asked to complete a complaints form, to lodge a formal complaint.

4. The complainant resolution procedure is based on the understanding that no action will be taken without consulting the complainant and respondent, using a process of discussion, cooperation and conciliation. The rights of the complainant and respondent will be acknowledged and protected throughout the complaint resolution process, including the conduct of separate interviews initially.

5. In the interest of confidentiality, the number of people involved in the resolution process will be kept to a minimum. All complaints will be handled as staff-in-confidence and will not affect or bias the progress of the client in any current of future training.

6. Final decisions will be made by the **Training Manager** of **College of New Wales** or an independent party to the complainant.

7. 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.

8. **College of New Wales** reserves the right to nominate or agree to the independent party and will cooperate fully with the independent third party review.

Consumer Protection Officer

At **College of New Wales**, the **Training Manager** will be appointed the Consumer Protection Officer. The Consumer Protection Officer will be the primary point of contact for all complaints and appeals.

The **Training Manager** may delegate responsibility for the resolution of the complaint and appeal if necessary. **College of New Wales** will ensure that its staff and those acting on its behalf in accordance with the **College of New Wales**'s Code of Conduct and Appeals Policy.

MONITORING AND IMPROVEMENT

All complaints and appeals will be discussed at Management Meetings and/or in Continuous Improvement Meetings to identify potential causes of complaints or appeals, to discuss appropriate corrective action to eliminate or mitigate the likelihood of re-occurrence, and to identify an opportunity for continuous improvement of the processes.

ANNEX

Contact numbers for External Complaints and Appeals

If you have a complaint and you are studying at a private education provider, contact the **Overseas Student Ombudsman.**

If you have an inquiry about visas or immigration visit the **Department of Home Affairs (DHA) website.**

VERSION CONTROL

Version Control Table			
Date	Summary of Modifications	Modified by	Version
21/02/2018	Policy Creation	College of New South Wales	v. 1.0
18/06/2023	Policy review and amendment of contact details	College of New South Wales	V.1.1