

## Purpose

The complaints and appeals process is available to all persons wishing to make a complaint, appeal or any other manner of objection in relation to the conduct or decisions of Training Helps.

The purpose of this policy and procedure is to outline the approach to effectively and efficiently manage academic or non-academic grievances through informal complaints, formal complaints and appeals. It provides a transparent approach for all complaints and appeals to be addressed in a fair, efficient and confidential manner.

This policy and procedure ensures compliance with Clause 6 of the Standards for Registered Training Organisations (RTOs) 2015.

## Definitions

**ASQA** means Australian Skills Quality Authority, the national VET regulator and the RTO's registering body

**Appeal** means a request for a decision made by Training Helps to be reviewed

**DET** means Department of Education and Training

**Complaint** means a person's formal expression of dissatisfaction with any product or service provided by Training Helps.

**Services** means training, assessment, related educational and support services and/or activities related to the recruitment of prospective learners. It does not include services such as learner counselling, mediation or ICT support

**Standards** means the Standards for Registered Training Organisations (RTOs) 2015 from the VET Quality Framework, also referred to as SRTOs

## Policy

### 1. Nature of complaints and appeals

- Training Helps responds to all allegations involving the conduct of:
  - Training Helps, its trainers and assessors and other staff.
  - Any third party providing Services on behalf of Training Helps and including education agents.
  - Any learner or client of Training Helps.
- Complaints may be made in relation to any of Training Helps's services and activities such as:
  - the application and enrolment process
  - marketing information
  - the quality of training and assessment provided
  - training and assessment matters, including learner progress, learner support and assessment requirements
  - fees and refund outcome
  - the way someone has been treated
  - the actions of another learner
- An appeal is a request for a decision made by Training Helps to be reviewed. Decisions may have been about:

- course admissions
- refund assessments
- response to a complaint
- assessment outcomes / results
- other general decisions made by Training Helps

## 2. Principles of resolution

- Training Helps is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, Training Helps ensures that complaints and appeals:
  - Are responded to in a professional, consistent and transparent manner.
  - Are responded to promptly, fairly, objectively, with sensitivity and confidentiality.
  - Are able to be made at no cost to the individual.
  - Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.
- Where possible, Training Helps will initially attempt to resolve the complaints informally through discussions and general mediation in relation to the learner's grievance. The formal a complaint or appeal process will follow if the student is not satisfied with outcome of the informal attempt.
- Training Helps will inform all persons or parties involved in any allegations made as well as providing them with an opportunity to present their side of the matter.
- There are no charges for learners to submit a complaint or appeal to Training Helps, or to seek information or advice about doing so.
- 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.

## 3. Making a complaint or an appeal

- Complaints about a particular incident should be made as soon as possible after the incident occurring and appeals must be made within 28 working days of the original decision being made.
- Complaints and appeals should be made in writing using the *Complaints and Appeals Form*, or other written format and email to [complaints@thlearning.edu.au](mailto:complaints@thlearning.edu.au)

When making a complaint or appeal, provide as much information as possible to enable Training Helps to investigate and determine an appropriate solution. This should include:

- The issue you are complaining about or the decision you are appealing – describe what happened and how it affected you.
- Any evidence you have to support your complaint or appeal.
- Details about the steps you have already taken to resolve the issue.
- Suggestions about how the matter might be resolved.

## 4. Timeframes for resolution

- The complaint or appeal will be acknowledged in writing within 3 business days.

- The complaints and appeals process will commence within 10 business days of receipt of the formal complaints. Complaints and appeals will be finalised as soon as practicable or at least within 28 working days unless there is a significant reason for the matter to take longer.
- In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated weekly on the progress of the matter until such a time that the matter is resolved.

## 5. Resolution of complaints and appeals

- Some or all members of the management team of Training Helps will be involved in resolving complaints and appeals as outlined in the procedures.
- Where a complaint or appeal involves another individual or organisation, they will be given the opportunity to respond to any allegations made.
- Where a third party delivering Services on behalf of Training Helps is involved, they will also be included in the process of resolving the complaint or appeal.
- Each party involved in the complaint or appeal may have a support person of their choice present at meetings scheduled to resolve the issue.
- In the case of an assessment appeal, an assessor who is independent from the original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task. The complainant or appellant will be advised in writing of the outcome of the process and the reasons for the findings made.
- For those learners who choose to access this policy and procedure, Training Helps will maintain the learner's enrolment while the complaints and appeals process is ongoing.

## 6. Independent Parties

- Training Helps acknowledges the need for an appropriate independent party to be appointed to review a matter where this is requested by the complainant or appellant and the internal processes have failed to resolve the matter. Costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by Training Helps.
  - All other complainants or appellants can find an appropriate independent party by calling the Resolution Institute on 02 9251 3366 or by searching the following directory, according to locality and area/s of concern: <https://www.resolution.institute/disputeresolverdirectory>
  - Training Helps will provide complete cooperation with the external mediator investigating the complaint/appeal and will be bound by the recommendations arising out of this process.
  - The CEO will ensure that any recommendations made are implemented within twenty (20) days of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation.

## 7. External complaint avenues

- Complaints can also be made via the following avenues:
  - 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. Consumers can register a complaint with the National Training Complaints Hotline by:

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

- Email: [ntch@education.gov.au](mailto:ntch@education.gov.au)
- Australian Skills Quality Authority (ASQA):

Complainants may also complain to Training Helps's regulatory body, Australian Skills Quality Authority (ASQA). ASQA can investigate complaints about Training Helps in relation to:

  - the quality of our training and assessment
  - our marketing and advertising practices
  - ASQA may not be able to investigate complaint if you do not include evidence that you have already exhausted our formal internal complaints process as above.
  - If your complaint does not fall within ASQA's jurisdiction, it may be resolved more quickly if you directly contact the agency responsible as listed on the relevant webpage below.
  - Please refer to the relevant webpage below before making a complaint to ASQA:
    - <https://www.asqa.gov.au/complaints>

## 8. Records of complaints and appeals

Training Helps will maintain a record of all complaints and appeals and their outcomes and reasons for the outcomes on the *Complaints and Appeals Register*, which will be securely stored according to the Privacy Policy and Procedures.

## 9. Publication

This policy and procedure will be published in the Student Handbook and on Training Helps's website.

## Procedures

### 1. Complaints management

Procedure	Responsibility
<p><b>A. Making an Informal complaint or an appeal</b></p> <ul style="list-style-type: none"> <li>For an initial/informal complaint or appeal, the complainant (learner) should advise Training Helps and attempts to solve the grievances informally with the relevant party.                             <ul style="list-style-type: none"> <li>If the learner is <b>satisfied</b> with the outcome, no further action is needed.</li> <li>If the learner is <b>not satisfied</b> with the outcome, progress to formal complaints process</li> </ul> </li> <li>Resolve the matter informally within 10 working days</li> </ul>	Learner Relevant Party
<p><b>B. Receive and acknowledge complaint</b></p> <ul style="list-style-type: none"> <li>If the matter is not resolved informally, complaints are to be made in writing by the complainant, attention to the CEO.</li> <li>The CEO should review all complaints upon receipt.</li> <li>Acknowledge receipt of complaint in writing by sending a letter to complainant within 3 working days of receipt. Use <i>Complaint/ Appeal Acknowledgement Letter</i>.</li> <li>Record details of the complaint on the <i>Complaints and Appeals Register</i>.</li> <li>Commence process of investigation within 10 days of receiving the complaint.</li> </ul>	CEO
<p><b>C. Investigate the complaint</b></p> <ul style="list-style-type: none"> <li>Upon receiving the complaint, the matter is to be investigated to ensure all relevant information is available and it is accurate and complete.</li> <li>The CEO will appoint and convene the Complaint Committee to hear the complaint. The complaint committee will consist of a panel of two persons, where possible within 10 days of receiving the complaint.</li> <li>Further details from the complainant, respondent or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face. Where the meeting is face to face, the complainant may be accompanied by a support person.</li> <li>If the matter is in relation to a third party delivering Services on behalf of Training Helps, the third party should be involved in the resolution of the complaint.</li> <li>The investigation will also identify corrective and preventative action which will be immediately implemented as per the next section of this procedure.</li> <li>The Complaints Committee will review the information and decide on an appropriate response and resolution within 10 working days of convening the Complaints Committee</li> </ul>	CEO Complaints Committee

Procedure	Responsibility
<ul style="list-style-type: none"> <li>The Complainant is subsequently notified in writing within 5 working day.</li> <li>Note: The complaint must be completely resolved within 28 working days of receipt of the original complaint. If the matter is particularly complex and it is going to take longer to resolve, the complainant is to be advised in writing along with reasons for the extra time. They must be provided with updates on progress on a weekly basis thereafter until the matter is resolved.</li> </ul>	
<p><b>D. Advise of the outcome and update records</b></p> <ul style="list-style-type: none"> <li>Provide a written response to the complainant outlining: <ul style="list-style-type: none"> <li>Training Helps’s understanding of the complaint</li> <li>The steps taken to investigate and resolve the complaint</li> <li>Decisions made about resolution, with reasons for the decisions made</li> <li>Areas that have been identified as possible causes of the complaint and improvements to be recommended</li> <li>Their right to access the appeals process if they are not satisfied with the outcome of the complaints process.</li> </ul> </li> <li>If the Complainant is unsatisfied with the outcome, an appeal must be lodged in writing within 10 working days of the date of the notification.</li> <li>Update the Complaints and Appeals Register so it includes the outcome of the complaint and showing the decision that has been made, as well as any corrective/preventative actions identify to address the issue.</li> <li>Update the Continuous Improvement Register showing the decision that has been made in relation to the complaint, as well as any corrective/preventative actions identified to address the issue.</li> <li>Keep a copy of the complaint and supporting documents in the Complaints file and in the learner or staff file (where relevant).</li> <li>Immediately implement actions related to decisions that supports the learner and/or corrective or preventative actions required.</li> </ul>	CEO

## 2. Appeals management

Procedure	Responsibility
<p><b>A. Receive and acknowledge appeal</b></p> <ul style="list-style-type: none"> <li>Upon receipt of a request for an appeal, acknowledge receipt of appeal in writing to appellant within 3 working days of receipt. Use <i>Complaint/Appeal Acknowledgement Letter</i>.</li> <li>Record details of appeal on the <i>Complaints and Appeals Register</i>.</li> </ul>	CEO

Procedure	Responsibility
<p><b>B. Respond to assessment appeals</b></p> <ul style="list-style-type: none"> <li>• In the case of appeals against assessment decisions, the original assessment decision will be reviewed by having an assessor independent of the original decision, mark the assessment task again.</li> <li>• The assessment decision made during the appeals process will be considered the actual assessment outcome for the task.</li> <li>• Advise the learner of the outcome of the appeal with 10 working days of an appeal</li> </ul>	CEO
<p><b>C. Respond to appeals against non-academic decisions</b></p> <ul style="list-style-type: none"> <li>• Upon receiving the appeal, the matter is to be investigated to identify the original decision made and the reasons for the decision. There will be no cost to the appellant.</li> <li>• Further details from the appellant, respondent, the person who made the original decision, or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face.</li> <li>• If the matter is in relation to a third party delivering Services on behalf of Training Helps, the third party should be involved in the resolution of the appeal.</li> <li>• The appellant may request for an independent party (mediator) to be involved in the process. Where this is requested by the appellant, they will bear the costs associated. Additionally, Training Helps may decide to call upon an independent mediator to assist to resolve the issue where a decision cannot be reached internally. This cost will be covered by Training Helps.</li> <li>• The CEO and the management team will review all relevant information and decide on an appropriate response.</li> <li>• The investigation will also identify corrective and preventative action, which will be immediately implemented as per the next section of this procedure.</li> <li>• Note: The appeal must be resolved within 28 working days of receipt of the original appeal. If the matter is particularly complex and it is going to take longer to resolve, the appellant must be advised in writing along with reasons for the extra time. They must be provided with progress updates on a weekly basis thereafter until the matter is resolved.</li> </ul>	CEO
<p><b>D. Advise appellant of the outcome and update records</b></p> <ul style="list-style-type: none"> <li>• Provide a written response within 10 working days of concluding the internal review to the appellant outlining: <ul style="list-style-type: none"> <li>○ Training Helps’s understanding of the reasons for the appeal</li> <li>○ The steps taken to investigate and resolve the appeal</li> <li>○ Decisions made about resolution and reasons for the decisions</li> </ul> </li> </ul>	CEO

Procedure	Responsibility
<ul style="list-style-type: none"> <li>○ If relevant, areas that have been identified as possible causes of the appeal and improvements to be recommended</li> <li>○ Their right to, and information on, the external appeals process.</li> <li>○ For international learners, the effect on their enrolment status</li> <li>● Update the <i>Complaints and Appeals Register</i> so it includes the outcome of the appeal and showing the decision that has been made, as well as any corrective/preventative actions identified to address the issue.</li> <li>● Update the <i>Continuous Improvement Register</i> showing the decision that has been made in relation to the appeal, as well as any corrective/preventative actions identify to address the issue.</li> <li>● Keep a copy of the complaint and supporting documents in the Complaints file and in the learner or staff file (where relevant).</li> <li>● Immediately implement actions related to decisions that supports the learner and/or corrective or preventative actions required.</li> </ul>	

### 3. External complaint or appeal

Procedure	Responsibility
<p><b>A. External complaint or appeal</b></p> <ul style="list-style-type: none"> <li>● If dissatisfied with the internal processes, the complainant/appellant may initiate an external complaint or appeal, within 10 working day of notification of the internal appeal outcome.</li> <li>● Additionally, a complainant or appellant who has been through the internal processes may request Training Helps to appoint an independent party to review the matter.</li> <li>● Complainants and appellants can find an appropriate independent party by calling the Resolution Institute on 02 9251 3366 or by searching the following directory, according to their locality and area of concern: <a href="https://www.resolution.institute/disputeresolverdirectory">https://www.resolution.institute/disputeresolverdirectory</a></li> <li>● Co-operate fully in the process of the external party to investigate and review the matter. This will include and not be limited to providing full access to the relevant learner file/s and the internal complaints records where permitted to do so by law. All staff will be instructed to cooperate in such instances and to give an accurate account of the events as they understand them.</li> </ul>	CEO
<p><b>B. Review external complaints or appeals</b></p> <ul style="list-style-type: none"> <li>● In the event that the external party finds in favour of the learner, immediately organise a management meeting to discuss the external process and its outcome.</li> </ul>	CEO



# Complaints and Appeals Policy & Procedures



Procedure	Responsibility
<ul style="list-style-type: none"><li>• At the meeting, discuss the decision made and actions to be taken to implement the decision, including both corrective/preventative actions.</li><li>• Following the meeting, immediately implement actions.</li><li>• Advise the learner of the outcome of the complaint or appeal and the actions taken.</li></ul>	