



## Complaints and Appeals Policy & Procedure

### Purpose

The purpose of this policy and procedure is to outline Australian Teachers of Dance (ATOD's) approach to managing dissatisfaction, formal complaints and appeals of students, clients, staff and other members of the community. 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 Standard 6 of the ASQA Standards.

### 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 ATOD 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 ATOD.

**PRISMS** means Provider Registration and International Students Management System

**Overseas Student** means someone who is studying in Australia on a student visa. An overseas student is also called an international student.

**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 student counselling, mediation or ICT support

**Standards** means the Standards for Registered Training Organisations (RTOs) 2015 from the VET Quality Framework



## Policy

### 1. Nature of complaints and appeals

- ATOD responds to all allegations involving the conduct of:
  - The RTO, its trainers and assessors and other staff.
  - Any third-party providing Services on behalf of ATOD and including education agents.
- Any student or client of ATOD.
- Complaints may be made in relation to any of ATOD'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 student progress, student support and assessment requirements
  - the way someone has been treated
  - the actions of another student
- An appeal is a request for a decision made by ATOD to be reviewed. Decisions may have been about:
  - course admissions
  - refund assessments
  - response to a complaint
  - assessment outcomes / results
  - other general decisions made by ATOD

### 2. Principles of resolution

- ATOD 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, Advance Forward 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.
- ATOD 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.

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- There are no charges for students to submit a complaint or appeal to ATOD, 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 of appeal

- Complaints about a particular incident should be made as soon as possible after the incident occurring and appeals must be made within thirty (30) calendar 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 sent to ATOD via email to [rto@atod.net.au](mailto:rto@atod.net.au) or via post to head office at Suite 12/3099 Pacific highway Loganholme Qld 4129 attention to the Executive Officer.

When making a complaint or appeal, provide as much information as possible to enable ATOD 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 application. Complaints and appeals will be finalised as soon as practicable or at least within 30 calendar 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 ATOD 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.

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- Where a third-party delivering Services on behalf of the RTO 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.
- The enrolment status of student who submit a complaint will remain the same whilst the complaints and appeals process is ongoing.

## 6. Independent Parties

- ATOD 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 ATOD.
  - The independent party recommended by ATOD have a cost per matter, however complainants and appellants are able to use their own external party at their own cost. Domestic students may also access the external complaint avenues indicated below free of charge.
  - ATOD 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, and any recommendations being actioned by ATOD.

## 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)

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- Australian Skills Quality Authority (ASQA):

Complainants may also complain to ATOD's registering body, Australian Skills Quality Authority (ASQA).

ASQA can investigate complaints about ATOD in relation to:

- the quality of our training and assessment
- our marketing and advertising practices

For students:

- 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/make-complaint-domestic-students/before-you-make-complaint>

For other stakeholders:

- Information about the process and information you should provide is available here: <https://www.asqa.gov.au/complaints/make-complaint-other-stakeholders>

The OSO may not be able to investigate your complaint if you have not already exhausted our formal internal complaints process as above.

Please refer to the following website if you are considering making a complaint: <http://www.ombudsman.gov.au/making-a-complaint/overseas-students#quality-of-education-provider>

## 8. Records of complaints and appeals

ATOD 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 ATODs website.



## Procedure

### 1. Complaints management

Procedure	Responsibility
<p><b>A. Receive and acknowledge complaint</b></p> <ul style="list-style-type: none"> <li>• As per policy, complaints are to be made in writing by the complainant, attention to the Executive Officer.</li> <li>• The RTO administration team to review all complaints upon receipt.</li> <li>• Acknowledge receipt of complaint in writing by sending an email 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>	<p>Executive Officer and Administration Team</p>
<p><b>B. 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>• 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 the RTO, 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 Manager will review the information and decide on an appropriate response. Where deemed necessary by the Executive Officer, the matter may be reviewed by other members of the management team to arrive at an appropriate resolution.</li> </ul>	<p>Administration Team and Executive Officer</p>

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Procedure	Responsibility
<ul style="list-style-type: none"> <li>Note: The complaint must be completely resolved within 30 calendar 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>C. 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>The RTO'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>Update the <i>Complaints and Appeals Register</i> so it includes the outcome of the complaint 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 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 student or staff file (where relevant).</li> <li>Immediately implement actions related to decisions that supports the student and/or corrective or preventative actions required.</li> </ul>	Administration Team

## 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 by sending an email to appellant within 3 working days of receipt. Use <i>Complaint/Appeal Acknowledgement Letter</i>.</li> </ul>	Administration Team

Procedure	Responsibility
<ul style="list-style-type: none"> <li>Record details of appeal on the <i>Complaints and Appeals Register</i>.</li> </ul>	
<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 student of the outcome of the appeal.</li> </ul>	<p>Training Manager &amp; Trainer</p>
<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.</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 the RTO, 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.</li> <li>Additionally, ATOD may decide to call upon an independent mediator to assist to resolve the issue where a decision cannot be reached internally. This will be at ATOD's cost.</li> <li>ATOD Executive Officer 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> </ul> <p>Note: The appeal must be resolved within 30 calendar 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.</p>	<p>Administration Team and Executive Officer</p>



Procedure	Responsibility
<p><b>D. Advise appellant of the outcome and update records</b></p> <ul style="list-style-type: none"> <li>• Provide a written response to the appellant outlining:                             <ul style="list-style-type: none"> <li>– The RTO’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> <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 students, the effect on their enrolment status (see enrolment status in policy – 10).</li> </ul> </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 identify 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 student or staff file (where relevant).</li> <li>• Immediately implement actions related to decisions that supports the student and/or corrective or preventative actions required.</li> </ul>	<p>Administration Team</p>

### 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.</li> <li>• Additionally, a complainant or appellant who has been through the internal processes may request ATOD to appoint an independent party to review the matter.</li> <li>• Complainants and appellants are able to seek their own external parties at their own cost. Students may access the external services listed in the policy free of charge.</li> </ul>	<p>Staff as required</p>
<p><b>B. Review external complaints or appeals</b></p>	<p>Management team</p>

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<ul style="list-style-type: none"><li>• In the event that the external party finds in favour of the student, immediately organise a management meeting to discuss the external process and its outcome.</li><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 student of the outcome of the complaint or appeal and the actions taken.</li></ul>	