

Complaints and Appeals

POLICY & PROCEDURE

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1 PURPOSE AND SCOPE

The following policy and procedures outlines how we provide consumers with an accessible, transparent, fair and efficient complaints and/or appeals management process.

The Complaints and Appeals Policy and Procedure applies to all consumers and stakeholders and relates to all aspects of accredited and non-accredited service delivery (e.g. student recruitment/enrolment, delivery of training and assessment, fees and refunds, privacy, advertising and marketing practices), including complaints and appeals related to services delivered by Third Parties under a written agreement.

1.1 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.
ASQA	Australian Skills Quality Authority.
CEO	Chief Executive Officer of RTO as listed on www.training.gov.au
Complaint	A grievance that requires a formal resolution process.
Complainant	The person or organisation who has raised the complaint.
Consumer	Participant, student, candidate for assessment, person enrolled to undertake either a nationally recognised or non-accredited program with us.
Moderation	The review of completed assessment tools/instruments against the principles of assessment and rules of evidence.
Nationally Recognised Qualification	Means an AQF qualification that has endorsed in a training package or accredited in a VET accredited course.
Natural Justice	The right of a person to be made aware of, and respond to, information which will be used in the course of a decision that may negatively affect the person.
Non-accredited Training and Assessment	A learning and development program or course that is not a Nationally Recognised or accredited.
RTO	Registered Training Organisation.
Facilitator	A person employed/contracted as a trainer/assessor with us.



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2 GUIDING PRINCIPLES

We understand that from time-to-time consumers may wish to make a formal complaint regarding an aspect of service delivery or may choose to appeal an assessment decision or process they feel is unfair. We welcome such feedback as it provides valuable information which can be used to meet the needs of our consumers and improve delivery of our services.

Our complaints and appeals process principles are as follows:

- This policy and procedure is publicly available to all consumers/stakeholders.
- Information on how to make a complaint / appeal is available in the '*Complaints and Appeals Policy and Procedure*', from our website and is highlighted in the Participant Handbook.
- Complaints and appeals are investigated and resolved as quickly as possible. Where practicable, complaints are resolved at the time that they are raised; or escalated in accordance with this policy.
- All complaints and appeals are acknowledged in writing within three (3) working days of receiving the complaint and finalised after a comprehensive investigation has occurred.
- All complainants and appellants will have the right to formally present their case during the complaints or appeals process at minimal or no cost to themselves.
- All complainants and appellants are entitled to have a support person assist them at any relevant meetings.
- We aim to provide a written response to the complainant/appellant within ten (10) days of the complaint/appeal being received.
- Where we consider more than ten (10) working days are required to process and finalise the complaint/appeal we 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. An independent review will be undertaken within fourteen working (14) days from the date the complaint was received.
- Procedural fairness and the principles of natural justice are adopted at each stage of the complaint/appeal process.
- Complaints and appeals are assessed in a professional, fair and transparent manner.
- The decision maker is always independent of the decision being reviewed.
- Confidentiality of information is maintained at all stages of the complaint / appeal process.
- Where complaints and appeals are unable to be resolved internally we will inform complainants and appellants of their right to access an external complaints and appeals process, and at the request of the individual a review by an appropriate independent party will occur.
- We will immediately implement any decisions or recommendations from any internal or external complaints or appeals process that results in a finding in favour of a complainant or appellant.
- To mitigate the likelihood of a similar complaint/appeal reoccurring opportunities for improvement identified through the complaints and appeals process are actioned through our continuous improvement process.
- We will securely maintain records of all complaints and appeals and their outcomes as per our Record Retention Policy and Procedure.

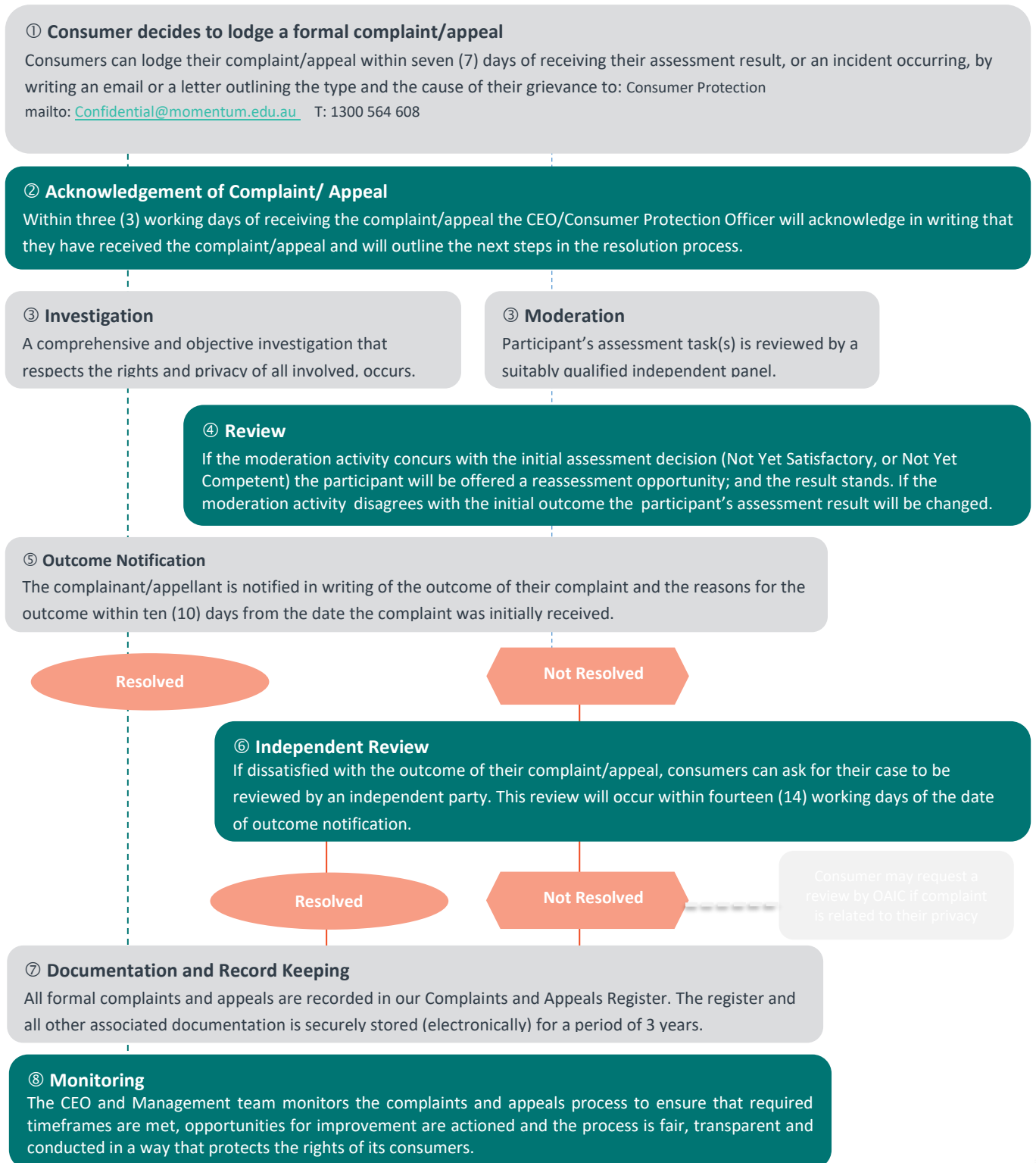


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3 PROCEDURE

The framework and process and has been summarised in the diagram below.



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3.1 LODGING A COMPLAINT OR APPEAL

3.1.1 Informal complaint/appeal

In an attempt for early resolution consumers are encouraged to raise their complaint/appeal with the relevant person / Skills Coach or speak to the CEO as soon as an issue arises. Our team are approachable and experienced in proactively resolving issues or challenges; working with consumers and stakeholders to ensure positive outcomes.

3.1.2 Formal complaint/appeal

If the complaint/appeal remains unresolved once a conversation with the relevant person occurs, consumers are to escalate their complaint/appeal to the CEO by writing an email or a letter outlining the type and the cause of their grievance. Contact the CEO or Confidential@momentum.edu.au (Tel: 1300 564 608).

To ensure the finalisation of results consumers are asked to lodge an appeal within seven (7) days of the unfavourable assessment decision being made.

3.2 ACKNOWLEDGEMENT OF COMPLAINT/ APPEAL

Within three (3) working days of receiving the complaint/appeal the CEO/Consumer Protection Officer will acknowledge in writing that they have received the complaint/appeal and will outline the next steps in the resolution process, including informing consumers that they have the right to be assisted by a support person at any meetings relevant to the complaints or appeals process.

3.3 INVESTIGATION/MODERATION

The CEO (or their delegate) schedules and carries out a comprehensive and objective investigation which respects the rights and privacy of all involved. The principles of procedural fairness and natural justice are adopted at each stage of the complaint/appeal process. The complainant or appellant is given the opportunity to formally present their case during the process. The process is completed as soon as practicable.

In the case of an appeal against an assessment decision the consumer's assessment evidence is reviewed by a suitably qualified independent panel (moderation activity) to ensure that the principles of assessment and rules of evidence have been implemented. Recommendations from this process inform the outcome of the consumer's appeal.

3.4 CONTINUOUS IMPROVEMENT

Where an investigation or moderation activity identifies opportunities for improvement these are actioned through the RTO's continuous improvement process to eliminate or mitigate the likelihood of reoccurrence of a similar complaint/appeal.

3.5 OUTCOME NOTIFICATION

To ensure a fair and objective process the decision maker is always independent of the decision being reviewed.

Appellants will, following the moderation activity have their result reviewed. If the moderation activity concurs with the initial assessment decision the assessment judgement stands and the consumer will be offered a reassessment opportunity, however if the moderation activity disagrees with the initial outcome the consumer's assessment result will be changed.



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The complainant/appellant is notified in writing of the outcome of their complaint/appeal (outcome notification) within ten (10) days from the date the complaint was initially received. The outcome notification is to include detailed reasons for the outcome.

If complainants/appellants are unsuccessful, the outcome notification will advise the complainant/appellant of their right to access an external complaints handling and appeals process at minimal or no cost. The outcome notification will suggest potential external parties based on the nature of the complaint/appeal.

Where the organisation considers more than ten (10) 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 matters.

3.6 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. In these instances, we will organise for a suitable independent party to review the complaint and where required mediate resolution. There will be no additional cost to the complainant for the review of the complaint/appeal by an independent party.

If the external complaints handling process results in a decision or recommendation in favour of the complainant/appellant, we will immediately implement the decision or recommendation and/or take the preventative or corrective action required by the decision, and advise the complainant/appellant of that action.

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.

3.7 DOCUMENTATION AND RECORD KEEPING

All formal complaints and appeals are recorded on the Complaints and Appeals Register. The register and all other associated documentation are securely stored (electronically) as per our 'Record Retention Policy and Procedure'.

3.8 MONITORING

Our CEO and quality team monitors the complaints and appeals process to ensure required timeframes are met, opportunities for improvement are actioned and the process is fair, transparent and conducted in a way that protects the rights of its consumers.

The CEO is made aware of all complaints and appeals and the outcomes of those complaints/appeals.

4 REFERENCES

- Australian Skills Quality Authority (2015) 'User's Guide Standards for Registered Training Organisations (RTOs) 2015'.
- National Code of Practice for Providers of Education and Training to Overseas Students 2018



Version History

Date	Version	Author	Approver	Revision Description
5 Aug 2021	R1	Natalie Darby	Rachelle Matousek	Policy based on version 2.0 from 4 Feb 2020. With minor revision in Feb 2021 from Jack Murray (VETNexus) to make clear the policy applies to Third Parties. Then transferred to new template.
02 Oct 2024	R2	Gee Hull	Rachelle Matousek	Updated branding and business name references

