

# Complaints and Appeals Handling Policy & Procedure

## Purpose & Legislative Background

---

As per clauses 6.1-6.6 of Standard 6 of Standards for Registered Training Organizations (RTOs) 2015, National Property College will be responsible for implementing a policy that will provide the scope, turn-around time, and record management of a complaint. Professional, timely, inexpensive, and documented complaints handling, and appeals processes ensure that grievances between students and registered providers can be heard and addressed. The purpose of this policy is to provide all enrolled students at National Property College with information about its policies and procedures for handling internal complaints, third party reviews, and external appeals. This policy is also freely and easily accessible on the National Property College Website under the Policy Section.

## Scope

---

This policy applies to and may involve issues concerning the conduct of:

- National Property College as an organization, its trainers, assessors or other staff;
- Third-party services (if any) provided on behalf of National Property College, its trainers, assessors or other staff;
- a student at National Property College.

This is an important point to note in understanding that this policy has a broad application and is not simply relevant to complaints that may be made by students. A complaint may be made by an employee about National Property College or by the trainer about the conduct of the student. Throughout this policy, we refer to the person making a complaint as simply the complainant.

## Policy

---

National Property College will handle all the Complaints and Appeals fairly, professionally, equitably, confidentially, and promptly, to achieve a satisfactory resolution as soon as practicable. Written records of all complaints and appeals will be kept in detail on student files and provided to the student.

All complaints and appeals will be reviewed as part of the continuous improvement process and where corrective action has been highlighted while achieving resolution, it will be implemented as a priority.

### Principles of resolution

National Property College 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, National Property College ensures that complaints and appeals:

- Are responded to consistently and transparently;
- Are responded to promptly, objectively, with sensitivity and confidentiality;

- Can 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.

National Property College 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.

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.

Where a student chooses to access this policy and procedure, National Property College will maintain the student's enrolment while the complaints/appeals handling process is ongoing.

National Property College will in the first instance always endeavour to resolve complaints/disputes informally. Students are encouraged to first talk to a member of staff as soon as a problem arises.

- Where possible the complaint will be dealt with immediately by the Compliance Officer/Student Support Officer.
- The formal complaints process will commence within 10 working days of National Property College receives a written complaint or appeal and supporting information.
- National Property College will take all reasonable steps to finalize the process within 30 calendar days from commencement or as soon as practicable.
- For complaints with added complexity, and example, in the instance where the review is conducted by independent parties, the resolution may take longer, hence, all learners will be notified in writing if the resolution of complaints will take longer than 60 days. Also, the reasons for the delayed temporal course of resolution will be provided in writing to the complainant
- The complainant will be provided with a written statement of the outcome of each stage of the complaint/appeal, including details of the reasons for the outcome.
- If a student chooses to access National Property College complaints and appeals processes, National Property College must maintain the student's enrolment while the complaints and appeals process is ongoing.
- If the internal or external complaint handling or appeal process results in a decision that supports the student, National Property College must immediately implement any decision and/or corrective and preventative action and advise the student of the outcome.
- National Property College will respond to any complaint or appeal a student makes regarding their dealing with the College. The college's agents or any related party the College has arrangements with to deliver a course or related services.
- College must advise students that are unsuccessful with the college's internal complaints or appeals handling and process, within 10 working days of the decision being made, of the student's right to access an external complaints and appeals process at minimal or no cost to resolve the dispute.

- The college must advise the student of the contact details of the appropriate external complaints handling and appeals body.
- If the student is not satisfied with the result or conduct of National Property College internal complaints handling and appeals process, National Property College will assist the student to access independent mediation at minimal or no cost to resolve the dispute.
- If a student is not satisfied with the result or conduct of our internal complaints and appeals process, the college must advise the student of his or her right to access the external appeals process at minimal or no cost.
- The college may decide to exclude a student from attending classes but continue to provide work to complete outside of the classroom environment. The college acknowledges that denying students learning opportunities throughout the appeals process may disadvantage the student should the appeals process find in their favour.
- National Property College will not exclude a student from the course until the student has been allowed to access our internal and **ONE** external complaint and appeals process.
- National Property College will await the outcome of this process (and if, in favour of the provider) before cancelling the enrolment of the student.
- If the appeal is against the College's decision to defer, suspend or cancel a student's enrolment due to misbehaviour or breach of college rules, National Property College will notify the student after the outcome of the internal appeals process.
- Complaints/appeals against academic decisions will be accepted up to fourteen (14) days from the date an assessment result was received.

Independent mediation is available through the Resolution Institute.

**Telephone:**

At present, there is no fee for use of this service, but this may change.

If mediation is sought, the mediator is required to report the outcome of the mediation, including any recommendations arising, within 20 days of the completion of the review. Once the college receives the report of the outcomes from independent mediation, they will provide a written report to the complainant within 10 working days on the recommended actions to resolve the grievance.

**Making a complaint or 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 must be made in writing using the Complaints and Appeals Form, or other written format and sent to National Property College's head office with attention to the Chief Executive Officer.

When making a complaint or appeal, provide as much information as possible to enable National Property College 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.

Your complaint or appeal will be acknowledged in writing via email or post within 7 days.

### **Complaint or appeal procedure**

A participant enrolled in a course who has a complaint on any matter, will be allowed to present their case. The participant should undertake the following steps:

- In the first instance, an informal approach is to be made to the person with whom the participant has the complaint, to see if the matter can be resolved in a mutually satisfactory way;
- If not satisfied OR unable to undertake Step 1, the student is then to complain in writing for investigation;
- A complaint, if not resolved informally, must be lodged in writing no later than (14) days from the date of the incident considered to have caused the complaint;
- An investigation **must be** commenced within 10 working days of written/formal lodgement;
- The student (and support person if required) will be invited to attend a meeting to discuss / formally present the complaint/appeal at no cost to them;
- The investigating officer must provide a written outcome of the complaint/investigation to the complainant and the Chief Executive Officer within 30 days of the written receipt wherever possible or as soon as practicable;
- If the internal or external complaint or appeal process results in a decision that supports the student, National Property College will immediately implement any decision and/or corrective and preventative action required and advises the student of the outcome;
- College must advise students that are unsuccessful with the college's internal complaints or appeals handling and process, within 10 working days of the decision being made, of the student's right to access an external complaints and appeals process at minimal or no cost to resolve the dispute;
- Written records of all complaints and appeals will be kept in detail at each stage (including corrective and preventative action, reasons, and outcomes) on student files and provided to the student.

### **Resolution of complaints and appeals**

- Some or all members of the management team of National Property College 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 allowed to respond to any allegations made;
- Where a third-party delivering services on behalf of National Property College is involved, they will be included in the process of resolving the complaint or appeal;

- In the case of an assessment appeal, an assessor who is independent of the original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task.

### **Timeframes for resolution**

Complaints and appeals will be finalized 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.

### **Records of complaints and appeals**

National Property College will maintain a record of all complaints and appeals and their outcomes on the Complaints and Appeals Register, which will be securely stored according to the Privacy Policy & Procedures.

### **Independent parties**

- National Property College 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;
- 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: <https://www.resolution.institute/disputeresolverdirectory/>;
- 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 National Property College;
- National Property College may also appoint the independent party to be involved in the resolution of a complaint or appeal where it is deemed necessary;
- National Property College 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.

### **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, from 8 am to 6 pm nationally.
- Email: [NTCH@dese.gov.au](mailto:NTCH@dese.gov.au)

- For more information about the National Training Complaints Hotline, refer to the following webpage: <https://www.education.gov.au/NTCH>

#### Australian Skills Quality Authority (ASQA):

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

ASQA can investigate complaints about National Property College concerning:

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

#### **For students:**

ASQA may not be able to investigate complaints 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 following webpage below before making a complaint to ASQA: <https://www.asqa.gov.au/complaints/complaints-about-training-providers>

#### **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>

## Management Action and Responsibility

The Student Support Officer is responsible for the overall implementation of this policy & organising the Complaints and Appeals Meeting at least once every quarter. She/he is responsible to present and accumulate all relevant evidence regarding the complaint.

All the staff will support the Student Support Officer in the implementation of the procedure following the standards.

CEO has overarching responsibility for approving this policy.

## Definitions

**Complaint:** A complaint is generally negative feedback about services or people which has not been resolved locally. Examples include but are not limited to:

- Course information, publicity or advertising material;
- Course fees information or relating to financial matters;
- Program content or structure;
- Equipment, teaching resources or program delivery;
- Staff qualification & skills;
- Assessment information or process;
- Student support & guidance;

- Assessment review/appeal (also see Academic Appeals);
- Student transfer;
- Student leave, course cancellation, suspension or deferment.

**Appeal:** An appeal is a request for a decision made by National Property College to be reviewed.

Decisions may have been about:

- course admissions
- refund assessments
- response to a complaint
- assessment outcomes/results
- other general decisions made by National Property College.

**AQF:** means Australian Qualifications Framework which can be accessed at <http://www.aqf.edu.au/>

**DESE:** Department of Education, Skills and Employment

**ASQA:** means Australian Skills Quality Authority which is the national VET regulator and the National Property College's registering body

**Course:** means any nationally recognized qualification, unit of competency, skill set, or short course delivered by the National Property College.

## Legislative Context

---

The legislative base for this policy is as follows:

- National Vocational Education and Training Regulator Act 2011 (Cth)
- Standards for Registered Training Organisation 2015
- Human Rights and Equal Opportunity Commission Act 1986
- Equal Opportunity Act of 1995