

# Complaints and Appeals Policy and Procedure



## 1. Purpose

This Complaints and Appeals Policy and Procedure is designed to ensure that RGIT responds effectively and efficiently to individual cases of dissatisfaction in accordance with the requirements of the Standards for RTOs 2015 (Standard 6) and Higher Education Support (VET) Guideline (Part 5) and the Higher Education Support Act 2003 (Schedule 1A – Clause 19-45).

## 2. Scope

This policy and procedure applies to all RGIT students and prospective students who wish to enrol at RGIT including students undertaking training and assessment with RGIT's partner providers.

## 3. Responsibility

The Chief Executive Officer (CEO) is responsible for the implementation of this policy and procedure and ensuring that staff and students are made aware of its application.

## 4. Definitions

**Complainant** refers to a person who has lodged a complaint with RGIT.

**Complaint** means a person's expression of dissatisfaction with any service provided by RGIT including academic and non-academic matters.

**Appeal** refers to the process where a student requests for the case to be reviewed if dissatisfied with a decision made by RGIT.

**Academic matters** include those matters which relate to student progress, assessment, course content or awards in a VET course of study.

**Non-academic matters** include those matters related to student enrolment, induction, or orientation process, quality of education and discrimination or harassment that the student may have experienced.

**Student/s** refers to all persons enrolled or seeking to enrol in a unit of study/course under the VET FEE-HELP loan scheme including full fee paying students.

## 5. Policy

RGIT understands that on occasion, there may be instances of dissatisfaction and acknowledges that the cause(s) must be addressed and rectified promptly.

This Complaints and Appeals Policy and Procedure will be provided to all staff and students as part of staff induction and student orientation programs and will be made publicly available on RGIT website [www.rgit.edu.au](http://www.rgit.edu.au) and Student Handbook.

RGIT will ensure that:

- all complaints are managed fairly, equitably, efficiently and in a timely manner.
- the complainant and the respondent will not be discriminated against or victimised.
- the complainant and the respondent will have the opportunity to present their case at each stage of the procedure.
- the complainant and/or the respondent will have the right to have a representative present during any negotiations with the Institute or its appointed representatives.
- the complainant and/or the respondent will have the right to appeal a decision.
- at all stages of the process, discussions relating to complaints and appeals will be recorded in writing. Reasons and full explanation for decisions and actions taken as part of this process will be provided to the complainant and/or respondent in writing.
- records of all complaints will be kept for a period of five years and treated in accordance with RGIT Privacy Policy and Privacy Act 1988. These records will be kept strictly confidential and stored at RGIT.
- there will be no cost to the complainant lodging a complaint or an appeal internally or for an external review, provided the procedures contained herein are adhered to.
- all academic and non –academic staff will be communicated and trained to ensure that they understand this policy and procedure and its application.

## 6. Procedure

### 6.1 Informal Complaint

Students are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned or relevant Departmental Manager before it becomes a formal complaint. RGIT's Student Support Officers and other staff members are available to assist students to resolve their issues at this level.

Assuming it is agreed that the complaint is dealt through this informal complaint procedure, the staff member who is consulted, shall discuss the complaint fully with the complainant and with the complainant's consent, anyone else involved, to see if it can be resolved informally. This may involve referral of the complaint to a third party.

Complaints dealt with in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless the Institute staff involved determine that the issue in question or complaint is relevant to the wider operation of RGIT.

### 6.2 Formal Complaint

If complaints are not resolved through an informal process, students can access the formal procedure, which will take place in three stages:

## Stage 1: Formal Complaint

Formal complaints should be submitted in writing to RGIT's CEO. The CEO will then either attend to the matter directly or, delegate it to another senior staff member of RGIT.

The CEO, or a delegate, will consider and investigate the complaint within ten (10) working days from the date submitted by the complainant.

In this process, the CEO, or delegate, may seek information and clarification by written or verbal request or by face-to-face interview with the complainant and/or the respondent. When such clarification occurs in a face-to-face interview, the complainant or respondent may ask another person to accompany him or her.

The CEO, or a delegate, will then endeavour to resolve the complaint and will provide a written report to the complainant on the steps taken to address the complaint, including the reasons for the decision. The complainant will be notified of their decision in writing within ten (10) working days.

If a complaint investigation time exceeds the above timeframe, RGIT will notify the complainant in writing, the reason and the new timeframe.

The complainant will be advised of their right to access an Internal Appeals process (Stage 2) if they are not satisfied with the outcome of the complaint in Stage 1.

## Stage 2 – Internal Appeals (continuing from formal complaint or outcome from alternate process)

Where the complainant is not satisfied with the outcome of the formal complaint in Stage 1, or for an individual who is not satisfied with an outcome of an alternate process, they may lodge an appeal in writing within ten (10) working days of receiving notification of the outcome of the their respective matter/formal complaint.

An Internal Appeal Process is initiated when the Student Appeal Form is lodged to Student Services by the respective individual, referred to as the Applicant.

Within ten (10) working days of receiving the Student Appeal Form, the CEO or nominee will convene an investigator or Student Appeal Committee to hear the appeal and propose a final resolution. The Applicant's appeal will be deliberated by an independent and impartial officer/committee of RGIT, referred to as the Reviewer.

The Reviewer will conduct all necessary consultations with the Applicant and other relevant persons and make a determination of the appeal. The complainant or respondent may ask another person to accompany him/her at any meeting with the Reviewer.

The Reviewer may:

- a) uphold and confirm the decision
- b) vary the decision; or
- c) set the decision aside and substitute a new decision.

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The Reviewer will advise the Applicant in writing of the outcome of the appeal, including the reasons for the decision, within ten (10) working days.

The Applicant will be advised of their right to have the decision reviewed by an independent external body (Stage 3) if they are not satisfied with the outcome.

## Stage 3 -External Mediation

If the Applicant is dissatisfied with the outcome of the Internal Appeal on Stage 2, they may refer the decision for review by an external dispute resolution process facilitated by the Resolution Institute (RI) within twenty eight (28) days of the decision being made.

RI is a vibrant community of mediators, arbitrators, adjudicators, restorative justice practitioners and other professionals, created as a result of the integration of LEADR with IAMA in 2014. Further information on RI can be found on their website <http://www.resolution.institute>.

RGIT will cover the cost for lodging appeals with RI. An independent RI mediator will investigate the case, make an assessment and advise the complainant of the outcome. The RI mediator will also notify the outcome of the external appeal to the CEO of RGIT. Both parties may ask another person to accompany them at any mediation meetings.

If I makes recommendations in relation to a complaint they have reviewed, RI will forward those recommendations to the CEO. RGIT will give due consideration to any recommendation made as a result of the external review and will ensure that such recommendations are implemented within thirty (30) days.

Contact details for RI is as follows:

### Resolution Institute

Level 1-2, 13-15 Bridge Street, Sydney NSW 2000

Phone: (+61 2) 9251 3366 or Free call: 1800 651 650

Fax: (+61 2) 9251 3733 Email: [infoaus@resolution.institute](mailto:infoaus@resolution.institute)

Website: [www.resolution.institute](http://www.resolution.institute)

The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and procedure limits the rights of individuals to take action under Australia's Consumer Protection laws. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.

## 7. Record Keeping

A written record of all complaints handled under this procedure and their outcomes shall be maintained for a period of at least five years to allow all parties to the complaint, appropriate access to these records, upon written request to the CEO. These records will be maintained at RGIT.

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## 8. Approval

This Complaints and Appeals Policy and Procedure was agreed to and ratified by the CEO and RGIT management in February 2015.

Please note that the availability of RGIT's complaints and appeals process do not remove the student's right to take action under Australia's consumer protection laws.

## 9. Associated Documents

- Student Complaints Form
- Student Internal Appeals Form