



Complaints Policy and Procedure

Version	Issue Date:	Issue History:
1.1	1st July 2024	Creation of policy

Regulatory Alignment

This policy & procedure aligns and relates to:

- Education Services for Overseas Students Act 2000 (ESOS Act)
- National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code)-Standard 10
- National Vocational Education and Training Regulator Act 2011 (NVR Act)
- Standards for Registered Training Organisations (RTOs) 2015-Standard 6 (6.1, 6.2, 6.3, 6.4, 6.5)

1. Purpose

Australian Tertiary Institute (ATI) is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (RTOs) 2015. As such, ATI is required to have a policy and processes in place to manage and respond to allegations involving the conduct of staff, learners and third party training and assessment providers who provide services on behalf of ATI.

This policy is based on providing and maintaining training and assessment services that are fair and reasonable and afford a forum where issues or inadequacies can be raised and resolved. This process provides opportunity for complaints to be recorded, acknowledged and dealt with in a fair, efficient and effective manner.

The object of this policy is to ensure that ATI staff act in a professional manner at all times. This policy provides students with a clear process to register a complaint. It ensures all parties involved are kept informed of the resulting actions and outcomes.

2. Policy Statement

ATI acknowledges the students' right to lodge a complaint when they are dissatisfied with the training and /or assessment services and experiences that they have been provided by ATI.

ATI will ensure that students have access to a fair and equitable process for expressing complaints, and that ATI will manage the complaint with fairness and equity.

In doing so, ATI:

- a) has written procedures in place for collecting and managing complaints in a constructive and timely manner;

Version: 1.1

Approved by: RTO Administrator

Last reviewed: 1 July 2024

Next review: 1 July 2026

Campus: All

RTO No: 45365

CRICOS No: 03691K

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- b) ensures that these procedures are communicated to all staff, third party partners and students;
- c) ensures that all necessary documentation and resources are in place to enable students to submit a complaint;
- d) ensures that each complaint and its outcome is recorded in writing; and
- e) ensures that customer complaints and their outcomes are fed into continuous improvement initiatives.

3. Definitions

3.1 The following words and expressions have the following specific meaning, as in the Standards for Registered Training Organisations (RTOs) 2015.

Complainant the student who has lodged a complaint, grievance or an appeal.

Grievance a problem or concern raised by a student about something affecting his or her studies or life as a student, for which the student is seeking resolution. The term complaint is often used interchangeably with grievance.

Third party means any party that provides services on behalf of the RTO but does not include a contract of employment between an RTO and its employee.

Natural Justice Principles The principles of natural justice that decision makers under this policy must follow can be broadly summarized as follows: • All parties to the matter(s) in dispute, including respondent(s) shall have a right to be heard before a decision is made, including the right to respond to any statements or evidence that may prejudice their case. • All relevant submissions, information and evidence to be considered by the decision-maker should be disclosed, where requested, to all parties to the complaint prior to the hearing. Matters that are not relevant shall not be taken into account by the decision-maker. • The decision maker(s) shall not be biased or appear to be biased (by a reasonable and informed bystander) nor have a vested interest or

Representative Another member of staff, a union representative, or another person providing support, and where the representative is not a currently practicing solicitor or barrister.

Respondent(s) One or more persons who are alleged to have caused the student's grievance.

4. Policy Principles

4.1 Principles

In managing complaints, ATI will ensure that:

- a) The principles of natural justice and procedural fairness are adopted at every stage of the complaint process.
- b) The complaints policy is publicly available.
- c) There is a procedure for making a complaint.
- d) Complaints are treated seriously and dealt with promptly, impartially, sensitively and confidentially.
- e) Complaints will be resolved on an individual case basis, as they arise.
- f) All students have the right to express a concern or problem and/or lodge a complaint if they are dissatisfied with the training and assessment services that they have been provided (including through a third party) or the behavioural conduct of another learner.
- g) All complaints are acknowledged in writing and finalised as soon as practicable.
- h) The complaint resolution procedure is based on the understanding that no action will be taken without consulting the complainant and respondent, using a process of discussion, cooperation and conciliation.
- i) The rights of the complainant and respondent will be acknowledged and protected throughout the complaint resolution process, including the conduct of separate interviews initially.

- j) In the interest of confidentiality, the number of people involved in the resolution process will be kept to a minimum.
- k) Final decisions will be made by the CEO, ATI or an independent party to the complaint.
- l) The complaint resolution procedure emphasises mediation and education while acknowledging that in some instances formal procedures and disciplinary action may be required.
- m) If the complaints process fails to resolve the complaint or the complainant is not satisfied with the outcome of the complaint the matter will be referred to an independent third party for review, at the request of the complainant. All costs incurred for the third-party review will be advised and incurred by the complainant.
- n) If the complaint will take in excess of 60 calendar days to finalise ATI will inform the complainant in writing providing the reasons why more than 60 calendar days are required. The complainant will also be provided with regular updates on the progress of the complaint. ATI will endeavour to resolve Complaints within 28 days.
- o) Victimisation of complainants, respondents or anyone else involved in the complaint resolution process will not be tolerated.
- p) All complaints will be handled as Staff-In-Confidence and will not affect or bias the progress of the student in any current or future training.

4.2 Types of Complaints

A complaint may include allegations involving the conduct of:

- a) ATI, its trainers, assessors or other staff; or
- b) A third-party providing services on behalf of ATI, its trainers, assessors or other staff; or
- c) A student of ATI.

5. ATI Responsibilities

The Compliance Officer, ATI is the Complaints Resolution Officer. The Compliance Officer may delegate responsibility for the resolution of the complaint if necessary.

Details concerning the scope of the Complaints Policy are to be clearly displayed throughout the organisation and contained within the Staff Induction Process, Student Handbook and ATI website.

6. Process

6.1 Complaints

If a student has a complaint, they are encouraged to speak immediately with the trainer/assessor to resolve the issue. If the complainant is not satisfied that the issue has been resolved they will be asked to complete a Complaints Form, to lodge a formal complaint. ATI will then investigate the complaint and advise the complainant of the outcome.

If the complainant is not satisfied with the outcome, they may write to the CEO or Compliance Manager, setting out in detail the issue of concern. This may lead to occasions where an industry-training representative may be invited to act as an objective party in order to negotiate a satisfactory resolution.

6.2 Complaints Process

All complaints shall follow the below process:



- a) Complaints are to be made in writing within 20 calendar days of the incident using the Complaints Form.
- b) A submitted complaint form will constitute a formal complaint from the student. Further detail of the complaint can be provided by the student verbally.
- c) The Compliance Manager, ATI must be informed of receipt of all complaints immediately.
- d) The Compliance Manager, ATI may delegate responsibility for the resolution of the complaint.
- e) In the case of a complaint, the Compliance Manager, ATI will initiate a transparent, participative investigation to identify the issues.
- f) Complaints will be processed in accordance with the Complaints flowchart - Annex A.
- g) Complaints, where possible, are to be resolved within 28 calendar days of the initial application.
- h) In all cases the final conclusion will be assessed by the CEO, ATI.
- i) The Student will be advised in writing of the outcome of their complaint, within seven (7) days of resolution.
- j) If the outcome is not to the satisfaction of the Student, they may seek an appointment with the CEO, ATI.
- k) If the student is not satisfied with the decision, they have the option to seek outside assistance to pursue the complaint.

7. Access & Equity

The ATI Access & Equity Policy applies. (See Access & Equity Policy)

8. Records Management

Records of all complaints and their outcomes are maintained securely.

Records of complaints include:

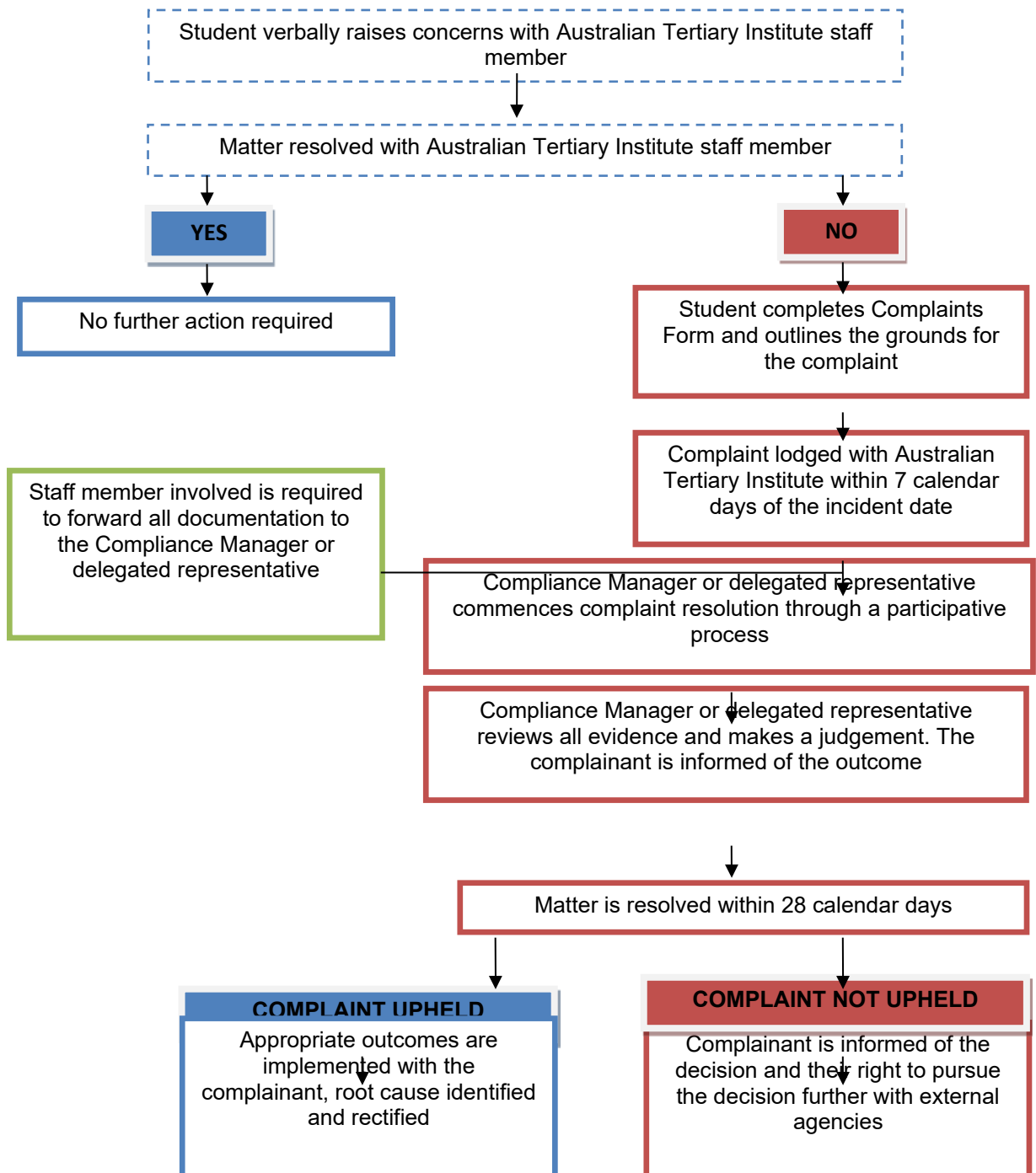
- a) How the complaint was dealt with;
- b) The outcome of the complaint;
- c) The timeframes for resolution of the complaint;
- d) The potential causes of the complaint; and
- e) The steps taken to resolve the complaint.

All documentation from complaint processes are maintained in accordance with Records Management Policy. (See Records Management Policy)

9. Monitoring and Improvement

All complaints practices are monitored by the Compliance Manager, ATI and will be discussed at Management Review Meetings with areas for improvement identified and acted upon. (See Continuous Improvement Policy)

ANNEX A: Complaints Process





Complaints Procedures

STEP 1 – Initial Review of Complaint

No.	Who	Actions
1.1	Student	a) Raises the concern with Australian Tertiary Institute trainer or other staff member
1.2	Trainer or other staff member	a) Attempt to resolve the complaint immediately.
1.3	Trainer or other staff member	a) If the matter is successfully resolved, complete the “Complaints Lodgement Form” and submit to Admin for processing. b) If the matter is not resolved, advise student of their right to make a formal complaint referring them to the Complaints policy. c) Provide student with access to the “Complaints Lodgement Form”.
1.4	Compliance Manager	a) Enter details of Complaint into Student Management system (SMS) b) Enter details of Complaint into Complaints Register. c) Note actions on “Complaints Lodgement Form”. d) Notify CEO of the resolved Complaint. e) File “Complaints Lodgement Form” (if appeal resolved) onto Student file.

STEP 2 – Lodgement of Complaint

No.	Who	Actions
2.1	Student	a) Lodges a complaint in writing using the “Complaints Lodgement form”. b) Submits within twenty (20) days of the date of the issue.
2.2	SSO	a) Enter details of complaint into Student Management system (SMS) b) Enter details of complaint into Complaints Register. c) Note actions on “Complaints Lodgement Form”. d) Print and commence “Complaints Progress Form”. e) Provide all documentation to Compliance Manager for action.
2.3	Compliance Manager	a) On receipt of the complaint documentation, acknowledge receipt of the claim, in writing, to the complainant within seven (7) working days, this may be via email, letter or fax. b) Keep all documentation in a Complaints file, which will remain in place until the complaint is resolved. After which time all complaints documentation will be placed on the Student file.

STEP 3 – Processing the Complaint

No.	Who	Actions
3.1	Compliance Manager	a) Implement appropriate resolution techniques to resolve the issue promptly to the mutual satisfaction of all parties. b) Inform any respondent(s) (if applicable) in writing that a complaint has been received. This letter will be forwarded within seven (7) working days of receipt of the original formal complaint.
3.2	Compliance Manager	a) Review, investigate and mediate to resolve the complaint within 28 days. Actions which may be taken include, but are not limited to: i. Discussing the facts of the complaint with the complainant. ii. Where appropriate and applicable, discuss the complaint with the respondent giving details of the complaint and complainant, ensuring procedural fairness throughout. iii. Where appropriate and applicable, encourage and facilitate the disputants to engage in mediation on an informal level. iv. Interview all parties individually, including any witnesses.



Complaints Procedures

		<ul style="list-style-type: none"> v. Conduct interviews privately and confidentially vi. Where applicable, report the outcome of the meeting with the respondent to the complainant. vii. Seek preferred outcome from each of the parties.
3.3	Compliance Manager	<ul style="list-style-type: none"> a) Determine a resolution to resolve the complaint, within ATI policies. b) Advise all parties of the outcome of the complaint in writing, within seven (7) working days. c) Inform the parent(s)/legal custodian(s) of the student if the student is younger than 18 years of age
3.4	CEO	<ul style="list-style-type: none"> a) Confirm all parties are satisfied with the outcome of the complaint. b) If student is dissatisfied with outcome, advise the student of their right to further progress the appeal through the External Arbitrator. (See to Step 5) c) Note actions on "Complaints Progress Form".
STEP 4 – Finalising the Complaint		
No.	Who	Actions
4.1	Compliance Manager	<ul style="list-style-type: none"> a) Complete all necessary documentation including the "Complaints Progress form", noting actions and outcomes of the complaint's resolution process. b) Place all documentation in the student's complaints file and provide to SSO for completion. c) Implement agreed actions and /or administrative arrangements. d) Monitor the learning environment to ensure that the behaviour/incident does not re-occur.
4.2	Compliance Manager	<ul style="list-style-type: none"> a) Enter details of complaint outcome into Student Management system (SMS) b) Enter details of complaint outcome into Complaints Register. c) Note actions on and complete the "Complaints Progress Form". d) Place all documentation from complaint file onto Student file.
4.3	CEO	<ul style="list-style-type: none"> a) Ensure that the issue, policy and procedures relating to any substantiated complaint is reviewed and progressed through continuous improvement processes, as appropriate
STEP 5 – Referral to External Arbitrator		
No.	Who	Actions
5.1	Compliance Manager or Student	<ul style="list-style-type: none"> a) Contact and engage the External Arbitrator for a review of the complaint, providing all relevant documentation. b) Cooperate with External Arbitrator for a review of the complaint.
5.2	External Arbitrator	<ul style="list-style-type: none"> a) Review, investigate and mediate the complaint with all relevant parties and make a ruling. b) Prepare a formal written report on the investigation, providing a copy to both CEO ATI and the complainant. c) ATI will abide by any resolutions as recommended by the External Arbitrator.
5.3	Compliance Manager	<ul style="list-style-type: none"> a) If the complaint is upheld, go to Step 4.1.
5.4	Compliance Manager	<ul style="list-style-type: none"> a) If the complaint is rejected notify the complainant in writing that the original decision is to stand. b) Go to Step 4.1.