

	<b>RTO COMPLAINTS AND APPEALS PROCEDURE</b>	
L2-LED-PRO-022	Version: 4	Effective from: 7 <sup>th</sup> May 2020

**Approval**

	Name	Position	Signature
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<b>Approving Manager</b>	Catherine Baxter	RTO CEO	Email dated 06/05/2020 @ 09:09pm

**Amendment Record**

Approval Date	Version	Description
22/11/2012	1	Initial issue under MTM
16/09/2013	2	Removed Definitions & Responsibilities – contained in Process Inserted reference to relevant SNR Minor formatting changes
11/03/2015	3	Full review to align with Standards for Registered Training Organisations 2015 <ul style="list-style-type: none"> <li>• Deleted reference to SNR</li> <li>• Inserted reference to new RTO standards</li> </ul> Inserted definitions Inserted content on how the RTO informs learners of complaints/appeals process Inserted sections for confidentiality, assessment appeals and complaints to external agencies Inserted details on complaints/appeals extended to third parties providing services on behalf of our RTO Inserted content on process to follow if more than 60 calendar days are required to process & finalise complaint Amended Records and Enquiry to include details of storing records of complaints/appeals Inserted content relating to identification and appropriate corrective action of potential causes of complaints/appeals Inserted process diagram at Appendix 1 Amended Human Resources to People & Performance
07/05/2020	4	Full review and update to align with current practices

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## 1. Purpose

This procedure ensures that complaints and appeals about the RTO's operations or results of training or assessment, including any third party providing services on behalf of MTM RTO, are addressed collaboratively, efficiently and effectively.

## 2. Scope

This procedure applies to complaints and appeals of an individual learner or other person, including any third party.

## 3. Abbreviations and Acronyms

ASQA – Australian Skills Quality Authority

MTM – Metro Trains Melbourne

RTO – Registered Training Organisation

VET – Vocational Education and Training

## 4. Definitions

Appeal	Request for reconsideration or review of a decision. For e.g. assessment result.
Complaint	The formal expression of a grievance. The act of saying or writing that you are unhappy or dissatisfied with something or someone. For e.g. a complaint about another person's behaviour.
Mediation	A dispute resolution process where the parties attempt to reach a mutually agreeable solution with the assistance of a neutral third party.

## 5. Process

### 5.1. Informing Clients of the Complaints and Appeals Process

5.1.1. Information relating to the MTM RTO's complaints and appeals process is accessible to learners via this procedure, the Learner Information Handbook and the Metro Academy website.

### 5.2. Confidentiality

5.2.1. The MTM RTO expects that all persons involved in a complaint or appeal process to maintain confidentiality at all times and only discuss the complaint or appeal with those persons directly involved in the management and resolution of the complaint or appeal.

### 5.3. Grounds for Complaint or Appeal

5.3.1. A complaint may include, but is not limited to a grievance in relation to;

- a) Marketing and advertising material

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- b) Course advice and enrolment
- c) Fees and charges
- d) Recognition of prior learning
- e) Student support services
- f) Program delivery
- g) Learning resources
- h) Changes to agreed services
- i) Trainers, assessors, other learners and third parties
- j) Personal safety
- k) Issuing of credentials.

5.3.2. An appeal may include, but is not limited to;

- a) Assessment decisions
- b) Learner progress and progress decisions
- c) Outcomes of a complaint.

5.3.3. If a person feels that they have grounds for a complaint or appeal then they may bring this to the attention of the RTO.

#### **5.4. Complaint or Appeal Process**

5.4.1. The MTM RTO will firstly try to address a complaint or appeal informally at the lowest possible level (for e.g. by the trainer, assessor or Training Manager). This may include discussions and general mediation between parties to resolve the issue.

- a) Where a learner wishes to appeal an assessment decision, it is preferred they notify the assessor in the first instance. Where appropriate, the assessor may decide to re-assess the learner to ensure a fair and equitable decision is gained.

5.4.2. If the informal process is unsuccessful, the learner can submit a formal complaint or appeal.

5.4.3. Formal complaints and appeals must be lodged in writing, preferably using the L4-LED-FOR-010 RTO Complaint and Appeal Form. The following details must be included:

- a) Personal details; full legal name, date of birth, email address and mobile number
- b) Description/nature of complaint/appeal; including date, time, location and people involved
- c) Steps the learner has taken to resolve the issue
- d) Desired outcome/resolution
- e) Signature and date of submission.

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- 5.4.4. All formal complaints and appeals should be addressed to the RTO Manager and submitted to [corinne.knowlson@metrotrains.com.au](mailto:corinne.knowlson@metrotrains.com.au).
- 5.4.5. The RTO Manager will record the formal complaint or appeal in the RTO Complaints and Appeals Register and refer the matter to the relevant Metro Academy Manager to commence resolution action. If the Metro Academy Manager is directly involved in the original determination being appealed or a party to the complaint or appeal, the matter will be reviewed by the RTO Manager.
- 5.4.6. The relevant Metro Academy Manager or RTO Manager will review the complaint or appeal and attempt resolution within 10 working days of the RTO Manager receiving the complaint or appeal. If the complaint or appeal is resolved to the satisfaction of all parties, the Metro Academy Manager or RTO Manager will record the outcome in the applicable section of the L4-LED-FOR-010 RTO Complaint and Appeal Form. If completed by the Metro Academy Manager, the form must be forwarded to the RTO Manager.
- 5.4.7. If no resolution is reached within 10 working days, the complaint or appeal will be referred to the Head of Metro Academy for review and investigation. The Head of Metro Academy will aim to complete their review and investigation within 15 working days. The Head of Metro Academy will record the outcome in the applicable section of the L4-LED-FOR-010 RTO Complaint and Appeal Form and forward to the RTO Manager.

## 5.5. Outcome of Complaint or Appeal

- 5.5.1. The RTO Manager will provide the person making the complaint or appeal a formal response in writing. The response will detail the complaint or appeal outcome, including reasons for the decision.
- 5.5.2. If more than 60 calendar days from receipt are required to review and investigate the complaint or appeal, the RTO Manager will:
  - a) Inform the person making the complaint or appeal in writing, including reasons why more than 60 calendar days are required
  - b) Provide weekly progress updates to the person making the complaint or appeal.
- 5.5.3. If a complaint or appeal is not resolved to the satisfaction of both parties, the person making the complaint or appeal may request to refer the matter to a third party for mediation. The third party mediator will be a person who is employed by the Dispute Settlement Centre of Victoria ([www.justice.vic.gov.au](http://www.justice.vic.gov.au)). There are generally no costs associated with this service however any costs incurred will be the responsibility of the learner.
- 5.5.4. MTM at all times will endeavour to resolve any issues the learner may have. All complaints/appeals and their outcomes will be recorded in the RTO Complaints and Appeals Register. Information from this register will be used by the RTO to improve the quality of its services and reduce customer complaints/appeals.

Approving Manager: RTO CEO	Approval Date: 07/05/2020	Next Review Date: 07/05/2023
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## 5.6. External Complaints Agencies

- 5.6.1. A learner or other person may make a complaint against the RTO directly to ASQA only after exhausting the MTM RTO's internal procedures. Complaints can be lodged via <https://asqaconnect.asqa.gov.au/>.
- 5.6.2. Alternatively, learners (or other person) may make a complaint direct to the National Training Complaints Hotline. The [National Training Complaints Hotline](#) is accessible on 13 38 73 (Monday to Friday from 8am to 6pm nationally) or via email at [skilling@education.gov.au](mailto:skilling@education.gov.au).

## 5.7. Identification and Correction of Potential Causes

- 5.7.1. The RTO Manager will monitor its operations for potential causes of complaints and appeals through:
- a. Learner course evaluation forms
  - b. Staff course evaluation forms
  - c. Internal self-assessment audits
  - d. External audits
  - e. Other informal feedback mechanisms.
- 5.7.2. Any corrective or improvement actions identified will be managed in accordance with our continuous improvement procedure.

## 6. Records and Enquiry

- 6.1.1. Complaints and appeals, including determined outcomes will be recorded in the RTO Complaints and Appeals Register maintained by the RTO Manager.
- 6.1.2. Electronic copies of all documentation (emails, forms etc.) will be securely saved and maintained by the RTO Manager. Access to these files is limited solely to the RTO.

## 7. Related Documents

L0-CEO-POL-002 MTM Code of Conduct, Workplace Behaviour Policy

L4-LED-FOR-010 RTO Complaint or Appeal Form

RTO Complaints and Appeals Register

## 8. References and Legislation

<b>Standards for Registered Training Organisations</b>	
<b>Standard</b>	<b>Clause(s)</b>
Two	2.2(b)
Five	5.2(d)
Six	6.1, 6.2, 6.3, 6.4, 6.5

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## 9. Appendix 1 – RTO Complaints & Appeals Process

### Step 1 – Complaint or Appeal Raised (Informal)

- Reviewed at the lowest possible level (for e.g. trainer, assessor or Training Manager)



Resolution achieved



No resolution – proceed to Step 2

### Step 2 – Complaint or Appeal Raised (Formal)

- Learner or other person submits formal complaint or appeal in writing to RTO Manager
  - Preferably completes the L4-LED-FOR-010 Complaint and Appeal Form
- RTO Manager reviews the complaint or appeal and refers to relevant Metro Academy Manager
- Metro Academy Manager reviews the complaint or appeal and attempts resolution within 10 working days



Resolution achieved



No resolution – proceed to Step 3

### Step 3 – Complaint or Appeal referred to Head of Metro Academy

- Head of Metro Academy reviews and investigates the complaint or appeal within 15 working days
- The Head of Metro Academy will ensure that as far as reasonably practicable, the person making the complaint or appeal is satisfied with the outcome



Resolution achieved



No resolution – proceed to Step 4

### Step 4 – Complaint or Appeal referred to External Agency

- Learner or other person may request to refer the matter to a third party for mediation
- The third party will be a person who is employed by the Dispute Settlement Centre of Victoria ([www.justice.vic.gov.au](http://www.justice.vic.gov.au))
- Any costs incurred will be the responsibility of the learner
- Outcomes of the mediation are final