



# P-006.6 Complaints and Appeals Policy and Procedure

## Policy Overview:

To ensure that The Instruction Company (TICRail) has a systematic process to manage complaints and appeals for all stakeholders which includes staff, students and any other person involved with TICRail and to ensure that complaints and appeals are dealt with in a timely and equitable manner.

## Objective:

To provide a framework to manage complaints and respond to allegations involving the conduct of:

- TICRail, its Trainers & Assessors or other staff.
- A third-party providing services on TICRail's behalf, its Trainers & Assessors or other staff.
- A learner of TICRail.

To provide a framework to manage appeals and respond to requests for a review of a decision, including assessment decisions, made by TICRail or a third-party providing services on TICRail's behalf.

## Staff Responsible:

- Administration
- Compliance
- Operations
- Trainers and Assessors
- CEO/General Manager

## Compliance Standards:

This policy relates to the following Standards for RTO's 2015 Clauses 1.7, 6.1 - 6.6.

## Related Policies/Templates/Documents:

- D-001.6 Student Information Guide - TICRail
- F-102.6 Appeals Form - TICRail
- F-116.6 Complaints Form - TICRail
- P-039.6 Privacy and Personal Information Policy - TICRail
- P-057.6 Training and Assessment Policy and Procedure - TICRail
- R-907 Complaints and Appeals Register
- R-910 Continuous Improvement and Risk Management Register



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### Definitions:

A **complaint** is a written or verbal statement expressing dissatisfaction based on an unsatisfactory or unacceptable experience and would generally be directed at the general performance of TICRail or its staff in the delivery of services.

An **appeal** in the context of Vocational Education and Training is a right given to the student to challenge an assessment outcome should they be dissatisfied believing that the decision made was incorrect.

**Appellant** is a person being the student who appeals the assessment decision outcome as being wrongly decided usually in cases where an assessment submission has been deemed Not Yet Competent and a resubmission has been requested.

**Complainant** is a person being a student, guardian, employee, or other person who makes a complaint against TICRail and/or RTO stakeholders.

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## 1. Complaints and Appeals Policy

TICRail's policy and procedure will:

- Ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process.
- Be made publicly available.
- Set out the procedure for making a complaint or requesting an appeal.
- Ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable.
- Provide for a review by an appropriate party independent of TICRail and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.

Additionally, TICRail will ensure that the process for lodging a complaint or appeal is easy to understand including the procedure of how TICRail will address and deal with each complaint and appeal submitted.

All complaints and appeals will be dealt with by an independent person within TICRail that does not have any direct involvement in the complaint or appeal being made.

If the complainant or appellant is not satisfied with the outcome of the investigation into their complaint or appeal, then an independent third-party will be engaged to review the complaint or appeal.

TICRail will also:

- Ensure that records of all complaints and appeals are securely maintained including the outcome of the complaint or appeal.
- Identify any causes of the complaint or appeal and implement corrective actions to eliminate or reduce the likelihood of the same situation reoccurring in the future.

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## Complaints and Appeals Procedure

1. Complaints and Appeals		
Action / Task	Responsible	Timeline
<p>1.1 In the first instance, the individual is encouraged wherever possible, to resolve the situation(s) directly with the individual or department the complaint or appeal is directed at, to try and rectify the situation before being escalated to a formal complaint or appeal.</p> <p>1.2 Where possible complaints and appeals are managed and resolved informally, however if the situation cannot be managed informally the individual can submit a formal complaint or appeal in writing.</p>	Individual TICRail Staff or Third Party Trainer and Assessor	At the time of the complaint or appeal
2. Lodging a Complaint or Appeal		
<p><b>2.1 Complaint</b></p> <p>2.1.1 A complaint must be made in writing specifying the particulars of the situation in dispute using the <b>F-116.6 Complaint Form</b> within 28 days of the event.</p> <p>The <b>F-116.6 Complaint Form</b> should be sent to the complaints email address as specified in the form: <a href="mailto:complaints@ticrail.com.au">complaints@ticrail.com.au</a>.</p>	Complainant  Complainant	When making a formal complaint  On completion
<p><b>2.2 Appeal</b></p> <p>2.2.1 An appeal must be lodged in writing specifying the particulars of the decision, or finding in dispute, using the <b>F-102.6 Appeals Form</b> within 14 days of the assessment outcome.</p> <p>The <b>F-102.6 Appeals Form</b> should be sent to the Compliance email address as specified in the form: <a href="mailto:compliance@ticrail.com.au">compliance@ticrail.com.au</a></p>	Appellant  Appellant	When making a formal complaint  On completion
3. Acknowledgement of a Complaint or Appeal		
<p><b>3.1 Complaints and Appeals.</b></p> <p>The following procedure is to be followed when a complaint or an appeal is received.</p> <p>3.1.1 The Compliance Team are to acknowledge the receipt of the complaint or appeal in writing to the complainant/appellant within three (3) working days.</p> <p>3.1.2 Details must be recorded in the <b>R-907.6 Complaints and Appeals Register</b> as well as in the Student Management System (aXcelerate) against the persons contact record.</p>	Compliance Team  Compliance Team	Within 3 working days of receipt  Upon receipt

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4. Complaint and Appeal Investigations		
Action / Task	Responsible	Timeline
<b>4.1 Complaint</b>		
4.1.1 The Compliance Team may elect to investigate a complaint or task another person within TICRail to research the matter ensuring the principles of natural justice and procedural fairness are adopted.	Compliance Team	At the time of the complaint
4.1.2 All investigations will include examination of TICRail’s internal systems, policies & procedures and/or associated documentation/information.		
4.1.3 The investigation will include all persons involved in the issue (both internal and external parties) that has been identified and all persons will be given the opportunity to have input into the investigation and any allegations.		
4.1.4 Compliance must finalise the investigation and provide an outcome within twenty (20) calendar days from the receipt of the complaint. Should the consultation process extend over twenty (20) calendar days the complainant must be notified in writing explaining the delay in providing an outcome.	Compliance Team	Within 20 calendar days of receipt
4.1.5 Once an outcome has been achieved, the complainant will be notified in writing. The response must include details about how the issue was thoroughly investigated and any actions or outcomes that have been identified as a result of this process.		When outcome achieved
4.1.6 If the complainant is satisfied with the outcome of the investigation, the complaint is closed, and the status is updated on the <b>R-907.6 Complaints and Appeals Register</b> as well as recording the outcome in aXcelerate against the persons contact record.	Complainant	When the outcome is satisfactory
4.1.7 Any opportunities for improvement that have been identified as a result of the investigation are recorded on the <b>R-910.6 Continuous Improvement and Risk Management Register</b> .	Compliance Team	
4.1.8 If the complainant is unsatisfied with the outcome of the investigation, they will be offered the opportunity for an independent mediation with an external person/organisation.  (See <b>Procedure 6: External Mediation</b> .)	Complainant	When the outcome needs to be escalated to mediation

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Action / Task	Responsible	Timeline
<b>4.2 Appeal</b>		
4.2.1 The Compliance Team will investigate each appeal ensuring the principles of natural justice and procedural fairness are adopted. This may include consultation with others in TICRail or relevant agencies external to TICRail as part of the process.	Compliance Team	Upon receipt of appeal
4.2.2 All investigations will include examination of TICRail’s internal systems, policies and procedures and associated documentation/information.		
4.2.3 The investigation will research each appeal against relevant policies and an examination of the assessment process/system. Additionally, the investigation may include re-assessment of the appellant and/or using another assessor to confirm or reject the initial assessment decision.		
4.2.4 Compliance must finalise the investigation and provide an outcome within twenty (20) calendar days from the receipt of the appeal. Should the consultation process extend over twenty (20) calendar days the complainant must be notified in writing explaining the delay in providing an outcome.	Compliance Team	Within 20 calendar days of receipt of appeal
4.2.5 Once an outcome has been achieved, the appellant will be notified in writing. The response must include details about how the appeal was thoroughly reviewed and any actions or outcomes that have been identified as a result of this process.		
4.2.6 If the appellant is satisfied with the outcome of the investigation, the appeal is closed, and the status is updated on the <b>R-907.6 Complaints and Appeals Register</b> as well as recording the outcome in aXcelerate against the persons contact record.	Appellant	When the outcome is satisfactory
4.2.7 Any opportunities for improvement that have been identified as a result of the investigation are recorded on the <b>R-910.6 Continuous Improvement and Risk Management Register</b> .	Compliance Team	
4.2.8 If the appellant is unsatisfied with the outcome of the investigation, they will be offered the opportunity for an independent mediation with an external person/organisation. <b>(See Procedure 6: External Mediation.)</b>	Appellant	When the outcome needs to be escalated to mediation

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5. Resolution Timeframes for a Complaint or an Appeal		
Action / Task	Responsible	Timeline
5.1 All formal complaints and/or appeals will be acknowledged within 3 working days.	Compliance Team	Within 3 working days of receipt.
5.2 All formal complaints and/or appeals will be resolved within twenty (20) calendar days.	Compliance Team	Within 20 calendar days of receipt
5.3 In cases where the review of your appeal takes longer than sixty (60) calendar days, you will be informed in writing explaining the delay in providing an outcome.	Compliance Team	>60 days
6. External Mediation		
<p>An external mediation service will be suggested to complainants / appellants where agreement on an investigation outcome is unsatisfactory to the parties. This service will attract an additional fee which the complainant / appellant will be responsible for paying.</p> <p><b>(NB: fees will vary depending on the service engaged).</b> Listed below are the mediation services that can be suggested to unsatisfied parties:</p> <p><b>VIC: French DR Mediation Services</b> Suite 567 585 Little Collins Street, Melbourne Victoria 3000 <b>Ph:</b> 0437 033 041 <b>Email:</b> <a href="mailto:rsfrench@netspace.net.au">rsfrench@netspace.net.au</a> <b>Website:</b> <a href="http://frenchdr.com.au/">http://frenchdr.com.au/</a></p> <p><b>QLD: Deborah Awyzio Mediation</b> Level 8, 183 North Quay Brisbane QLD 4000 <b>Ph:</b> (07) 3238 5900 <b>Website:</b> <a href="https://damediation.com.au/legal-services/about-mediation/mediation-costs/">https://damediation.com.au/legal-services/about-mediation/mediation-costs/</a></p> <p><b>WA: Perth Mediation Centre</b> 139 Edward Street Perth WA 6000 <b>Ph:</b> 08 9227 8511 <b>Email:</b> <a href="mailto:info@perthmediation.com.au">info@perthmediation.com.au</a> <b>Website:</b> <a href="https://perthmediation.com.au/">https://perthmediation.com.au/</a></p>	<p>External Mediation Service</p> <p>Complainant /Appellant</p>	<p>When the investigation is unsatisfactory to the parties</p>

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If the Complainant and/or Appellant remains unsatisfied with the outcome of the mediator’s decision, then they may contact the Australian Skills Quality Authority (ASQA) if appropriate: <a href="https://www.asqa.gov.au/about/contact-us">https://www.asqa.gov.au/about/contact-us</a>		
<b>7. Record Keeping</b>		
<p>7.1 A written record trail of all complaints and/or appeals and responding correspondence shall be maintained by TICRail for a period of 5 years to allow all parties to appeal appropriate access to these records.</p> <p>7.2 All records relating to the grievance MUST be treated as confidential. Refer to <b>P-039.6 Privacy &amp; Personal Information Policy &amp; Procedure</b>.</p> <p>7.3 The <b>R-907.6 Complaints and Appeals Register</b> is to be always kept up to date to accurately reflect how the matter was responded to and the duration from the date the complaint was received to the date the complaint was resolved.</p>	Compliance Team  Compliance Team	<b>FIVE (5)</b> years from when complaint/ appeal was received.  Ongoing

### Document Revision History

Version Number	Date Published	Description
2.0	03/08/2017 Aleena Velich	Revised Policy and Procedure <ul style="list-style-type: none"> <li>Expanded on Overview and Objective</li> <li>Included relevant definitions.</li> <li>Expanded on actual policy.</li> <li>Amalgamated P-006 and P-007 into once policy and relevant procedures.</li> </ul>
	03/08/2017 Patricia Fulcher	Revised and approved with changes
	03/08/2017 Natalie Robinson	Formatted and published. Retired P-007 (old appeals policy)
3.0	27/06/2019	Major re-write
3.1	15/07/2019	Controlled document review
4.0	27/02/2020 Rebekah Faleafaga	Updated as per current requirements. Inserted mediation and ASQA contact details per state. Revised associated forms – Appeals and Complaints
4.1	Vicki Searl	2022 - Reviewed and updated 2023 – No changes required
4.2	Vicki Searl	Updated TIC to TICRail