
AMS RTO Complaints and Appeals Policy and Procedure

Purpose

This policy and associated procedures outline AMS's approach to managing complaints and appeals. This is to ensure that complaints are handled in a transparent way, as well as fairly, efficiently and effectively.

This policy and associated procedures meet the requirements of Standard 2.7 the Outcome Standards for RTOs.

Note that mechanisms for providing feedback is addressed in our Quality Assurance Policy and Associated Procedures.

Policy Statements

- Complaints may be made against AMS, its trainers and assessors and other staff, a learner of AMS, as well as any third-party providing services on behalf of AMS.
- Complaints can be in relation to any aspect of AMS services provided.
- Appeals can be made in respect of any decision made by AMS. An appeal is a request for AMS decision to be reviewed in relation to a matter, including assessment appeals.
- In managing complaints, AMS will ensure that the principles of natural justice and procedural fairness are adopted at every stage of the complaint process. This means reviewing each complaint or appeal in an objective and consistent manner.
- AMS will appoint relevant person/s to manage complaints and appeals.
- The internal complaints and appeals process will be conducted at no cost to students.
- Potential causes of complaints and appeals will be investigated, and corrective and preventative action will be taken in relation to complaint and appeals. Complaints and appeals will also be seen as an opportunity for improvement.
- All individuals, including third parties will be informed of allegations made and will have the opportunity to present their case.
- Nothing in this policy and procedure limits the rights of an individual to act under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.
- AMS encourages complainants to first seek to address the issue informally by discussing it with the person involved. However, if the person is not comfortable with this or has tried this unsuccessfully, they are to follow the procedures below.

- All records of complaints and appeals will be kept by AMS and entered the complaints and appeals register.

1 Policy Principles

1.0 General Principles

- a) Clients have the right to appeal a decision if they feel they were unfairly treated, or where they feel an assessment decision is incorrect and they have grounds for appeal.
- b) Principles of natural justice and procedural fairness are followed at every stage of the complaint and appeal process by allowing anyone subject to a decision by the RTO, or anyone who has allegations made against them, to a right of reply before a decision is made.
- c) The decision maker in the process is independent of the decision being reviewed.
- d) The 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,
- e) The rights of the complainant and respondent will be acknowledged and protected throughout the resolution process, including the conduct of separate interviews initially,
- f) Each party lodging a complaint or an appeal may be accompanied and/or assisted by a support person throughout the process.
- g) Complaints and appeals are handled in the strictest of confidence and records are secured in accordance with the AMS Privacy Policy and Australian Privacy Principles,
- h) Victimisation of complainants, respondents, or anyone one else involved in the complaint resolution process will not be tolerated,
- i) Complaints, appeals and outcomes are documented in the RTO Complaints and Appeals Register. Outcomes of complaints and appeals processes are used to inform continuous improvement activities,
- j) The investigative panel may need to obtain statements or further investigative evidence to formulate a formal investigation outcome,
- k) If a complainant raises a concern but is not willing to proceed with the complaint, they are advised that because of the requirements of procedural fairness, in most circumstances no further action can be taken by the RTO,
- l) Appeals of assessment outcomes are to be lodged within 7 days of when the assessment outcome is informed to the learner.

2 Complaints and appeals process

Complaints and appeals are to be made as follows:

- a) Submit complaint or appeal in writing using the complaints and appeals form. The complaints and appeals form outline the information that should be provided.
- b) Submit complaint within 30 calendar days of the incident or in the case of an appeal within 30 calendar days of the decision being made.

2.1 Response to complaints and appeals

Complaints and appeals will be responded to as follows:

- a) The complaint or appeal will be acknowledged in writing within 3 working days of receipt.
- b) Review of the complaint or appeal will commence within 5 working days of receiving the complaints.
- c) Complaints and appeals will be finalised as soon as practicable or within 30 calendar days.
- d) Where the complaint or appeal is complex and is expected to take more than 60 calendar days to process, AMS will write to inform the complainant or appellant of this including the reasons for such. Following this update, regular updates will be provided of progress.
- e) The outcomes of the complaints and appeals process will be communicated in writing to the person making the complaint or appeals. This will also include the reasons for the outcome.

2.2 Response to complaints and appeals

Each individual involved in the complaint may have a support person of their choice present at any meetings to resolve the complaint or appeal.

An independent assessor will be identified to conduct a review of an assessment decision that is being appealed.

2.3 Enrolment during a complaints process

Students' enrolment will be maintained throughout the complaints and appeals process unless the complaint is in relation to misconduct.

Students' enrolment will also be maintained throughout the internal appeals processes.

Additionally:

- a) if the appeal is against AMS' decision to cancel the student's enrolment for unsatisfactory course progress or attendance, the student's enrolment will be maintained until the external process is completed and has supported or not supported AMS' decision to cancel their enrolment
- b) if the appeal is against AMS' decision to defer, suspend or cancel a student's enrolment due to misbehaviour, AMS will cancel the student's enrolment after the outcome of the internal appeals process.

2.4 Independent Appeal Process

Where the internal process has failed to resolve the complaint or appeal, the matter will be referred to an independent mediator.

All associated costs are to be met by the complainant/appellant unless it is AMS that made the decision to appoint the independent party.

The independent party recommended by AMS for cases involving domestic students is the Resolution Institute. However, another mediator of the student's choice can be appointed.

During the mediation process, AMS will cooperate in full and commits to immediately implement the decision or recommendation made by the external mediator and/or take preventative or corrective action required by the decision or recommendation.

All actions taken will be communicated in writing to students.

3 Information about external bodies to whom complaints can be made

Complaints can also be made to the organisations indicated below:

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. Access to the Hotline is through:

Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally

Email: ntch@education.gov.au

TRAINING COMPLAINTS HOTLINE – AUSTRALIAN SKILLS QUALITY AUTHORITY (ASQA)

Complainants may also complain to AMS registering body, Australian Skills Quality Authority (ASQA). It is important to understand that ASQA does not act as an advocate for individual students and is not responsible for resolving disputes between students and training providers. ASQA only uses information from all complaints as intelligence to inform regulatory activities. More information can be found at: <https://www.asqa.gov.au/complaints>

4 Records Management

Records of all complaints and their outcomes are maintained securely. Records of complaints include:

- How the complaint or appeal was dealt with,
- The outcome of the complaint or appeal,
- The timeframes for resolution of the complaint or appeal,
- The potential causes of the complaint or appeal, and
- The steps taken to resolve the complaint or appeal.

5 Monitoring and Improvement

All complaints practices are monitored by the RTO & Training Lead and will be discussed at Training Meetings regarding Opportunity for Improvement and processed in accordance with the AMS Continuous Improvement Policy.

6 Access & Equity

Refer AMS Access & Equity Policy (PER-TRN-POL-0009).