

Complaints and Appeals Process

Purpose

This policy and procedure is to provide clear and practical guidelines to ensure that complaints and appeals lodged with Gateway Training Academy can be resolved, equitably and efficiently, in accordance with the principles of natural justice.

The Complaints Policy is there to manage and respond to allegations involving the conduct of Gateway Training Academy, its trainers, assessors or other staff, a third party providing services on Gateway Training Academy's behalf, its trainers, assessors or other staff or student of the RTO.

Definitions

Complaint – means any act or commission that a customer or potential customer of Gateway Training Academy believes to be unfair or discriminatory and relates to any Gateway Training Academy activity. It can include complaints related to academic or non-academic matters.

Appeal - means a request to review a decision that has been previously made.

Natural Justice is concerned with ensuring procedural fairness:

- Decisions and processes should be free from bias;
- All parties have the right to be heard;
- The respondent has a right to know of what s/he is accused;
- All parties are told the decision and the reasons for the decision.

Substantiated complaint – means a complaint that is supported by proof or evidence. It is something that is supported or verified by corroborating information.

Consumer Protection Officer – Receives complaints and/or appeals from students or others about Gateway Training Academy. Investigates and provides solutions to these situations.

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Policy

Gateway Training Academy is committed to ensuring that all students are provided the best possible environment in which to study. Despite all efforts of the RTO to provide superior services to our students, complaints may occasionally arise that must be addressed and rectified in a timely manner.

Gateway Training Academy will address any and all complaints in a fair, constructive and timely manner. The complainant has the right for their complaint to be heard and for an impartial decision to be made at no cost to themselves. Complainants have the right to appeal a decision and also the right to withdraw the complaint at any stage.

The following procedures provide participants the opportunity to have any issues relating to a substantiated complaint or appeal resolved and resolutions reached that attempt to satisfy all parties involved.

All complaints and appeals received by Gateway Training Academy will be viewed as an opportunity for improvement.

Procedure

Should a student have a complaint or appeal, the following steps are to be followed:

1. In the first instance the student should discuss the issue/complaint with the person involved to try and resolve the matter informally.
2. Any person wishing to submit a formal complaint or appeal can do so by completing the 'Complaints Form (GTA-FRM-010-02) or Appeals Form (GTA-FRM-009-02) which are available by requesting them from a member of the administration team (phone: 1300 881 932 or email: info@gatewayacademy.com.au) and state their case providing as many details as possible
3. The student should submit the complaint or appeal to the Consumer Protection Officer within seven (7) days of the issue arising.
4. The Consumer Protection Officer will record the information of the complaint in the Complaints register and notify the RTO Manager within **48 hours** of receiving the complaint.
5. The Consumer Protection Officer contacts the complainant within **5 working days** of receiving the complaint. This contact can be in the form of a face to face meeting, telephone conversation or email contact – to advise that the complaint has been received and to organise a suitable time with the complainant to further investigate/discuss the nature of the complaint.
6. The complainant has the right to have a support person (of their choice) with them, regardless of the nature of the issue or complaint throughout the process at all times.
7. The Consumer Protection Officer will investigate the complaint/appeal and interview other parties that may have an involvement or have witnessed the problem. The Consumer Protection Officer will continue to investigate the situation until such time as he can clearly identify the root cause/s of the problem and determine the appropriate solution.
8. The Consumer Protection Officer will document the outcome of his investigations along with the solution and present this information to the RTO Manager for review.
9. The outcome of the investigation, along with the solution, including a "timeline" for implementation to be forwarded to the complainant as well as other affected parties within **20 working days** of the complaint being received.
10. If the complainant is unsatisfied with the outcome, they may make a written request to the RTO Manager of Gateway Training Academy, within **5 working days** that they wish to have the matter dealt with through an external mediation service facilitated by Australian Council for Private Education and Training (ACPET)
11. A student who wishes to lodge an external appeal must complete the form for domestic students available at: <http://acpet.edu.au/students/student-support/appeals> and email it to: student.appeals@acpet.edu.au
12. Once the application is made ACPET will advise Gateway Training Academy of the external review application made by the student and both the student and Gateway Training Academy will be requested to provide documents in support of the application within 14 days including student records to ACPET. ACPET will then forward all documents to an External Reviewer. The External Reviewer considers the documents and makes a determination. The decision and determination is forwarded to ACPET. ACPET will then send the decision to all parties.

Turnaround time for an appeal is within 4 to 6 weeks of lodgement

13. Contact with the mediator should be initiated by the student in all cases.
14. The total cost (if applicable) per external mediation is borne by the student.
15. The police may be contacted in cases of possible criminal behaviour
16. Each complaint, appeal and its outcome is recorded in writing and each party to the complaint is given a written statement of the appeal outcomes, including reasons for the decision.
17. Nothing in this policy limits the rights of students to take action under Australia's Consumer Protection laws. Also, these dispute resolution procedures do not circumscribe a student's rights to pursue other legal remedies.
18. Final outcomes to be entered into the Complaints and Appeals Register and the Continual Improvement Register.

Continuous Improvement

Regular review of the Complaints and Appeals Register will be undertaken by the Quality and Compliance Manager. The review should identify any areas for improvement which arise where complaints are found to be substantiated and these will be documented in the Continuous Improvement Register.

Record Keeping and Confidentiality

Records of all complaints handled under this policy and procedure and their outcomes shall be maintained by the RTO for a period of at least two years to allow all parties to the complaint appropriate access to these records, upon written request to Gateway Training Academy.

Supporting Documents

- Complaint Form GTA-FRM-010-02
- Appeals Form GTA-FRM-009-02
- Complaints and Appeals Register GTA-REG-003-01
- Continuous Improvement Register GTA-REG-004-01

Related Standard

Clause 6.1

The RTO has a Complaints Policy to manage and respond to allegations involving the conduct of:

- a) *the RTO, its trainers, assessors or other staff*
- b) *a third party providing services on the RTO's behalf, its trainers, assessors or other staff or*
- c) *a student of the RTO.*

Clause 6.2

The RTO has an Appeals Policy to manage requests for a review of decisions, including assessment decisions, made by the RTO or a third party providing services on the RTO's behalf.

Clause 6.3

The RTO's Complaints Policy and Appeals Policy:

- a) *ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;*

- b) *are publicly available;*
- c) *set out the procedure for making a complaint or requesting an appeal;*
- d) *ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable, and*
- e) *provide for review by an appropriate party independent of the RTO 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.*

Clause 6.4

Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:

- a) *informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and*
- b) *regularly updates the complainant or appellant on the progress of the matter.*

Clause 6.5

The RTO:

- a) *securely maintains records of all complaints and appeals and their outcomes, and*
- b) *identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.*

Clause 6.6

Not Applicable

Document History				
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09.06.2015	2	Branded for Gateway Training Academy	Compliance Manager	
17.07.2015	3	Strengthened document to take into account the requirements of NSW Funding contract	Compliance Manager	