

Policy Title	Complaints and Appeals
Policy Code	QPO.001
Version	V2
Effective Date	01.07.2017

Scope

This policy is applicable to individuals associated with YMCA Education and Training (QLD).

Purpose

The purpose of this policy is to:

- To provide a clear and transparent policy that enables students and relevant parties to freely raise any concerns regarding the course or service provided by YMCA Education and Training.
- A framework for managing complaints and appeals
- A procedure for review and investigation of complaints and appeals
- A fair, equitable and confidential means of resolving complaints and appeals

To ensure compliance with the Standards for Registered Training Organisations (RTOs) 2015, Standard 6 (Clause 6.1 - 6.6) must be considered in conjunction with this policy.

What is a complaint and an appeal?

A **complaint** is an expression of dissatisfaction by an individual (hereafter referenced as the complainant) about an issue related to an individual associated with YMCA Education and Training, or an issue with a course or qualification delivered by YMCA Education and Training, which warrants the need for review, investigation and action. Complaints are typically made by students, however, can also be made by people such as parents/guardians, employers, schools, external partners, prospective students or other relevant parties.

All parties are entitled to access the complaints process. Activities which may give rise to academic and or non-academic complaints covered by this policy are listed below:

- Academic programs/courses – content, structure, resources, access.
- Administrative or Training Officer customer service, action/inaction, procedure or decision
- Subject enrolment, training delivery, assessment and feedback, learning environment and resources and outcomes.
- Student services, processes and communication.
- Individuals who believe that they have been treated unfairly or discriminated against on the grounds of access and equity.

-
- Occupational health and safety concerns related to subject delivery and/or assessment.

An **appeal** is a process whereby the complainant may wish to dispute a decision made by YMCA Education and Training.

The complainant may appeal decisions such as:

- An RPL decision
- An assessment or feedback decision
- A penalty imposed due to plagiarism / cheating
- A penalty imposed due to an act of misconduct and breach of code of ethics
- A refund decision
- A course extension decision

The complainant has the right to appeal any decision made by YMCA Education and Training and must follow the appropriate appeals procedure.

General Principles

Complaints will be addressed based on their particular circumstances, however the following general principles will also be followed by YMCA Education and Training:

- All complaints and appeals will be made and dealt with in a timely manner according to the complaints and appeals process
- The resolution of a complaint can be reached at any stage throughout the complaints process. Investigation ceases once the complaint is resolved, unless, in the interests of improving the services, products or processes of YMCA Education and Training further investigation may occur by management.
- The complainant is entitled to ask for assistance at any time during the complaint or appeals process.
- Details of the complaint, including the investigation and outcome, will be documented and filed accordingly. These details can be requested at any stage of the process by the complainant.
- Complainants have a right to appeal if they believe their complaint has not been adequately resolved.
- Students will continue their studies as usual during the complaint process, except in circumstances where their health or safety is potentially at risk or if they pose a health or safety risk to others.
- The complainant will not be victimised or discriminated against in any manner and all details of the complaint and subsequent investigation will remain strictly confidential.
- The complainant may bring one person (such as a friend, family member, counsellor or other support person) to represent/support them to any meetings during the complaint process. The student is required to notify YMCA Education and Training that the person will be attending before the meeting and is not a legal practitioner.
- In the event of a complaint not being resolved internally, YMCA Education and Training and the complainant may appoint an independent arbiter to review the complaints and recommend a solution.

Complaints Process

Stage 1: Complaint made and received

Any complaints, and issues surrounding the complaint should be raised informally with a YMCA Education and Training staff member, usually to the staff member concerned.

If it is not practical to raise the issues with a particular staff member or the complaint cannot be resolved by the staff member, the student may request to speak with the staff member's Manager.

After discussion with management, if the student is still not satisfied with the resolution of the complaint, a formal written complaint may be lodged with YMCA Education and Training. All complaints and appeals are addressed in a fair and equitable manner.

Stage 2: Lodging a formal written complaint

- All written complaints must be submitted within 14 days of the incident or issue that the complainant is concerned about.
- All written complaints must be submitted to training.brisbane@ymcabrisbane.org to be reviewed and investigated by YMCA Education and Training management.
- Students are required to complete the **Student Complaint Form (Appendix A)** for all formal written complaints to assist with the investigation and resolution of the complaint.

To assist in the investigation and resolution of a complaint, it is recommended that students complete the Student Complaint Form with as much detail as possible and include the following information when lodging their complaint:

1. Have the subject line as 'Complaint' and 'Student Name' when lodging form via email.
2. Student contact details.
3. List the qualification / course enrolled in.
4. Describe your complaint and any issues relating to the complaint.
5. Provide any evidence of attempts to resolve the complaint – emails, examples, dates, times etc.
6. Specify the outcome that is being sought.
7. Any other relevant information that will assist in the review, investigation and resolution of the complaint to ensure the best outcome.

Stage 3: Investigation of complaint

Upon receiving a formal written complaint, details will be recorded on YMCA Education and Training's non-conformance and complaints registers.

All complaints will be investigated and resolved by the appropriate manager and in accordance with this Policy. Investigation of complaints may involve:

- Speaking to relevant YMCA Education and Training staff members
- Reviewing all information provided by the complainant from Stage 2
- Reviewing any assessments and feedback forms

- Consulting other course participants
- Reviewing processes and procedures
- Reviewing course materials or resources
- Reviewing course evaluations and feedback

Stage 4: Interview conducted

If further investigation of the complaint is required, a formal interview or meeting with the individual(s) involved in the complaint may be conducted. The interview or meeting can involve the relevant student(s), support persons, staff and management to agree on an appropriate resolution.

Further investigation may be important particularly where it relates to learning, assessment, health and safety, or access and equity.

Stage 5: Resolution of complaint

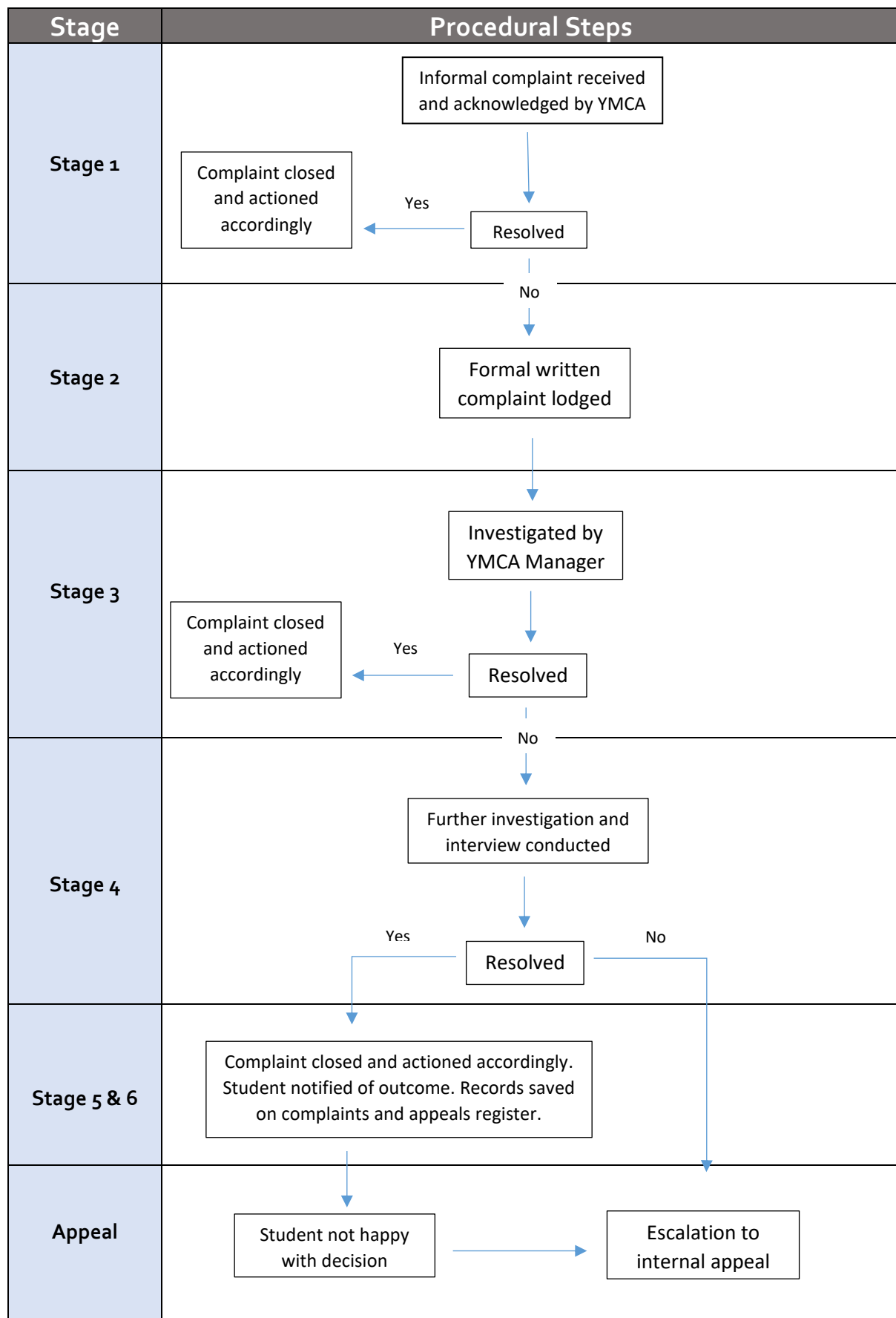
Once the investigation has been conducted and a resolution made, the student will receive a written response from the Education and Training Manager detailing the outcomes/actions taken in response to the complaint. This will occur within ten (10) working days of acknowledgement of the student's complaint. If for some reason the investigation or determination takes longer, the student will be advised.

Stage 6: Complaint closed

If YMCA Education and Training receives no communication from the student within ten (10) working days of the date the written response is sent, the complaint will be considered closed, apart from during exceptional circumstances.

Any determination made in relation to a formal complaint will be documented in the Non-Conformance and Complaints Registers.

Complaints Procedure



Appeals Process

Stage 1: Submitting an appeal

Right to appeal

Any complainant who believes that they have grounds for an appeal, are entitled to officially appeal a decision or determination.

Notice of appeal

If a complainant decides to appeal a decision, they must lodge a written Notice of Appeal (Appendix B) within ten (10) working days of the determination being made. All appeals must clearly set out the grounds of appeal and provide relevant evidence or information to support the grounds of appeal. An official appeal must also specify the outcome sought.

Grounds of appeal

An appeal of a determination may be made on one or more of the following grounds:

- Outcome of academic or non-academic misconduct
- A penalty imposed due to plagiarism / cheating or breach of code of ethics
- A decision on the course being studied – extensions, withdrawals, refunds
- Outcome from unsatisfactory academic progress
- A review of a complaints resolution
- That there was bias, prejudice or a conflict of interest
- That some significant policy/procedural irregularity occurred
- That the decision was made without due consideration of relevant facts or evidence
- That new evidence of a relevant nature is available

The appellant can withdraw their appeal at any stage in the process. If the appellant does this no further appeals will be accepted. The appeal will be deemed resolved.

Stage 2: Investigation of appeal

On receiving the appeal application, the YMCA Education and Training Manager will review the application and determine whether to grant or dismiss the application.

If the Education and Training Manager believes there are no grounds for appeal, or that the appeal is lacking in substance/evidence or is frivolous, the appeal may be dismissed without proceeding to hearing in the case of the Appeals Committee.

For non-academic matters, the determination is final and must be communicated to the student in accordance with the standards set out in this Policy. Where an appeal application is dismissed, appellants will receive written notification within five (10) business days of the decision and informed of further appeal avenues (Appendix C).

Resolution of an appeal can occur at this stage when the Education and Training Manager makes a decision where they see fit. If further action is required, an appeal hearing may be required.

Stage 3: Appeal hearing (if required)

If the Education and Training Manager decides to proceed with the appeal, a meeting of the Appeals Committee will be convened within a reasonable time, which will normally not be more than twenty (20) working days after the Notice of Appeal. The Appeal Committee may ask the student to attend an interview and/or provide documented evidence relating to the appeal.

Appeal Committee

The Appeals Committee will usually consist of two (2) members of the YMCA Education and Training management team. The committee must NOT include any staff member who has:

- A personal involvement or connection with the student, or with the matters to be heard, or
- Been involved in any activity that has or could potentially lead to bias, prejudice or a conflict of interest in relation to the complaint.

The Appeals Committee will determine the general conduct of the appeal hearing and the procedures to be adopted, as it thinks fit, based on general principles of natural justice and procedural fairness.

The Appeals Committee has the power to:

- Hear the appeal, review, uphold, dismiss or vary the determination of the complaint
- Refer the matter to YMCA Senior Management for further inquiry and determination

The Appeals Committee will consider all documentation and evidence submitted in connection with the appeal, including any written submissions from the student and any representative of YMCA Education and Training. The Appeals Committee may also refer to documentation or evidence tendered during the investigation as well as any other information relevant to the appeal.

At the appeal hearing, the appellant concerned may be accompanied or assisted by a third party if so desired, but must advise YMCA Education and Training prior to the hearing if they intend to do so. Both the student and YMCA Education and Training may not appoint a legal representative to represent them at the appeal hearing.

Stage 4: Resolution of appeal

At the completion of the investigation or hearing, the Education and Training Manager and/or Appeals Committee must decide and communicate the outcome to the appellant within ten (10) working days. The outcome will be communicated in writing within the outlined timeline.

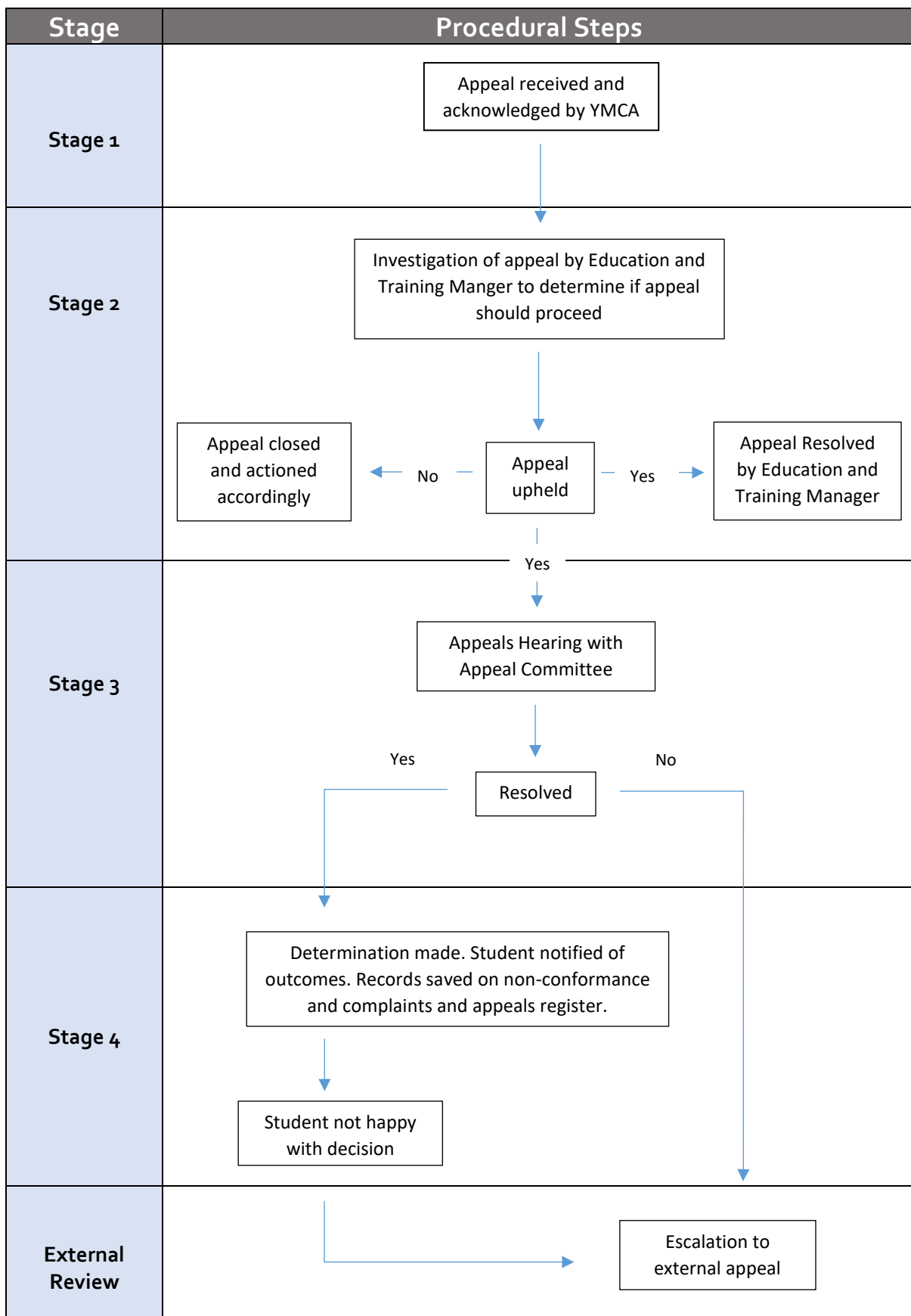
A student may request access to records of the investigation and/or hearing and reasons for the determination. A decision of the Education and Training Manager and/or Appeals Committee is final and binding on all parties. The appellant may pursue relevant action

available to them under Commonwealth or State legislation. Please see Appendix C for a list of relevant external agencies.

External Independent Review

If the complaint/ appellant wishes to appeal the decision of the Appeals Committee, the complainant can lodge an external appeal. Students are encouraged to appeal externally after all internal processes have been exhausted under this Policy. However, at any part in the complaints or appeals process the complainant can refer the matter to an external agency. (See Appendix C for further details).

Appeals Procedure



Related policies and documents

This policy should be read in conjunction with the following policies:

- Access and Equity Policy
- Assessment Policy
- Privacy Policy
- Student Handbook

Enquiries

If you have any enquiries about this policy please contact YMCA Education and Training on (07)3852 2443 or training.brisbane@ymcabrisbane.org

Further Information:

Policy Category	Academic
Policy Owner	YMCA Education and Training Manager
Effective Date	01.07.17
Review Date	01.07.18
Approved by	YMCA Operations Manager

Version Control				
Version	Date	Author	Details	Approved
V2	30.06.17	Todd Jeanes	Update to policy	Yes

Appendix A: Student Complaint Form

Before lodging a formal complaint and completing the Student Complaint Form, please ensure you have read our *Complaints and Appeals Policy* and followed Stage 1 of the student complaint procedure. Please call (07) 3852 2443 if you have any questions.

All Student Complaint Forms should be emailed to
training.brisbane@ymcabrisbane.org

Student Number (if applicable):		Date: / /
Mr/Mrs/Miss:	Surname:	Given Name:
Address:		
Contact Number:	Email:	
Course enrolled in:		
Details of complaint: <i>(attach additional pages if required)</i>		

People involved:		
Have you tried to resolve this issue informally? <input type="checkbox"/> YES <input type="checkbox"/> NO		

If yes, please provide a brief summary of this process:

Resolution action: *(indicate what outcome you are seeking)*

Supporting Evidence: *(indicate what evidence you are submitting i.e. emails, dates, assessments etc.)*

Emails **Dates** **Assessments** **Other**

Student Declaration:

I have read the complaints policy and procedures and agree to follow the correct process required.

YES **NO**

Student Signature:

Date:

YMCA OFFICE USE ONLY – Student Complaint Form

Application Reviewed By:			
Escalated to Management <i>(where applicable)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date	
Actions to be taken:			
Actions completed	<input type="checkbox"/> Yes	Date	
Student notified of outcome:	<input type="checkbox"/> Yes	Date	
Notification method:	<input type="checkbox"/> Phone <input type="checkbox"/> Email <input type="checkbox"/> Meeting <input type="checkbox"/> Letter		
Additional comments: <i>(if required)</i>			
Approved by Manager:			
Signature:			
Date:			

Administration checklist:

- Complaint reviewed by appropriate staff
- Actions noted and completed
- Student notified of outcome
- Complaint entered on non-conformance register and complaints register
- Communication notes entered on VETtrak
- Save copy of complaints form to students file
- Save copy of relevant evidence or emails to students file
- Adjustments added to continuous improvement register

Appendix B: Notice of Appeal Form

Before lodging a formal Notice of Appeal, please ensure you have read our [Appeals and Complaints Policy](#) and followed relevant procedures. This form should be used when seeking a review of a decision made by YMCA Education and Training. Please call (07) 3852 2443 if you have any questions.

Notice of Appeal Forms should be emailed to
training.brisbane@ymcabrisbane.org

Student Number (if applicable):		Date: / /
Mr/Mrs/Miss:	Surname:	Given Name:
Address:		
Contact Number:	Email:	
Course enrolled in:		
Grounds of appeal: <i>(list and provide information on the decision you are appealing)</i>		

People involved: <i>(if applicable)</i>		
Have you tried to resolve this issue informally? <input type="checkbox"/> YES <input type="checkbox"/> NO		
If yes, please provide a brief summary of this process:		

Resolution action: *(indicate what outcome you are seeking)*

Supporting Evidence: *(indicate what evidence you are submitting i.e. emails, dates, assessments etc.)*

Emails Dates Assessments Other

Student Declaration:

I have read the complaints policy and procedures and agree to follow the correct process required.

YES NO

Student Signature:

Date:

YMCA OFFICE USE ONLY – Notice of Appeal

Application Reviewed By:			
Escalated to Management <i>(where applicable)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date	
Hearing – Appeal Committee <i>(if required)</i>	<input type="checkbox"/> Yes	Date	
Outcome:			
Actions to be taken:			
Actions completed	<input type="checkbox"/> Yes	Date	
Student notified of outcome:	<input type="checkbox"/> Yes	Date	
Notification method:	<input type="checkbox"/> Phone <input type="checkbox"/> Email <input type="checkbox"/> Meeting <input type="checkbox"/> Letter		
Additional comments: <i>(if required)</i>			
Approved by Manager:			
Signature:			
Date:			

Administration checklist:

- Appeal reviewed by appropriate staff
- Actions noted and completed
- Student notified of outcome
- Appeal entered on non-conformance register and complaints register
- Communication notes entered on VETtrak
- Save copy of notice of appeal form to students file
- Save copy of relevant evidence or emails to students file
- Adjustments added to continuous improvement register

Appendix C: External Contacts

Provided below is a list of contacts that students may approach for external resolution of complaints and/or appeals. Before contacting these groups, students should ensure they have exhausted the internal avenues of escalation and appeal within YMCA Education and Training (QLD).

[Australian Skills Quality Authority \(ASQA\)](#)

[Department of Education and Training \(QLD\)](#)

[Office of Fair Trading \(QLD\)](#)