



No.3.1.6: Complaints and Appeals Policy and Procedure

Policy Context

This policy relates to:	
Registration Manager	Australian Skills Quality Authority (ASQA)
Conditions of Registration	VET Quality Framework (VQF)
Codes and Standards	ESOS National Code 2018 – Standard: 3.3.7; 3.4.5; 6.1.6; 7.5.2; 7.6; 8.13.3; 8.14.1; 8.14.2; 8.14.3; 9.4.2; 10.1; 10.2; 10.3; 10.4; Standards for RTOs 2015 - Standard 6
Legislation or other requirements	National Vocational Education and Training Regulator Act 2012

Purpose

The purpose of this policy and procedure is to provide clear and practical guidelines to ensure that student’s complaints/grievances and appeals can be resolved in accordance with the principles of natural justice, fairly, efficiently and effectively.

Objective

The objective of this Policy and Procedure is to ensure that RTO has:

- suitable and appropriate complaints and appeals processes, procedures and protocol in place.
- An appropriate policy framework to comply with the complaints and appeals (internal and external) process



- personnel that understand and know their responsibilities and obligations.

Scope

This policy and procedure applies to all current, prospective and previous students of RTO and all staff.

Complaints and appeals may be made in relation to any of the following:

- RTO, its trainers, assessors or other staff;
- Education agent
- Any third-party providing services on RTO's behalf, its trainers, assessors or other staff;
- Assessment/RPL outcome;
- Fees and refunds/re-crediting or
- A student of RTO.

General Processes

Despite all efforts of RTO to provide satisfactory services to its students, complaints may occasionally arise that require formal resolution or students may appeal against a complaint outcome or educational determination (e.g. assessment result). In this instance, RTO must implement their documented internal complaints handling and appeals process and policy, and provide the overseas student with comprehensive, free and easily accessible information about that process and policy.

RTO's internal complaints process must:

- Include a process for the student to lodge a formal complaint or appeal if a matter cannot be resolved informally
- Ensure that RTO will respond to any complaint/appeal the student makes regarding their dealings with RTO, their education agents or any related party the provider has an arrangement with to deliver the course or related services.
- Commence assessment of the complaint/appeal within 10 working days of lodgement in accordance with the RTO's complaints handling policy and process, and finalise the outcome as soon as practicable
- Ensure the student is given an opportunity to formally present their case at minimal or no cost and be accompanied and assisted by a support person of their choice at any relevant meetings
- Conduct the assessment of the complaint or appeal in a professional, fair and transparent manner
- Ensure the student is given a written statement of the outcome of the appeal, including detailed reasons for the outcome
- Keep a written record of the complaint/appeal, including a statement of the outcome and reasons for the outcome.

Staff also have the right to avail themselves of this process.

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RTO will approach all complaints and appeals with an open view and attempt to resolve issues through discussion and conciliation. Where a complaint cannot be resolved through discussion and mediation, RTO acknowledges the need for an appropriate external and independent agent to mediate between the parties.

RTO understands individuals' concerns regarding confidentiality and is totally committed to fair treatment respecting and upholding individuals' rights to privacy protection under the Australian Privacy Principles (APPs) contained in The Privacy Act amended 1988 (Cth). RTO respects the privacy rights of all individuals in the workplace. RTO has implemented a program to ensure compliance with the APPs.

RTO understands that despite all its efforts to provide satisfactory services to its students, complaints may occasionally arise that require formal resolution. Students have the opportunity to have any complaint or appeal resolved and resolutions reached that attempt to satisfy all parties. There is no cost to the student unless the referral is made to a third party.

Complaints may be made in relation to any of RTO's services and activities including but not limited to:

- The application and enrolment process
- Marketing information
- Education agent
- The quality of training and assessment provided
- Training and assessment matters, including student progress, student support and assessment requirements
- The way someone has been treated
- The actions of another student
- Personal safety
- Customer service and administration
- The issue of result, certificate and statement of attainment
- Learning resources
- Fees and changes
- Student amenities and facilities
- Discrimination
- Sexual harassment
- Other issues that may arise

Where a stakeholder is not satisfied with the RTO's decision regarding their complaint, they may appeal against that decision.

RTO is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, RTO ensures that complaints and appeals:

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- Are responded to in a consistent and transparent manner.
- Are responded to promptly, objectively, with sensitivity and confidentiality.
- Can be made at no cost to the individual.
- Are used as an opportunity to identify potential causes of the complaint or appeal and to take action to prevent the issue from recurring as well as identifying any areas for improvement.
- Are viewed as an opportunity to improve the organisation and how it works.
- Are responded to from a view that is client focused and helps RTO to prevent these events from recurring.
- Ensure that complaints and appeals are resolved promptly, objectively, with sensitivity and in complete confidentiality.
- Are treated confidentially and that the views of each complainant, appellant and respondent are respected and that any party to complaint or appeal is not discriminated against nor victimised.
- Are dealt with in a fair, equitable and consistent manner.

RTO must ensure that students are fully informed of their right to lodge a complaint or appeal.

Students must be informed that the person(s) responsible for investigating the complaint will not be the subject of the complaint or appeal.

Procedures

	Procedure Steps	Responsibility	Reference
1	Informal Complaint	PEO RTO Manager	
2	Formal Complaint	PEO	



The complaints and appeals policy and procedure and form are made available to all students and potential students by directly contacting RTO, through RTO's website, pre-enrolment and Student Handbooks.

Where possible, all informal attempts shall be made to resolve the issue (informal complaint) this may include advice, discussions, meeting with the student, emails and general mediation in relation to the issue and the student's issue. Any staff member can be involved in this informal process to resolve issues, but once a student has submitted a formal complaint/appeal, the following procedures must be followed.

If a student is uncomfortable with speaking directly to the person involved or the informal process does not resolve the issue to the student's satisfaction, the formal process should be followed as described below.

Where a student is unhappy with the outcome of an assessment decision, this will be dealt with under assessment appeals.

Formal Complaints

Students or any other stakeholders who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so. There is no cost for the complaints process unless it is referred to a third party. Complainants have the right to access advice and support from independent external agencies/persons at any point of the complaint and appeals process. Use of external services will be at the complainant's costs unless authorised by the PEO.

Any person wishing to submit a formal complaint can do so by completing the Complaints and Appeals Form and state their case, providing as many details as possible. This form can be obtained by contacting Administration staff at SIT, or through the SIT website.

All formally submitted complaints are submitted to the PEO.

Once a formal complaint is received it will be entered the Complaints and Appeals Register and written acknowledgment will be sent to the complainant which is monitored by the RTO Manager regularly. The information to be contained and updated within the register is as follows:

- The name of the complainant
- Date of the complaint
- Type of complaint
- Name of investigating officer/business unit assigned to deal with the complaint
- Response from those involved in the allegations
- Analysis of the matter
- Outcome of complaint
- Action recommended addressing systemic issues (if any)

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- Time taken to investigate complaint
- Complainant satisfaction with the outcome.

A student may be assisted or accompanied by a support person at any face to face meetings regardless of the nature of the issue or complaint throughout the process at all times.

The PEO will then refer the matter to the appropriate staff members to resolve or make a decision on the complaint within 10 working days and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint.

Where a decision is expected to take longer than 60 days, SIT will advise the student in writing of the delay and including the reasons for the delay. Thereafter the student will be provided with weekly updates in writing of the progress of the complaint or appeal. Weekly updates to both complainant and appellant will be provided by the PEO. If decision is taking more than 60 days, the matter can be forwarded to an external complaints' resolution organisation as well for resolution.

Once a decision has been reached, the PEO will inform all parties involved in writing. Where the complaint process does not find in favour of the complainant, s/he will be notified that they have the right of appeal. To appeal a decision, the SIT must receive, in writing, grounds of the appeal within 20 days of the date of the notice of the decision.

The PEO ensures that SIT will act immediately on any complaint where the complaints process results in a decision that supports the complainant. SIT will immediately implement any decision and/or corrective and preventative action that are required and advise the student of the outcome.

Copies of all documentation, outcomes and further action required will be placed on the Complaints and Appeals Register by the PEO or representative and in the student's file, in case of student as complainant.

Nothing in this procedure inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies. Students wishing to take this course of action are advised to:

- Contact a solicitor; or
- Contact the Law Institute of Victoria, 470 Bourke St., Melbourne 3000, and telephone 03 9602 5000 for a referral to a solicitor.

Appealing

All students and stakeholders have the right to appeal decisions made by SIT where reasonable grounds can be established. The areas in which a student or stakeholder may appeal a decision made by SIT may include:

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- Any other conclusion/decision that is made after a complaint has been dealt with SIT in the first instance as described in the complaints process above. This is referred to as a general appeals)
- Assessments decisions as set out below (assessment appeals).

To activate the appeals process, the complainant must complete a Complaints and Appeals Form that must include a summary of the grounds the appeal is based upon. The reason the student feels the decision is unfair is to be clearly explained and help and support with this process can be gained from SIT staff.

About general appeals, the RTO Manager determines the validity of the appeal and organises a meeting with all parties involved in the matter and attempts to seek resolution where appropriate.

The process for all formally lodged appeals will begin within 10 working days of the appeal being lodged.

CM ensures SIT acts on any substantiated appeal.

General Appeals

Where a student has appealed a decision or outcome of a formal complaint, they are required to notify SIT in writing within 20 working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal

The appeal shall be lodged through the RTO Manager or a nominee appointed by the RTO Manager. An SIT representative must record the details in the Complaints and Appeals Register.

The RTO Manager or a nominee appointed by the RTO Manager will be notified and will seek details regarding the initial documentation of the complaint and decide based on the grounds of the appeal.

The appellant will be notified in writing of the outcome with reasons for the decisions, and the Complaints and Appeals Register updated particularly the student will also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify SIT within **20** working days if they wish to proceed with the external appeals process.

Assessment Appeals

Where a student wishes to appeal an assessment, they are required to notify their Trainer in the first instance. Where appropriate their Trainer may decide to re-assess the student to ensure a fair and equitable decision is gained. The Trainer shall complete a written report regarding the re- assessment outlining the reasons why assessment was - or was not - granted.

If this is still not to the student's satisfaction, the student may formally lodge an appeal within **10** working days. They will lodge this with the RTO Manager or a nominee

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appointed by the RTO Manager and the appeal will be entered in the Complaints and Appeals Register.

The RTO Manager will be notified and will seek details from the Trainer involved and any other relevant parties. A decision will be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a third party. The third party will be another Trainer/Assessor appointed by SIT.

The student will be notified in writing of the outcome with reasons for the decision, and the Complaints and Appeals Register will be updated. The student will also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify SIT if they wish to proceed with the external appeals process.

External Appeals

If not satisfied with the decision in stage 2, the complainant may request that the matter be further reviewed by an external dispute resolution process, by the body appointed by SIT for that purpose.

The details of these external bodies are as follows:

Resolution Institute, previously as LEADR and IAMA, has been accrediting mediators since the mid- 1990s. <https://www.resolution.institute/>

Or

The Dispute Settlement Centre of

Victoria (DSCV) Dispute Tel: 9603 8370

<http://www.disputes.vic.gov.au>

Or National Student Ombudsman(For International students only) at
Website: <https://www.nso.gov.au/>

The division of the expenses associated with the mediation e.g. mediator's fee, room hire and possibly travel expenses are to be shared equally between SIT and the complainant.

The SIT will immediately implement recommendations arising from the external review within at least 10 working days of the receipt of the recommendations.

Further information

If a client (student or other client) is still dissatisfied with the decision of SIT, they may wish to seek advice or make a complaint about SIT to ASQA directly. If, after SIT's internal complaints and appeals processes have been completed, you still believe SIT is breaching or has breached its legal requirements, you can submit a complaint to ASQA

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by completing the “The Complaint about a training organisation operating under ASQA’s jurisdiction” form. While ASQA will not be able to act as your advocate the lodgement of your complaint will inform ASQA’s risk assessment of SIT and a complaint audit may be conducted.

Contact details for ASQA are:

<https://www.asqa.gov.au/about/contact-us>

SIT Staff may also use this complaints and appeals process. SIT will use all complaints as an opportunity for continuous improvement.

This policy and procedure is compliant with VQF and National Code Standards in providing a process for complaints and appeals to be heard and actioned where necessary.

The SIT Complaints and Appeals policy - principles of natural justice and procedural fairness

- All parties to a complaint or appeal have the opportunity to put their case and have this properly considered
- Any allegation against a SIT staff member or member of a subcontractor party is made known to that person
- Investigations and decisions are made by persons who do not exercise bias
- A complainant should feel confident that they will not suffer any discrimination as a result of using the complaint or appeal process
- Confidentiality shall be maintained to the extent of the people that need to be directly involved in the complaint or appeal process.
- All the information regarding this policy can be found:

On the SIT website, in the Student Handbook, in the Staff Handbook, In the Letter of Offer and Acceptance Agreement;

During Orientation;

- The student can be supported or accompanied by an independent person during the complaints and appeals process.
- It is normal SIT policy that whilst a student is going through any formal complaint or appeals process that the student remains enrolled at SIT and continues their studies and assessments in the normal way. It should be noted that if the complaint or appeal has resulted in the student being suspended or excluded due to a breach of the Student Code of Conduct, then the suspension or exclusion shall continue until either it has expired, or the result of the complaint or appeal is decided in the student’s favour.
- SIT has a fair and transparent informal and formal complaints and appeals process, but should the student require it, access is available to an independent mediator who can review the complaint and/or appeals process.

Important: see notes at beginning of section on External Appeals Procedure below.

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NOTE: If the outcome is in the appellant’s favour then SIT will implement any changes recommended by the adjudicator immediately and advise the appellant of the outcome and actions taken.

General Process to lodge a complaint or internal appeal

The process to be followed for an external appeal is documented by Compliance Executive for Students.

The following actions must be completed for a complaint or internal appeal:

Topic	Process
Availability of Complaints and Appeals Policy and Complaints and Appeals form	The Complaints and Appeals Policy and Complaints and Appeals form are made available to all students and other stakeholders by directly contacting SIT, through the SIT’s website and Student handbook.
Informal Complaints	<p>Where possible all informal attempts shall be made to resolve the issue (Informal Compliant).</p> <p>This may include advice, discussions, meeting with the student or stakeholder, emails and general mediation in relation to the issue and the student/stakeholder issue.</p> <p>Any staff member can be involved in this informal process to resolve issues but once a student has placed a formal complaint / appeal the following procedures must be followed.</p>



<p>Receive and acknowledge the Formal complaint</p>	<p>Complaints</p> <p>Any student, potential student, employee or third party may submit a formal complaint to SIT with the reasonable expectation that all complaints will be treated with integrity and privacy. There is no cost for the complaints process unless it is referred to a third party.</p> <p>Complainants have the right to access advice and support from independent external agencies/persons at any point of the complaint and appeals process. Use of external services will be at the complainant’s costs unless authorised by the Principal Executive Officer (PEO).</p> <p>Any person wishing to submit a formal complaint or appeal can do so by completing the Complaints and Appeals Form and state their case providing as many details as possible. This form can be obtained by contacting Administration staff at SIT, or through the SIT website.</p> <p>a. As per policy, complaints are to be made in writing by the complainant.</p> <p>b. The SIT should review all complaints upon receipt.</p> <p>c. Acknowledge receipt of complaint in writing by sending a letter to complainant or email.</p> <p>d. Record details of the complaint on the Complaints and Appeals Register.</p>
<p>Review of Complaint or Appeal</p>	<p>Once a complaint or appeal is received and checked for it should be forwarded to the appropriate person for review.</p>
<p>Cost</p>	<p>There will be no charge to the complainant or appellant for the lodgement or presentation of their case. Incidental expenses for attending SIT offices to lodge the document or attend a meeting or any charges incurred (e.g. telephone) will Not be reimbursed.</p>
<p>Presentation of case</p>	<p>ALL complainants and appellants must be given the opportunity to formally present their case and to be accompanied by a friend or third</p>
	<p>party to support them (and if language is an issue to help them present their case). The cost to accompany that friend/third party will be at their own cost.</p>



<p>Determination</p>	<p>The Review Person may gather evidence and constitute a review committee as they see fit.</p> <p>This process must be commenced within 10 working days of the lodgement of the complaint or appeal (and receipt of all supporting evidence) and complete the process within a reasonable time period usually 10- 15 working days.</p> <p>If further evidence is requested, then the Review Person must communicate with the complainant or appellant as soon as possible and within 5 working days asking for evidence.</p> <p>The process will be put on hold until the evidence is received. How a decision is reached will be advised in the written response to the complainant or appellant.</p>
<p>Timescale</p>	<p>The complaint or appeal should normally be commenced within 10 working days of the receipt of the completed form and associated supporting material. See “Determination” above in relation to request of supplementary information.</p>
<p>Appeal following a complaint</p>	<p>If the complainant is not satisfied with the decision, they may appeal. That appeal is on the fairness and objectivity of the decision.</p>
<p>Formal response to a complaint</p>	<p>A template for a formal written response has been developed for when the complaint is accepted or rejected. This included the complainant’s right to access the Internal Appeals process.</p>
<p>Formal response to an appeal</p>	<p>A template for a formal written response has been developed for when the appeal is accepted or rejected. This includes the complainant’s right to access the External Appeal process.</p>
<p>Documentation</p>	<p>ALL documentation relating to a formal complaint or appeal MUST be recorded on the student file.</p> <p>This must include the initial form, supporting evidence, meeting minutes, copy of correspondence with all concerned parties. This information will be kept confidentially and stored securely for 7 years.</p> <p>Documentation of all complaints and appeals and their outcomes is securely maintained. Potential causes of complaints and appeals are identified, and SIT takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.</p>
<p>Complaints and Appeals Register</p>	<p>All formal complaints or appeals must be logged in the Complaints and Appeals Register</p>



Learning	A complaint or appeal is a learning opportunity for SIT. The outcome will be seen as an input to the continuous improvement process. Any decisions that support students will be immediately implemented.
Standards for Registered Training Organisations 2015	Subject to Clause 6.6, to be compliant with Standard 6 SIT has the following procedures in place: 1. SIT has a complaints policy to manage and respond to allegations involving the conduct of: a) SIT, its trainers, assessors or other staff; b) a third-party providing services on SIT's behalf, its trainers, assessors or other staff; or c) a student of SIT.
	2. SIT has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by SIT or a third-party providing services on the SIT's behalf. 3. SIT's complaints policy and appeals policy ensure: a) 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) 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 SIT 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. 4. Where SIT considers more than 60 calendar days are required to process and finalise the complaint or appeal, SIT: 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.

Categorisation of complaint or appeal

The nature of the complaint or appeal will be categorised as follows:	Matter referred to the following:
Administrative Complaint. Complaints against the delivery of administrative and support services and facilities	Compliance Executive
Academic Complaint. Complaints against teachers/trainers, training delivery and assessment and the like.	Compliance Executive



Student Conduct Complaint. Complaints against misconduct/ misbehaviour of students.	Compliance Executive
Appeal	PEO of SIT

Continuous Improvement

A summary of all complaints and appeals received in the Complaints and Appeals Register will be presented as a part of the Continuous Improvement policy and procedure at the Management Meeting for review. The purpose of this is to ensure management become aware of:

- repeat issues
- Students that may be vexatious in using the process
- Common threads relating to the general management and or safety of the staff and students and the services being provided.

(When viewed collectively) any general adverse trend that needs correcting

Confidentiality and Privacy Statement

SIT values and is committed to protecting the privacy of its students. We collect and use student’s personal information provided on the Complaints Form to address their complaint. Access to the complaint details are restricted to authorised staff that assist in addressing the complaint. The student will receive written notification of the final outcome/resolution of the complaint. Students may have the right to access the personal information we held on them subject to any exemptions in relevant laws, by contacting us on info@sit.edu.au

Publication

This policy, once approved, will be available to all students and staff by accessing it from the SIT website.

This policy and procedure will form part of the information distributed and communicated during staff orientation.

Review processes

The policy will be reviewed annually by the RTO Manager.