

## **Policy and Procedure:**

## **Complaints and Appeals**

### **Objective:**

The Australian Institute of Fitness ('AIF') is committed to providing an effective, efficient, timely, fair and confidential complaints and appeals handling process for all Students. This document establishes AIF's policy with regards to the resolution of complaints and appeals.

This policy and related procedure covers both academic and non-academic complaints as well as academic appeals.

### **Effective Date:**

**30 June 2021**

### **Definitions:**

Access and equity means policies and procedures approaches aimed at ensuring that the Vocational, Education and Training (VET) Sector is responsive to the individual needs of clients whose age, gender, cultural or ethnic background, disability, sexuality, language skills, literacy or numeracy level, unemployment, imprisonment or remote location may present a barrier to access, participation and the achievement of suitable outcomes.

An appeal is where a student wishes to express dissatisfaction with a particular assessment result and/or another adverse Registered Training Organisation (RTO) decision impacting the student, such as non-eligibility to enrol.

An appellant is the student who is dissatisfied with a particular assessment result and has lodged a request for a review using AIF's Complaints and Appeals Handling procedure.

ASQA stands for the Australian Skills Quality Authority, which is the national VET Regulator.

A complaint is an expression of dissatisfaction or concern regarding a decision or action that relates to any aspect of AIF's services and activities, including:

- products & services policies
- conduct of staff and any third-party service provider, and
- decisions of the organisation.

A complainant is the person making the complaint. This may include:

- student and/or their parents/guardians and/or their families
- a member of the public
- an employee
- a stakeholder, or
- an employee of an engaged stakeholder or partnership body.

A final decision is the decision made by an external and independent third tier resolution body authorised to make that decision by AIF and communicated to

the complainant/appellant in writing when all internal complaint and appeal avenues have been exhausted.

A formal complaint is one that is considered more serious and complex and will require investigation or consultation.

A grievance (or an informal complaint) is one that is considered minor in nature and one, which is immediately correctable and will usually be the result of error rather than from a systemic problem.

RTO means Registered Training Organisation, commonly known as a Training Provider or Provider and has the meaning given as defined in the *National Vocational and Training Regulator Act 2011*.

Staff means any person who is an employee of AIF at any stage during the complaint and/or appeal process or the events preceding it, including full time, part time, sessional or casual employees.

VET means vocational education and training.

## **Policy:**

AIF strives to ensure that each student is satisfied with their learning experience and outcome. It is anticipated that issues of concern can be resolved by meaningful and respectful communication. In the unlikely event that this is not the case, all students have access to rigorous, fair and timely complaint and appeal processes which are outlined in this document. The same processes are made available to any other stakeholder who is seeking to lodge a complaint, for example, an employer about one of AIF's staff.

AIF ensures that all complaints and appeals are dealt with fairly, transparently and consistently at every stage of the complaint and appeal process. AIF will ensure that the decision maker is independent of the decision being reviewed and that anyone subject to a decision by AIF and/or anyone who has an allegation made against them, will also be provided with the opportunity to tell their side of the story before a decision is made. This is based on the principles of natural justice and fairness that will ensure all complaints and appeals are addressed effectively and efficiently. This complaints and appeals policy and procedure ensures students and other stakeholders understand their rights as well as the responsibilities of AIF.

All complaints and appeals lodged with AIF will take into account the RTO's policies, the applicable conditions of enrolment (if a student) and all relevant legislation and regulation when determining the outcome of a complaint or appeal.

## **Responsibilities and Accountabilities:**

This version of the policy and procedure and any amendments to related documents, have been authorised by AIF's Chief Executive Officer (CEO). The Head of Compliance & Training, as delegated by the CEO, is responsible for ensuring this policy and procedure is implemented at all times across AIF and ensuring that all staff are fully trained in its operation.

AIF's Compliance Officer is also responsible for ensuring this policy and procedure and related documents are maintained and up to date through an annual revision, as well as through any ongoing quality activities including audits and feedback.

In accordance with the AIF Code of Conduct, any breach of this policy is dealt with seriously and may result in disciplinary action including termination of employment, depending on the severity of the breach.

Where Team Members consider that significant departures from the principles of this policy have occurred, they are obligated to report it immediately to their Line Manager or iExec Team Member. Failure to do so constitutes a breach of this policy and AIF Code of Conduct.

## **Procedure:**

### **Overview**

This policy and procedure covers both academic and non-academic complaints and appeals.

Academic matters include those matters that relate to Student selection, progress, course content or issuing of certificates in a VET course of study.

### **General Principles**

These principles are adhered to by AIF and apply to all stages of the complaints and appeals handling process:

- AIF deals with all complaints and appeals in a fair, constructive and timely manner.
- The Appellant/Complainant and any Respondent can present their case at each stage of the process.
- The Appellant/Complainant and any Respondent have the option of being accompanied/assisted by a third person (such as a family member, Student or counsellor) if they so desire. Where a complaint is submitted on behalf of an enrolled Student, any responses by AIF will only be directed back to the Student – or where the Student is under 18 years old, the response may be directed back to the Student's supervising parent or legal guardian
- The Appellant/Complainant and any Respondent is not discriminated against or victimised.
- No Student, Employee or other stakeholder is disadvantaged in any way during the complaint and resolution process.

- A Student's progress through a study program is not disrupted whilst a complaint is being heard unless the nature of the issue itself means further progress is not possible.
- At all stages of the process, discussions relating to complaints and appeals are recorded in writing and details are stored in AIF's electronic 'Complaints Register'.
- Reasons and a full explanation in writing for decisions and actions taken as part of this procedure are provided to the Appellant/Complainant and/or any Respondent.
- AIF and the Appellant/ Complainant observe strict confidentiality during all stages of the resolution process. All communications and proceedings relating to the complaint or appeal and its resolution remain confidential.
- An Appellant/ Complainant has the right to appeal a decision.
- An Appellant/ Complainant has access to the internal stages of the complaints and appeals process at no cost. Should the matter require external mediation, charges will apply as outlined below.
- AIF makes all reasonable effort to resolve the appeal or complaint and expects that the Appellant/Complainant will also act in good faith throughout the resolution process.
- Where a complaint or appeal is likely to take more than 60 days to resolve, AIF will notify the Appellant/Complainant in writing and provide regular update reports.
- Where an Appellant/ Complainant has not responded to communication from AIF for a period of 60 calendar days from the last AIF notification, the complaint or appeal will be deemed 'closed' and no further action will be taken by AIF unless or until the Appellant/Complainant recommences communications.
- Records of all complaints are kept for a period of five years to allow parties to the complaint appropriate access to these records. These records are kept strictly confidential and stored electronically by AIF.

### **Appeals**

Appeals relate to:

- Assessment activities
- Assessment decisions after re-assessment processes have been exhausted.

If a Student feels that the decision around their assessment is incorrect or unreasonable, the Student can submit a 'Request to Appeal' by emailing the regional Training Team Leader / regional General Manager. AIF will respond within 5 business days of receipt of email with the reasons why and next steps. AIF will set up an Appeal Review panel, which will be chaired by the Compliance

Officer and include an Assessor. The original Assessor is not permitted to conduct the appeal review.

### **Complaints**

Complaints include those matters which do not relate to a Student's academic assessment. Student complaints tend to arise from events occurring at an AIF campus or from administrative decisions made by AIF and may involve:

- Course advice and enrolment
- Suspension and/or cancellation of enrolment by AIF
- Course content or delivery including both online and face to face
- Marketing or other promotional activity
- Safety issues
- Access and equity issues
- Bullying or harassment
- Fees and charges
- Administrative issues
- Issuing of awards
- Record keeping including personal details

### **Informal and Formal Student Complaints**

Students are encouraged to try to resolve a concern informally. Where the concern relates to the training or assessment, the Student is encouraged to approach the trainers ('Coaches') of their course and/or where necessary the Training Manager ('Training Team Leader') at their Campus. Where the training may relate to fees or other administrative matters, the Student is encouraged to approach a member of the Support Team. In most instances, it is likely that the issue will be able to be resolved informally.

Where the Student is not satisfied with the results of this informal approach and wishes to take the matter further, the process described in the Complaints Procedure are followed.

Please note that it is not mandatory for Students to raise a complaint informally.

Where someone wishes to lodge a formal complaint or appeal, they are encouraged to do so using the 'submit a complaint form' on AIF's website.

### **External Resolution**

If the complaint or appeal remains unresolved, the complainant/appellant is able to request an external review from an appropriate independent third party / mediator. This request must be in writing to the Head of Compliance and Training within 10 business days of receipt of the internal review outcome. Head of Compliance and Training or their representative will organise the external resolution and provide written advice to the Appellant/Complainant of the process

and the requirements from each party within 10 business days of receipt of the request.

AIF and the Student share the cost of the mediator and the cost of a mediation venue, but the parties each pay their own costs of their own lawyers should a mediation be required.

The National Training Complaints Hotline and website directs the Appellant/Complainant to the right authority in their state should they wish to also lodge a complaint through these agencies, which may include the national VET Regulator (ASQA), Offices of Fair Trading, Appeals Tribunals and/or other Funding Bodies which fall within any given State or Territory jurisdiction:

National Training Complaints Hotline

Phone: 13 38 73

<https://www.employment.gov.au/national-training-complaints-hotline>

It is not the role of ASQA to act as an advocate for individual student complaints or appeals, however students and stakeholders are entitled to lodge a complaint with ASQA, which is at no cost: <https://www.asqa.gov.au/complaints>

### **Other Stakeholder Complaints**

A complaint may be lodged by any person if they feel aggrieved regarding AIF staff, a third party, a subcontractor, another Student or any other stakeholder, such as an employer related to AIF's training services. Similarly, this policy and procedure is used by a third party, a subcontractor, another Student or any other stakeholder, such as an employer.

### **Recording of Resolution Processes**

AIF has in place a Complaints and Appeals Register, located on the HubSpot Service Desk software. This provides full transparency of complaints and appeals received, what stage of resolution they are and historical data. All details are entered by the relevant Head of department with the Register cross referenced for its completion and accuracy by the Compliance Officer upon receipt of a completed Corrective Action Report (CAN) (refer next point).

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### **Continuous Improvement**

AIF also recognises that collecting and analysing information around complaints and appeals is one way for AIF to improve its services. This in turn enhances the level of satisfaction which employees and stakeholders have in AIF's performance.

All complaint and appeal continuous improvement activities are recorded on a Corrective Action Report (CAN) within 5 working days of the resolution.

Accordingly, all AIF complaints and appeals and their handling are reviewed at its Executive Meetings, as well as collated and tabled at AIF's Quality Advisory Committee.

When the initial causative factor of the complaint or appeal identifies a problem with existing policies and/or procedures, the continuous improvement procedure will ensure changes are made to prevent reoccurrence of the problem.

Where the matter may require individual and/or staff training, the relevant line Supervisor will organise this within one month of the complaint or appeal's resolution.

Should the matter be deemed as high or medium risk to AIF, it will be included in the RTO's internal auditing schedule to ensure that the amended practices are embedded across AIF.

The Compliance Officer is responsible for ensuring:

- all records are maintained securely for a 5 year period
- the CAR has been completed and all evidence is attached
- ensuring that the agreed continuous improvement actions are implemented
- monitoring the likelihood of recurrence through AIF's self-assurance practices.

### **NSW Smart and Skilled Program - Additional Requirements:**

Under review

### **VET Student Loans (VSL) - Additional Requirements:**

If a Student has a complaint in relation to AIF's conduct in relation to their VET Student Loan (VSL), the Student may, in addition to lodging a complaint through AIF's complaints handling procedure, may also wish to lodge a complaint through:

- <https://www.dese.gov.au/about-us/contact-us/complaints> VET Student Loans Debt Complaint and/or
- the VET Student Loans Ombudsman:  
<https://www.ombudsman.gov.au/How-we-can-help/vslo>

Both these services are free, independent and impartial.

Should a Student believe that AIF has incorrectly charged and that, as a result, the Student has a debt which they should not have, the Student may, in addition to lodging a complaint through AIF's complaints handling procedure, make a complaint directly with the VET Student Loans Ombudsman.

**Publication:**

This policy and procedure is available through publication on the website, [www.fitness.edu.au](http://www.fitness.edu.au) and in summary form within the Student Handbook.

**Related documents:**

Submit a Complaint Form  
Corrective Action Report (CAN)  
Complaints and Appeals Register

**Associated Policies and Procedures:**

Access and Equity policy and procedure

**Amendments:**

Version	Date	Descriptor
V4	30 June 21	Addition of all stakeholder complaints lodgement and handling procedure and continuous improvement procedures. Amalgamation with Grievance Policy and Procedures.

**Authorised by:**

**Title:** Head of Compliance and Training  
**Date Authorised:** 30 June 2021