

# Mackay State High School

## Policy and Procedure

### *Complaints and Appeals*

Relevant clauses: 1.13 – 1.20

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#### 1. Policy

Complaints and appeals are managed by the RTO in a fair, efficient and effective manner. The RTO will create an environment where learner's views are valued. This policy and procedure will be made publicly to the School/College community by being made available on the RTO's intranet and in materials provided to learners on commencement of enrolment. In the case of delivery through third parties, the material will be made available to the learners through the third party.

Mackay State High School ensures that all formal complaints and appeals will be heard and adhere to the principles of natural justice and procedural fairness at every stage of the complaint and appeal process. Resolutions will be reached within 60 calendar days where possible. In the case of the time frame being longer than this, the RTO will communicate with the complainant/appellant why the process is taking longer and an estimated timeframe for resolution as well as being kept informed regarding ongoing progress.

Details of all formal complaints and appeals will be securely maintained in a Register of Complaints and Appeals and will take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

The Chief Executive Office (Principal) is responsible for ensuring the RTO adheres to the Complaints and Appeals Policy and Procedure.

*Note: If a complaint is reporting information related to the safety of a student, refer to your School's overall Student Protection information.*

#### 2. Scope

This policy and procedure covers:

- The RTO, its trainers, assessors or other staff;
- A third party providing services on the RTO's behalf, its trainers, assessors or other staff; and
- A learner of the RTO.

Complaints may be made regarding the conduct of the above parties, and appeals may be made for a review of decisions, including assessment decisions, made by the RTO or a third party providing services on the RTO's behalf. Complaints can be made to any member of staff, and appeals can be made through the Trainer and Assessor, Head of Department or RTO Manager.

#### 3. Definitions

*Standards for Registered Training Organisations (RTOs) 2015* is a set of nationally agreed quality assurance arrangements for training and assessment services delivered by Registered Training Organisations (RTOs).

# Mackay State High School

## 4. Roles and responsibilities

The *Chief Executive Officer* (Principal) is responsible for:

- Approves and ensures the correct implementation of this policy and related procedures;
- Delegates the responsibility of receiving and recording complaints and appeals to the RTO Manager;
- Participates in the complaint and appeal process as chair of the panel; and
- Appoints an independent third party to mediate in the case of the complainant/appellant not being satisfied with the outcome.

The *RTO Manager* is responsible for:

- Ensuring staff and learners are aware of this policy and procedure;
- Receives and records all formal complaints and appeals on the secure Complaints and Appeals Register;
- Provides the CEO with details of the complaint or appeal;
- Meets with the CEO to discuss and possibly decide on an outcome;
- If an outcome is not reached, coordinate and convene the Complaint and Appeal Committee;
- When an outcome is reached notify the complainant/appellant in writing of the decision and record this in the Complaints and Appeals Register;
- In the case of the complainant/appellant being unsatisfied with the outcome of the decision, organise an independent third party to review the decision and mediate; and
- Coordinate a meeting to review the policies, procedures and strategies to mitigate the risk of the complaint or appeal occurring in the future.

The *Head of Department* is responsible for:

- Receive complaints and/or appeals and provide the appropriate information to the RTO Manager;
- Review evidence provided by the complainant/appellant in an informal complaint and make a documented decision regarding this; and
- Participating in the complaint and appeal process as requested by the RTO Manager or CEO.

The *Trainer and Assessor* is responsible for:

- Receive complaints and/or appeals and provide the appropriate information to the RTO Manager;
- Review evidence provided by the complainant/appellant in an informal complaint and make a documented decision regarding this; and
- Participating in the complaint and appeal process as requested by the RTO Manager or CEO.

# Mackay State High School

## 5. Procedures

### *Informal complaint*

The initial stage of any complaint or appeal shall be for the complainant/appellant to communicate directly with any member of staff who will make a decision (if possible) and record the outcome of the complaint, or forward the relevant information to the appropriate person for action.

Learners dissatisfied with the outcome of the informal complaint may then communicate the complaint to the Head of Department, who will make a decision in regards to proceeding with a formal complaint or appeal process.

Learners dissatisfied with the outcome of the informal complaint or appeal may initiate a 'formal complaint or appeal' with the RTO Manager.

### *Formal complaint*

If an informal complaints was made initially, the formal complaint may only proceed after the informal complaint procedure has been finalised and will follow the below procedure:

- All formal complaints will be in writing addressed to any member of staff. This may be on a [Complaint and Appeals Form](#), or any other written form that includes the relevant information:
  - The Complainant is entitled to receive support from a third party throughout the process and if this is the case then this needs to be recorded on the written complaint;
  - The information must be signed and dated, and then witnessed by the staff member receiving the complaint (sign and date);
- All complaints are then forwarded to the RTO Manager (unless the complaint is about the RTO Manager, in which case it will be forwarded to the CEO);
- On receipt of a formal complaint the RTO Manager shall record the complaints in the secure register, reply in writing to acknowledge receipt of the complaint, then inform the CEO;
- The RTO Manager and the CEO will meet to discuss the complaint and speak with any relevant staff or third parties involved, including when such staff or third parties are the subject of a complaint. They will then either make a decision or convene an independent panel to hear the complaint; this shall be the "Complaint and Appeal Committee" and will consist of members who have not been involved in the issue to this point. It will include the CEO, a member of staff and a representative of the School community;
- Processes must follow the principles of natural justice and procedural fairness at every stage (these are clearly explained in this fact sheet [https://www.ombo.nsw.gov.au/data/assets/pdf\\_file/0017/3707/FS\\_PSA\\_14\\_Natural\\_justice\\_Procedural\\_fairness.pdf](https://www.ombo.nsw.gov.au/data/assets/pdf_file/0017/3707/FS_PSA_14_Natural_justice_Procedural_fairness.pdf) );

## Mackay State High School

- When a decision is reached this will be communicated in writing to the complainant/appellant within 60 calendar days of the complaint being received as well as being recorded on the secure Complaints and Appeals Register;
- If the decision will take longer than 60 calendar days the complainant will be notified in writing of the reasons why a decision has not been reached and provide regular updates regarding the progress of the matter;
- The complainant shall be given an opportunity to present their case to the committee and may be accompanied by one other person as support or as representation;
- The relevant staff member, third party or other learner shall be given an opportunity to present their case to the committee and may be accompanied by one other person as support or as representation;
- The Complaint and Appeal Committee will make a decision on the complaint;
- The Complaint and Appeal Committee will communicate its decision on the complaint to all parties in writing and this will be recorded in the secure Complaints and Appeals Register;
- If the complainant is still not satisfied, the CEO will appoint an independent third party (outside the RTO) to mediate with costs being communicated to all parties prior to commencement;
- If the complainant is still not satisfied, the CEO will refer them to the QCAA website for further information about making complaints ([www.qcaa.qld.edu.au/3141.html](http://www.qcaa.qld.edu.au/3141.html));
- After the complaint is finalised the RTO Manager will organise a meeting of relevant parties to review the decision and outcome and evaluate the policies, procedures and strategies of the RTO in order to take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

### *Appeals*

In the case of a student wishing to appeal an assessment decision, the first step is to speak with the Trainer and Assessor. If the student is still not satisfied with the outcome they can submit a formal appeal.

- All formal appeals will be in writing addressed to the Head of Department or RTO Manager. This may be on a [Complaint and Appeals Form](#), or any other written form that includes the relevant information:
  - The Complainant is entitled to receive support from a third party throughout the process and if this is the case then this needs to be recorded on the written complaint;
  - The information must be signed and dated, and then witnessed by the staff member receiving the complaint (sign and date);

## Mackay State High School

- The Head of Department will ensure the appeal is forwarded to the RTO Manager to be recorded in the secure register, and the Head of Department will reply in writing to acknowledge receipt of the appeal;
- Processes must follow the principles of natural justice and procedural fairness at every stage (these are clearly explained in this fact sheet [https://www.ombo.nsw.gov.au/\\_data/assets/pdf\\_file/0017/3707/FS\\_PSA\\_14\\_Natural\\_justice\\_Procedural\\_fairness.pdf](https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0017/3707/FS_PSA_14_Natural_justice_Procedural_fairness.pdf));
- The RTO Manager, the Head of Department and the Trainer and Assessor will meet to discuss the appeal (and any other third parties that are relevant to the decision being made);
- The appellant shall be given an opportunity to present their case to the RTO Manager and Head of Department and may be accompanied by one other person as support or as representation;
- The relevant staff member shall be given an opportunity to present their case to the RTO Manager and Head of Department and may be accompanied by one other person as support or as representation;
- The RTO Manager will communicate its decision on the appeal to all parties in writing and this will be recorded in the secure Complaints and Appeals Register;
- When a decision is reached this will be communicated in writing to the appellant within 60 calendar days of the appeal being received as well as being recorded on the secure Complaints and Appeals Register;
- If the decision will take longer than 60 calendar days the appellant will be notified in writing of the reasons why a decision has not been reached and provide regular updates regarding the progress of the matter;
- If the appellant is still not satisfied, the CEO will appoint an independent third party (outside the RTO) to mediate with costs being communicated to all parties prior to commencement;
- If the appellant is still not satisfied, the CEO will refer them to the QCAA website for further information about making complaints (<https://www.qcaa.qld.edu.au/senior/vet/appeals-complaints-enforcement>);
- After the appeal is finalised the RTO Manager will organise a meeting of relevant parties to review the decision and outcome and evaluate the policies, procedures and strategies of the RTO in order to take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

# Mackay State High School

## 6. Records and documentation

[Complaints and Appeals Register](#)

[Complaints and Appeals Form](#)