



# Complaints and Appeals Policy and Procedure

## 1. Purpose

Institute of Business and Management Studies (IBMS) is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (SRTOs 2015). This policy and associated procedures meet the requirements of Standard 6 of the Standards for RTOs 2015,

This policy and associated procedures outline IBMS 's approach to manage complaints and appeals with an objective to ensure that complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.

## 2. Policy Statement

### Approach

IBMS acknowledges that complaints may be made against the RTO, its trainers and assessors and other staff, a learner of the RTO, as well as any third-party providing services on behalf of the RTO including education agents.

Complaints can be in relation to any aspect of the RTO's services provided.

Appeals can be made in respect of any decision made by RTO. An appeal is a request for the RTO's decision to be reviewed in relation to a matter, including assessment appeals.

IBMS will ensure that the complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively and in doing so IBMS will ensure that:

- a. the principles of natural justice and procedural fairness are adopted at every stage of the complaint process. This means reviewing each complaint or appeal in an objective and consistent manner.
- b. The complaints and appeals policy will be publicly available.
- c. Complaints will be treated seriously and dealt with promptly, impartially, sensitively and confidentially.
- d. Complaints will be resolved on an individual case basis, as they arise.

- e. The complaint and appeals resolution procedure will be based on the understanding that no action will be taken without consulting the complainant and respondent, using a process of discussion, cooperation and conciliation.
- f. IBMS will appoint relevant person/s to manage complaints and appeals.
- g. The internal complaints and appeals process will be conducted at no cost to students.
- h. Potential causes of complaints and appeals will be investigated and corrective and preventative action will be taken in relation to complaint and appeals. Complaints and appeals will also be seen as an opportunity for improvement.
- i. All individuals, including third parties will be informed of allegations made and will have the opportunity to present their case.
- j. Nothing in this policy and procedure limits the rights of an individual to take action under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.
- k. IBMS encourages complainants to first seek to address the issue informally by discussing it with the person involved. However, if the person is not comfortable with this or has tried this unsuccessfully, they are to follow the procedures below.
- l. All records of complaints and appeals will be stored by IBMS and entered into the complaints and appeals register.
- m. The rights of the complainant and respondent will be acknowledged and protected throughout the complaint and appeals resolution process, including the conduct of separate interviews initially.
- n. If the complaints process fails to resolve the complaint or the complainant is not satisfied with the outcome of the complaint the matter will be referred to an independent third party for review, at the request of the complainant. All costs incurred for the third party review will be advised to the complainant.
- o. Victimisation of complainants, respondents or anyone one else involved in the complaint resolution process will not be tolerated.

### **Making a complaint or appeal a decision**

Complaints and appeals are to be made as follows:

- a. *Complete a complaints and appeals form:* Submit complaint or appeal in writing to IBMS administrative staff using IBMS 's complaints and appeals form.

- b. Submit complaint in writing within 7 business days of the incident or in the case of an appeal within 7 business days of the decision being made.
- c. If the complaint may take in excess of 60 calendar days to finalise, inform the complainant in writing providing the reasons why more than 60 calendar days are required. The complainant will also be provided with regular updates on the progress of the complaint and / or appeal.

## **Response**

Complaints and appeals will be responded to in the following ways:

- The complaint or appeal will be acknowledged in writing within 3 working days of receipt.
- Review of the complaint or appeal will commence within 5 working days of receiving the complaints.
- Complaints and appeals will be finalised as soon as practicable or within 30 business days.
- Where the complaint or appeal is complex and is expected to take more than 60 calendar days to process, RTO will write to inform the complainant or appellant of this including the reasons for such. Following this update, regular updates will be provided of progress.
- The outcomes of the complaints and appeals process will be communicated in writing to the person making the complaint or appeals. This will also include the reasons for the outcome.

## **Complaints and appeals handling**

- Each individual involved in the complaint may have a support person of their choice present at any meetings to resolve the complaint or appeal.
- An independent assessor/investigator will be identified to conduct a review of an assessment decision that is being appealed.

## **Enrolment during a complaints process**

Students' enrolment will be maintained throughout the complaints and appeals process unless the complaint is in relation to misconduct.

## **Independent appeal process**

- Where the internal process has failed to resolve the complaint or appeal, the matter will be referred to an independent mediator.

- all associated costs are to be met by the complainant/appellant unless it is RTO that made the decision to appoint the independent party.
- The independent party recommended by RTO for cases involving domestic students is the Resolution Institute. However, another mediator of the student's choice can be appointed.
- During the mediation process, RTO will cooperate in full and commits to immediately implement the decision or recommendation made by the external mediator and/or take preventative or corrective action required by the decision or recommendation.
- All actions taken will be communicated in writing to students.

### **External referrals**

Australian Mediation Association (AMA): The AMA is a group of Mediators and conflict resolution practitioners who provide private mediation services, consulting services, and education in mediation, communication and negotiation, to help businesses and individuals avoid disputes through planning and to resolve disputes through mediation.

[Australian Mediation Association \(ama.asn.au\)](http://ama.asn.au)

Ph 1300 MEDiate (1300 633 428); Email: [info@ama.asn.au](mailto:info@ama.asn.au)

Complaints can also be made to the organisations indicated below:

#### National Training Complaints Hotline:

The National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency/authority/jurisdiction to assist with their complaint. Access to the Hotline is through:

Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally

Email: [ntch@education.gov.au](mailto:ntch@education.gov.au)

#### Australian Skills Quality Authority (ASQA):

Complainants may also complain to the RTO's registering body, Australian Skills Quality Authority (ASQA). It is important to understand that ASQA does not act as an advocate for individual students and is not responsible for resolving disputes between students and training providers. ASQA only uses information from all complaints as intelligence to inform regulatory activities. More information can be found at: <https://www.asqa.gov.au/complaints>

### 3. Procedure

Refer to the table below with 'roles and responsibilities' for specific tasks to manage complaints and appeals along with the timeframes to action each step.

Note: **Business Day** means each day not including the day of the act or event<sup>1</sup>

Process of complaints and appeals		Responsibility	Timeframe
3.1	File the complaints and appeals form received.	IBMS Admin staff or a delegate for the role must review the complaint received to ensure there is enough information to lodge the complaint and allow the investigation to begin. If not enough information is available, contact the staff, student or third party for clarification.	Within 2 business days of receiving the complaint.
3.2	Send out an acknowledgement	Once the complaint has been received and checked for completeness, a IBMS admin staff will formally acknowledge receipt of a complaint or appeal using agreed format.	Within 3 business days of receiving the complaint or appeal.

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<sup>1</sup> [Business Day | legal definition of Business Day by Law Insider](#)  
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3.3	Record details of the complaint or appeal on receipt on the complaints and appeals register.	<p>IBMS admin staff will</p> <ul style="list-style-type: none"> <li>• Update the “assigned to” column in Complaints Register.</li> <li>• Email the lead investigator with the following details: <ul style="list-style-type: none"> <li>○ Student name,</li> <li>○ Complaint ID.</li> <li>○ Complaint summary, and</li> <li>○ Any information provided by the student (eg Complaints Form or initial email from student).</li> </ul> </li> <li>• Create an entry in the Complaints Register and provide details of the complaint in the relevant columns within the register.</li> <li>• Attach any relevant documentation into the Complaints Register (such as the Complaints Lodgement Form)</li> </ul>	2 business days
3.4	Organise relevant staff to review the complaint and commence investigation.	<p>IBMS admin staff or an assigned investigator by the Director conducts a thorough investigation that includes but is not limited to:</p> <ul style="list-style-type: none"> <li>• Read details of complaint, and investigate the comments made by the complainant.</li> <li>• Discuss the details of the complaint with those involved in the complainant’s experiences.</li> <li>• Contact complainant if required to discuss complaint in more detail.</li> <li>• Assess resolution options.</li> <li>• Update Complaint &amp; Appeals Register with comments on status, including the date comment was made or results of discussion with the complainant.</li> </ul>	Upto 10 business days

3.5	Where the matter is an appeal about an assessment decision, the investigation process will include an independent review of the assessment evidence and decision by another assessor. A relevant independent assessor should be organised.	Assigned alternate assessor to conduct reassessment.	3 business days
3.6	Complete the investigation	<p>IBMS admin staff or an assigned investigator by the Director to communicate planned resolution outcome with the complainant:</p> <ul style="list-style-type: none"> <li>• Send an email to the complainant with the findings of the investigation.</li> <li>• Update Complaints Register with outcome and complainant feedback.</li> <li>• Depending on complainant feedback, you may need to begin appeals process by referring to the third party (external)</li> <li>• Include reference to Continuous Improvement, if applicable.</li> </ul>	Upto 5 business days
3.7	If it is considered that it may take longer than 60 calendar days to process the complaint or appeal.	IBMS admin staff or an assigned investigator by the Director to inform the complainant or appellant of this including the reasons for the delay. Following this update, regular updates should be provided of progress of the complaint and/ or appeal.	1 business day

3.8	Where the process finds in favour of the complainant or appellant	<p>IBMS admin staff or an assigned investigator will organise a management meeting to discuss:</p> <ul style="list-style-type: none"> <li>the process and its outcome; and</li> <li>actions to be taken to implement the decision, including both corrective/preventative actions.</li> </ul> <p>Following the meeting, agreed actions will be immediately implemented.</p>	1 business day
3.9	Update the complaints and appeals register	IBMS admin staff or an assigned investigator will update the Complaint & Appeals Register to close the complaint or appeal raised.	1 business day
3.10	Complete the investigation and inform the complainant and appellant of the outcome	<p>IBMS admin staff or an assigned investigator to:</p> <p>Inform the complainant or appellant in writing of the outcome using the complaints and appeals outcome letter. Where the response is in relation to a complaint, the letter will advise that the internal appeals process may also be accessed.</p>	1 business day
3.11	Archive the complaint or appeal documentation.	IBMS admin staff or an assigned investigator to appropriately file all communication records with the complainant and / or appellant in accordance with IBMS 's record keeping policy and procedure.	1 business days
<b>Organise external appeals</b>			



3.12	In cases where the student has organised the mediator	IBMS admin staff or an assigned investigator to respond to the mediator's requests.	Within 1 business
3.13	Where the mediator gives an outcome in favour of the student	<p>IBMS admin staff or an assigned investigator to organise a management meeting to discuss:</p> <ul style="list-style-type: none"> <li>the external process and its outcome; and</li> <li>actions to be taken to implement the decision, including both corrective/preventative actions.</li> </ul> <p>Following the meeting, agreed actions will be immediately implemented</p>	1 business day
3.14	Advise the appellant of the outcome and action that IBMS will take in response	IBMS admin staff or an assigned investigator to inform the appellant of the outcome and actions that will be taken in response to the external mediator's decision.	1 business day

#### 4. Roles & Responsibilities

Role	Responsibility
Admin Team	<ul style="list-style-type: none"><li>• Receive complaints</li><li>• Quality check complaints</li><li>• Lodge complaints in register</li><li>• Send acknowledgement email</li><li>• Assign a lead to investigate complaint</li></ul>
Investigator (RTO Manager or delegate)	<ul style="list-style-type: none"><li>• Investigate complaints</li><li>• Speak with the complainant</li><li>• Assess resolution options</li><li>• Update complaints register with status and resolution details</li><li>• Create Continuous Improvement item</li><li>• Potential use of Appeals process</li></ul>
Trainers and Assessors	<ul style="list-style-type: none"><li>• Provide completed Complaints Forms to admin staff</li><li>• Provide information to complaint investigators</li></ul>
Director/CEO or delegate	<ul style="list-style-type: none"><li>• Approve refunds</li></ul>
RTO Manager / CEO	<ul style="list-style-type: none"><li>• Action refunds</li><li>• Conduct regular review of open complaints</li><li>• To conduct internal audits on practices related to this policy to ensure compliance with SRT02015 clauses 6.1-6.6 in accordance with IBMS 's internal audit schedule.</li></ul>

## ANNEXURE A: COMPLAINTS AND APPEALS PROCESS



RTO Code: xxxxx



