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COMPLAINTS AND APPEALS – POLICY AND PROCEDURE

Policy - complaints

Complaint handling principles

CLET will apply the following principles to its complaints handling:

- A written record of all complaints is to be kept by CLET including all details of lodgement, response and resolution. This is to be recorded in the contact log on the students database records, using the appropriate complaints label
- If the complaint is not from a student, it is to be recorded in the continuous improvement register
- A complainant is to be provided an opportunity to formally present his or her case at no cost.
- Each complainant may be accompanied and/or assisted by a support person at any relevant meeting.
- The complaints policy must be publicly available. This means that the complaints policy and procedure must be published on CLET website.
- The handling of a complaint is to commence within seven (7) working days of the lodgement of the complaint and all reasonable measures are taken to finalise the process as soon as practicable.
- The complainant is to be provided a written response to the complaint, including details of the reasons for the outcome. A written response must be provided to the complainant within fourteen (14) days of the lodgement of the complaint.
- Complaints must be resolved to a final outcome within sixty (60) days of the complaint being initially received. Where the CLET Director or her delegate considers that more than 60 calendar days are required to process and finalise the complaint, the Director or her delegate must inform the complainant in writing, including reasons why more than 60 calendar days are required. As a benchmark, CLET should attempt to resolve complaints as soon as possible. A timeframe to resolve a complaint within thirty (30) days is considered acceptable and in the best interest of CLET and the complainant. A complainant should also be provided with regular updates to inform them of the progress of the complaint handling. Updates should be provided to the complainant at a minimum of four (4) weekly intervals.

These policies and procedures are provided in accordance with Standard 6.0 of the Standards for Registered Training Organisations (RTOs) 2015 and pursuant to the National Vocational Education and Training Regulator Act 2011



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- CLET shall maintain the enrolment of the complainant during the complaint handling process, if the complainant is a student of CLET.
- Decisions or outcomes of the complaint handling process that find in the favour of the student shall be implemented immediately.
- Complaints are to be handled in the strictest of confidence. No CLET representative is to disclose information to any person without the permission of the CLET Director or her delegate. A decision to release information to third parties can only be made after the complainant has given permission for this to occur. This permission should be obtained in writing.
- Complaints are to be considered and handled, ensuring the principles of natural justice and procedural fairness are applied at every stage of the complaint handling process. This means that the complainant is entitled to be heard with access to all relevant information and with the right of reply. The complainant is entitled to have their complaint heard by a person that is without bias and may not be affected by the decision. Finally the decision must be made based on logical evidence and decision-maker must take account of relevant considerations, must act for a proper purpose and must not take into account irrelevant considerations.

Review by external agency

Where the complainant is not satisfied with the handling of the matter by CLET, they have the opportunity for a body that is independent of CLET to review his or her complaint following the internal completion of complaint handling process. In these circumstances the CLET Director will advise of an appropriate party independent of CLET to review the complaint (and its subsequent handling) and provide advice to CLET in regards to the recommended outcomes. This advice is to be accepted as final and advised to the complainant in writing.

A complainant who remains not satisfied with the process applied by CLET following review by an independent party may refer their grievance to the Australian Skills Quality Authority - ASQA Online Complaint Form [click here](#). Students are to be advised that ASQA will require the student to have exhausted all avenues through CLET internal complaints handling procedure before taking this option.

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CLET considers that it would be extremely unlikely that complaints and appeals are not able to be resolved quickly within CLET internal arrangements.

Procedure

Matters that cannot be resolved at the time they occur should be referred to the CLET Director for review. The following procedure is to be followed when a complaint form is received:

1. A Complaints Form is received by CLET and is to be immediately recorded into the students contact log in the database and recorded as a complaint in the continuous improvement register in the database.
2. Complaints which are received in other forms such as phone or email are to be detailed on a Complaints Form by the person (staff member) receiving the complaint and then recorded in the student contact log in the database, or straight to the continuous improvement register for non-students.
3. The Complaints Form is to be forwarded to the Director (or her delegate if she is the centre of the complaint) who is to review the matter and make recommendation as to how to respond to the matter. The Director (or her delegate if she is the centre of the complaint) may choose to consult with the complainant, with others within CLET or relevant agencies external to CLET in determining their recommendations.
4. The Director or her delegate may choose to make inquiries about the matter or may task another person to research the matter against relevant policy.
5. The Director or her delegate is to commence their review of the complaint within seven (7) working days from the date the complaint was submitted.
6. The Director or her delegate is to finalise their response to the complainant and provide the complainant a response as soon as possible but no later than fourteen (14) working days from when the complaint was submitted.
7. Complaint responses are to be provided to the complainant via e-mail as written confirmation of the outcome. The Director is to seek feedback from the complainant about their level of satisfaction with the complaint outcome and advise the complainant of their options if they are not completely satisfied with the outcome.

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8. Where the complainant is not satisfied with the outcome of the complaint handling, the Director or her delegate is to arrange for the complaint to be considered by an appropriate independent third-party. The independent third-party is required to respond with their recommendations within fourteen (14) days of their review being requested.
9. A complainant who remains not satisfied with the process applied by CLET following review by an independent party may refer their grievance to the Australian Skills Quality Authority - ASQA Online Complaint Form [click here](#). Students are to be advised that ASQA will require the student to have exhausted all avenues through CLET internal complaints handling procedure before taking this option.
10. The response to the complainant must include information that demonstrates that the matter was thoroughly reviewed and what actions and outcomes have been identified as a result of the complaint.
11. Opportunities for improvement that were identified as a result of the complaint are to be recorded in a Continuous Improvement Report and submitted for the next CI review meeting. The Director may, at her discretion, follow-up with the complainant after consideration by the Management Team to inform the complainant of the improvement actions identified.
12. The Complaints and Appeals Register is to be kept up to date at all times to accurately reflect how the matter was responded to and the duration from the date the complaint was received to the date the complaint was resolved.

Policy - appeals

Appeal handling principles

CLET will apply the following principles to its appeals handling:

- A written record of all appeals is to be kept by CLET including all details of lodgement, response and resolution. CLET's complaints and appeals register is to be used to record the details of the appeal and to maintain a chronological journal of events during the appeal handling process. Records relating to appeal handling must be stored securely to prevent access to unauthorised personnel.
- An appellant is to be provided an opportunity to formally present his or her case at no cost.

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- Each appellant may be accompanied and/or assisted by a support person at any relevant meeting.
- The appeals policy must be publicly available. This means that the appeals policy and procedure must be published on CLET's website.
- The handling of an appeal is to commence within seven (7) working days of the lodgement of the appeal and all reasonable measures are taken to finalise the process as soon as practicable.
- The appellant is to be provided a written response to the appeal, including details of the reasons for the outcome. A written response must be provided to the appellant within fourteen (14) days of the lodgement of the appeal.
- Appeals must be resolved to a final outcome within sixty (60) days of the appeal being initially received. Where the CLET Director or her delegate considers that more than 60 calendar days are required to process and finalise the appeal, the Director must inform the appellant in writing, including reasons why more than 60 calendar days are required. As a benchmark, CLET should attempt to resolve appeals as soon as possible. A timeframe to resolve an appeal within thirty (30) days is considered acceptable and in the best interest of CLET and the appellant. An appellant should also be provided with regular updates to inform them of the progress of the appeal handling. Updates should be provided to the appellant at a minimum of four (4) weekly intervals.
- CLET shall maintain the enrolment of the appellant during the appeal handling process.
- Decisions or outcomes of the appeal handling process that find in the favour of the appellant shall be implemented immediately.
- Appeals are to be handled in the strictest of confidence. No CLET representative is to disclose information to any person without the permission of the CLET Director or her delegate. A decision to release information to third parties can only to be made after the appellant has given permission for this release to occur. This permission must be given in writing.
- Appeals are to be considered and handled to ensure the principles of natural justice and procedural fairness are applied at every stage of the appeal handling process. This means that the appellant is entitled to be heard with access to all relevant information and with the right of reply. The appellant is entitled to have their appeal heard by a person that is without bias and may not be affected by the decision. Finally the decision must be made based on logical evidence and decision-maker must take account of relevant considerations, must act for a proper purpose and must not take into account irrelevant considerations.

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Review by external agency

Where the appellant is not satisfied with the handling of the matter by CLET, they have the opportunity for a person that is independent of CLET to review their appeal following the internal completion of an appeal handling process. In these circumstances, the CLET Director or her delegate will advise of an appropriate party independent of CLET to review the appeal (and its subsequent handling) and provide advice to CLET in regards to the recommended outcomes. This advice is to be accepted as final and advised to the appellant in writing.

If the appellant is seeking a refund of their tuition fees based on an unfavourable outcome, this may be considered by the Director on its merits. If the Director does not approve a refund and considers that CLET has dealt with the matter appropriately and has provided the student all reasonable opportunity to demonstrate their competence, the student is to be advised of the opportunity to refer the matter to the Office of Fair Trading in relation to their dispute over the requested refund.

CLET considers that it would be extremely unlikely that appeals are not able to be resolved quickly within CLET's internal arrangements.

Procedure

The following procedure is to be followed when an application to appeal a decision is received:

1. An application to appeal a decision is received by CLET and is to be immediately recorded into CLET Complaints and Appeals Register. An application to appeal a decision must be submitted in writing.
2. The application to appeal a decision is to be forwarded to the Director who is to review the matter and make recommendation as to how to respond to the matter. The Director may choose to consult with the appellant, with others within CLET or relevant agencies external to CLET in determining their recommendations.
3. The Director may choose to make inquiries about the matter or may task another person to research the matter against relevant policy or legislation.

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4. The Director is to commence their review of an appeal within seven (7) working days from the date the appeal being submitted.
5. The Director is to finalise their response to the appellant and provide the appellant a response as soon as possible but no later than fourteen (14) working days from when the appeal was submitted.
6. The Director is to communicate the response to the appellant personally either during a meeting or via the telephone. Appeal responses are to be provided to the appellant in writing by e-mail. The Director is to seek feedback from the appellant about their level of satisfaction with the appeal outcome and advise the appellant of their options if they are not completely satisfied with the outcome.
7. Where the appellant is not satisfied with the outcome of the complaint handling, the Director is to arrange for the appeal to be considered by an appropriate independent third-party. The independent third-party is required to respond with their recommendations within fourteen (14) days of their review being requested.
8. Where the appeal is in relation to an assessment decision, a reassessment should be recommended. Students participating in a reassessment should be provided with detail counselling about the perceived gaps in their skills and knowledge along with additional training to support their improvement and ability to demonstrate competence. Reassessments should be scheduled to occur as soon as practicable following the outcome of an appeal. The reassessment must be undertaken by a different assessor than was used during the initial assessment. Following the reassessment, the student must be provided with detailed feedback about their performance and the outcome.
9. An appellant who remains not satisfied with the process applied by CLET following review by an independent party may make a complaint to the Australian Skills Quality Authority - ASQA Online Complaint Form [click here](#). Students are to be advised that ASQA will require the student to have exhausted all avenues through CLET internal appeals handling procedure before taking this option. The response to the appellant must include information that demonstrates that the matter was thoroughly reviewed and what actions and outcomes have been identified as a result of the appeal.

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10. Opportunities for improvement that were identified as a result of the appeal are to be recorded in a Continuous Improvement Report and submitted for the next CI review team meeting. The Director may, at their discretion, follow-up with the appellant after consideration by the CI review team to inform the appellant of the improvement actions identified.
11. The Complaints and Appeals Register is to be kept up to date at all times to accurately reflect how the matter was responded to and the duration from the date the appeal was received to the date the appeal was resolved.