

## SJ7: Complaints and Appeals

### 1.0 Policy Statement

Think Academy of Business and Technology Pty. Ltd. (TABT) seeks to continuously provide a high-quality education and training environment that is safe, fair and free from discrimination, in which all are encouraged to strive for excellence and fulfil their potential. It is committed to implementing effective complaint resolution procedures that, where possible, are managed quickly and with a minimum number of people involved.

### 2.0 Scope

This procedure applies to all persons enrolled with or seeking enrolment with TABT for the delivery of training and assessment services as well as those employed by, or contracted to TABT for the delivery of training, conduct of assessments, administrative duties and/or provision of support services. The Chief Executive Officer is responsible for the control and issue of this procedure.

### 3.0 What to do first?

In all cases, issues that arise during training and assessment that are the source of frustration or are in dispute should be resolved at the time they occur between the persons involved. It is often the case that complaints can be avoided by proper communication and respect between persons involved. If you have a concern, problem or issue with any aspect of your study with TABT, your first action is to discuss it with TABT staff. Address your concerns with the relevant trainer, administrator or coordinator.

### 4.0 Definitions

4.1 A complaint is generally negative feedback about services or people which has not been resolved locally. It may involve issues concerning:

- TABT, its trainers, assessors or other staff;
- a third party's services provided on TABT behalf, its trainers, assessors or other staff; or
- a student of TABT.

An appeal is a request for a decision made by TABT to be reviewed. Decisions may have been about:

- course admissions

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- refund assessments
- response to a complaint
- assessment outcomes / results
- other general decisions made by TABT

4.2 A complaint or an appeal is deemed to be a formal complaint or appeal when it is made in writing to the Chief Executive Officer.

4.3 Complaints about a particular incident should be made within ninety (90) calendar days of the incident occurring and appeals must be made within thirty (30) calendar days of the original decision being made.

4.4 When making a complaint or appeal, provide as much information as possible to enable TABT to investigate and determine an appropriate solution. This should include:

- The issue you are complaining about or the decision you are appealing – describe what happened and how it affected you.
- Any evidence you have to support your complaint or appeal.
- Details about the steps you have already taken to resolve the issue.
- Suggestions about how the matter might be resolved.

All complaints and appeals will be acknowledged in writing via email or post within 7 days

4.5 An appeals committee would comprise at least three of the following people; providing that the complainant and the subject of the complaint, if it relates to the action or inaction of a person, are ineligible to participate in the appeals committee set up to consider that particular complaint:

- A trainer with expertise in the area concerned
- A trainee/student (or the trainee/student) enrolled in the area concerned
- The Chief Executive Officer
- A representative of the trainees/student’s employer
- A representative of trainee/student enrolled with TABT
- A representative of trainers employed by TABT
- All employees/contractors and prospective trainees will be provided with a copy of the complaint procedure.

4.6 All disputes or complaints will be handled professionally and confidentially in order to achieve a satisfactory resolution.

4.7 All parties will have a clear understanding of the steps involved in the complaint/discipline procedure.

4.8 Each appellant/complainant will be provided with the opportunity to present his or her case at each stage of the complaint process.

4.9 All complaints/discipline will be managed fairly and equitably and as efficiently as possible.

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- 4.10 All discussions relating to complaints, appeals and discipline are to be recorded in writing and the appellant/complainant provided with a written statement of the outcomes, including reasons for the decision.
- 4.11 TABT will provide trainers and/or trainees/students with details of external authorities that they may approach with respect to their complaint if required.
- 4.12 TABT will endeavour to resolve any complaint referred to it by the Australian Skills Quality Authority, within ten working days of its receipt of the complaint.
- 4.13 This policy provides an avenue for most complaints/discipline to be addressed. However, in some cases, alternative measures may need to be explored.
- 4.14 TABT will encourage the parties to approach a complaint/discipline with an open view and attempt to resolve issues through discussion and conciliation.

## 5.0 Compliant procedures

### 5.1 STAGE 1 – Informal Complaint

Where possible all non-formal attempts shall be made to resolve the complaint. This may include the discussion with the relevant trainer, trainee, student, administrator or coordinator about the complaint. If it is unable to be resolved at this level, the complaint can be formalised and the written complaint/appeal lodged with the Administration Manager.

### 5.2 STAGE 2 – Formal Complaint Resolution

- All complaints and appeals are submitted to the Administration Manager, who has the responsibility to record the complaint in the first instance in the 'Complaints & Appeals Register' within the RTO Data.
- TABT will acknowledge all submitted complaints in writing **with 24 hours** of receiving a complaint. This is to acknowledge the complaint and to provide the complainant an expected timeframe for response.
- A written record of all complaints is to be kept by TABT including all details of lodgement, response and resolution. The complaints register within RTO Data is to be used to record the details of the complaint and to maintain a chronological journal of events during the complaint handling process. Records relating to complaint handling must be stored securely to prevent access to unauthorised personnel.
- The complaints policy must be publicly available. This means that the complaints policy and procedure must be published on TABT 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) working days** of the lodgement of the complaint.

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- Complaints must be resolved to a final outcome within **sixty (60) calendar days** of the complaint being initially received. Where TABT Chief Executive Officer considers that more than 60 calendar days are required to process and finalise the complaint, the CEO must inform the complainant in writing, including reasons why more than 60 calendar days are required. 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**.
- The Chief Executive Officer is to communicate the response to the complainant personally either during a meeting or via the telephone. Complaint responses are not to be provided to the complainant via any third-party or via electronic communication such as e-mail.
- TABT shall maintain the enrolment of the complainant during the complaint handling process.
- Decisions or outcomes of the complaint handling process that find in the favour of the student shall be implemented immediately.
- The Chief Executive Officer 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.
- 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.
- 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 Management Team meeting. The Chief Executive Officer may, at his or her discretion, follow-up with the complainant after consideration by the Management Team to inform the complainant of the improvement actions identified.
- 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. Complaints and appeals which are open or subject to ongoing consideration are discussed at the management meeting as detailed within the agenda.
- Complaints are to be handled in the strictest of confidence. No TABT representative is to disclose information to any person without the permission of TABT Chief Executive Officer. A decision to release information to third parties can only to be made after the complainant has given permission for this to occur. This permission should be given using the Information Release Form.
- Complaints are to be considered and handled to ensure 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

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person that is without bias and may not be affected by the decision. Finally the decision must be made based on logical evidence and the decision-maker must take account of relevant considerations, must act for a proper purpose and must not take into account irrelevant considerations. Further guidance on principles of natural justice and procedural fairness can be accessed at the following link: [Principles of Natural Justice and Procedural Fairness](#)

### 5.3 STAGE 3 - External Arbitration

- If the matter is still unresolved after the above procedures have been implemented and the internal appeals process exhausted, it may require an external independent / third party mediator. Where this is the case, the matter shall be referred to an appropriate person / organisation, e.g. Department of Justice, Consumer Affairs, ACCC).
- TABT agrees to respond to and cooperate in good faith with any complaints handling mechanism or process established by ASQA or the Department from time to time for the purpose of resolving student complaints or other issues in relation to the delivery of services.
- Complaints can be made externally through the following avenues:
  - 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. Consumers can register a complaint with the National Training Complaints Hotline by:
    - Phone: 13 38 73, Monday - Friday, 8am to 6pm nationally.
    - Email: [ntch@education.gov.au](mailto:ntch@education.gov.au)
 For more information about the National Training Complaints Hotline, refer to the following webpage: <https://www.education.gov.au/NTCH>
  - Australian Skills Quality Authority (ASQA):  
 Complainants may also complain to TABT’s RTO’s registering body: Australian Skills Quality Authority (ASQA).  
  
 However, ASQA will only use the information you provide to inform its regulatory approach and will not contact <Organisation> on behalf of the complainant or act as their advocate. For more information, refer to the following webpage:  
<http://www.asqa.gov.au/complaints/make-a-complaint---domestic-students/make-a-complaint---domestic-students1.html>
  - Department of Education and Training

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Complaints relating to government funded training under the Skills First Funding Contract can be made to the Department of Education and Training. The Department is principally concerned with complaints regarding RTO misconduct including unethical and fraudulent practices. If a party wishes to make a complaint to the Department, they can do so by:

- Downloading the Department’s complaint form, available at <http://www.education.vic.gov.au/about/contact/Pages/compliancecomplain.aspx>; and
- Returning the completed form to the following email address [vtg.feedback@edumail.vic.gov.au](mailto:vtg.feedback@edumail.vic.gov.au); or
- Alternatively, the party can post the completed complaint form to:  
Deputy Secretary, Higher Education and Skills Group  
c/- Executive Director, Training Market Operations  
GPO Box 4367  
Melbourne, Victoria 3001

- The decision of this independent mediator is final and any further action the student wishes to take is outside TABT’s policies and procedures.
- Where a decision or outcome is in favour of the student, TABT shall follow the required action to satisfy the student’s complaint as soon as practicable.
- Where a decision or outcome is in favour of TABT, the student may exercise his/her rights to appeal under Australia’s Consumer Protection Laws

## **6.0 Appeal procedures**

### **6.1 STAGE 1 – Informal Appeal**

Where possible all non-formal attempts shall be made to resolve the appeal. This may include the discussion with the relevant trainer, trainee, student, administrator or coordinator about the complaint. If it is unable to be resolved at this level, the appeal can be formalised and the written complaint/appeal lodged with the Administration Manager.

### **6.2 STAGE 2 – Formal Appeal Resolution**

- All complaints and appeals are submitted to the Administration Manager, who has the responsibility to record the complaint in the first instance in the ‘Complaints & Appeals Register’ within the RTO Data.
- TABT will acknowledge all submitted appeals in writing with 24 hours of receiving an appeal. This is to acknowledge the appeal and to provide the person making the appeal an expected timeframe for response.
- A written record of all appeals is to be kept by TABT including all details of lodgement, response and resolution. The appeals register within RTO Data is to be used to record the details of the appeal and to maintain a

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chronological journal of events during the appeal handling process. Records relating to appeal handling must be stored securely to prevent access to unauthorised personnel.

- The appeals policy must be publicly available. This means that the appeals policy and procedure must be published on the TABT 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) working days of the lodgement of the appeal.
- Appeals must be resolved to a final outcome within sixty (60) calendar days of the appeal being initially received. Where TABT Chief Executive Officer considers that more than 60 calendar days are required to process and finalise the appeal, the CEO must inform the appellant in writing, including reasons why more than 60 calendar days are required. 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.
- The Chief Executive Officer is to communicate the response to the appellant personally either during a meeting or via the telephone. Appeal responses are not to be provided to the appellant via any third-party or via electronic communication such as e-mail.
- TABT 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.
- The Chief Executive Officer 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.
- 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. Appeal in relation to the assessment decision can only be made by the students within the duration of 2 weeks of the decision of the assessment is made.
- Opportunities for improvement that were identified as a result of the appeal are to be recorded in a Continuous Improvement Report and

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submitted for the next Management Team meeting. The Chief Executive Officer may, at their discretion, follow-up with the appellant after consideration by the Management Team to inform the appellant of the improvement actions identified.

- 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. Complaints and appeals which are open or subject to ongoing consideration are discussed at the management meeting as detailed within the agenda.
- Appeals are to be handled in the strictest of confidence. No TABT representative is to disclose information to any person without the permission of TABT Chief Executive Officer. 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 should be given using the Information Release Form.
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### **6.3 STAGE 3 - External Arbitration**

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- The decision of this independent mediator is final and any further action the student wishes to take is outside TABT's policies and procedures.
- Where a decision or outcome is in favour of the student, TABT shall follow the required action to satisfy the student's complaint as soon as practicable.
- Where a decision or outcome is in favour of TABT, the student may exercise his/her rights to appeal under Australia's Consumer Protection Laws

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## 7.0 Review Date

12 months from the date of this version, or as required.

## 8.0 Version History

| Version | Date      | Reason for change                           | Prepared By                         | Approved By |
|---------|-----------|---|-------------------------------------|-------------|
| V3      | Sept 2021 | Annual review                               | Quality & Compliance Manager        | CEO         |
| V4      | June 2022 | Updating to meet Skills First Contract      | Marie Vassallo Consulting Australia | CEO         |
| V5      | June 2023 | Annual review                               | Quality & Compliance Manager        | CEO         |
| V6      | May 2024  | Annual Review to meet Skills First Contract | Marie Vassallo Consulting Australia | CEO         |