

Complaints and Appeals (Students, Staff and Clients) Policy and Procedure

1 Purpose and Scope

1. The Air Conditioning & Mechanical Contractors Association of Australia Limited (AMCA) has established this policy to support the Standards for Registered Training Organisations 2015. The policy has been developed and implemented to support and provide clear instruction and guidance to AMCA staff and stakeholders on the handling of complaints and appeals from program participants.
2. This policy is designed to ensure that AMCA effectively manages complaints and appeals in accordance with the requirements of the Standards for Registered Training Organisations 2015 and relevant funding agreements and as part of best practice.
3. This policy is designed to:
 - ensure complaints from clients and appeals from decisions made by AMCA staff are handled in a fair, equitable and effective manner
 - ensure that clients have a clear understanding of the process involved in reporting a complaint and making an appeal
4. This policy applies to all clients accessing services provided by AMCA.
5. In this policy “staff” is defined to include both employees and all contractors providing services on behalf of AMCA.
6. This policy should be read in conjunction with AMCA’s:
 - Access and Equity Policy
 - Continuous Improvement Policy and Procedure
 - Student Code of Conduct Policy and Procedure
 - Student Discipline Policy and Procedure (WIP)

2 Document Support Summary

Std 1, Std 2, SNR 4, CI 4.1, Std 5, CI 5.2, 5.3, Std 6, Std 8, CI 8.1, 8.2, 8.4, 8.5, 8.6.

3 Version Control

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Superseded documents	1.0
Review date	12 th November 2025
File number	PP 20231112 Complaints Appeals (Student Staff and Clients) PP Final
Associated documents	

Version	Authorisation	Approved Date	Effective Date
1.1	National Training Manager – AMCA Australia	12 th November 2023	12 th November 2023

3.1 Change History

Version	Authorise by	Approved date	Effective Date	Significant changes
1.0	National RTO Manager – AMCA Australia	Intentionally blank	Intentionally blank	<ul style="list-style-type: none">New Policy and Procedure
1.1	National Training Manager – AMCA Australia	12 th November 2023	12 th November 2023	<ul style="list-style-type: none">Review Date

4 Policy

4.1 Definitions

1. A complaint is any expression of dissatisfaction with an action, product or service of AMCA.
2. An appeal is where a client of AMCA, or other interested party, may dispute a decision made by AMCA. The decision made by AMCA may be an assessment decision or may be about any other aspect of its operations.

4.2 General

1. AMCA is committed to providing students, staff and stakeholders with the best possible environment in which to study or work. The organisation understands that on occasion there may be instances of dissatisfaction and acknowledges that the cause(s) must be addressed and rectified promptly.
2. AMCA encourages open communication and an environment of trust.
3. All clients have the right to raise any complaints without fear of retribution.
4. AMCA recognises the right of all clients to seek the assistance of an external organisation to resolve a complaint or appeal.
5. All complaints will be treated seriously and will be responded to quickly, impartially and confidentially.
6. All formal complaints and appeals will be treated as opportunities for improvement and will be reviewed by the Leadership Team as part of the AMCA Continuous Improvement Policy and Procedure.
7. AMCA invites feedback from the dissatisfied party so that a resolution can be found and as an opportunity to consolidate the feedback into a review and improvement of the RTO's policies and practices.
8. The AMCA Complaints and Appeals Process is published on the AMCA website in accordance with the requirements of the relevant service agreement.
9. The AMCA Complaints and Appeals Policy is included in the Student Handbook and covered in the induction process for all AMCA stakeholders.

5 Processes

5.1 Rights and Responsibilities

1. When a complaint is made the complainant has the right to:
 - Discuss a problem without having to make a formal complaint (i.e. in writing)
 - Be protected against unjust treatment or victimisation
 - Be kept up to date on progress and decisions made
 - Withdraw the complaint at any time in the proceedings
 - Take their complaint to an external body.
2. When a complaint is made the complainant is responsible for:
 - Making their complaint in good faith
 - Providing all of the relevant facts
 - Co-operating with the resolution process.

5.2 Advice to Clients

1. The AMCA website provides information to clients regarding the Complaints and Appeals Process, including:
 - The AMCA process involved in submitting a complaint or appeal
 - Who to submit a complaint or appeal to
 - The Complaints and Appeals Form.

5.3 Client Complaints

1. Clients include, but are not limited to:
 - Students participating in AMCA training services
 - Employers
 - Other AMCA stakeholders.

5.4 Informal Complaints

1. Students should attempt to resolve issues resulting from a classroom or training incident through discussions with the person(s) concerned or with the trainer if they feel comfortable doing so
2. If the matter remains unresolved the student can lodge a formal complaint with the RTO Officer or any staff member with whom they feel comfortable
3. Complaints received via phone should be transferred to the relevant manager. If the relevant manager is not available, the staff member taking the call should:
 - Take the complainant's details including their full name, contact details and a brief description of the complaint
 - Notify the complainant that the relevant manager is currently unavailable
 - Email the details to the relevant manager at the earliest opportunity
4. Under no circumstances should the staff member provide advice or a resolution to the complainant

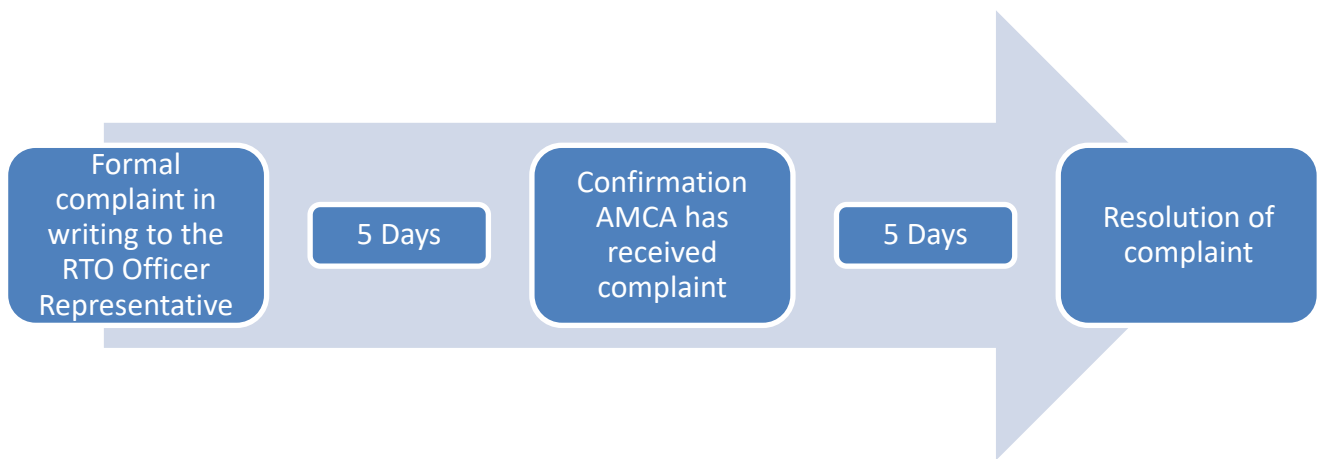
5.5 Formal Complaints

1. A formal complaint should be made in writing by completing a Complaints and Appeals Form found on the AMCA website
2. A Complaints and Appeals Form should be forwarded to the RTO Officer Representative or any staff member with whom they feel comfortable within 28 days of the incident, handed in at AMCA Head Office, Melbourne
3. In the event there is a conflict of interest with the RTO Officer Representative investigating the complaint, the National Training Manager will reassign the complaint to an alternative AMCA Representative
4. The details from the Complaints and Appeal Form are recorded on the Complaints and Appeals Management Form which is reviewed and maintained by the National Training Manager. The information recorded on the Complaints Record Log includes:
 - A specific complaint number
 - Submission date of the complaint
 - Name of the complainant
 - Description of the complaint
 - Date/location/delivery method on which the issue occurred
 - Determined resolution
 - Date of resolution
 - Attachments/other information as required
5. Within five working days of receipt, the RTO Officer Representative contacts the client to acknowledge receipt of the complaint.

5.5.1 Stage One – Formal Complaint

Formal complaints must be submitted in writing to the RTO Officer Representative on the Complaints and Appeals Form available from a staff member, via AMCA's website.

- Within two working days of receiving a formal complaint, the National Training Manager and the Chief Executive Officer is to be advised that a complaint has been received. The complaints process will commence within 5 (five) working days of the receipt of the written complaint and all reasonable measures will be taken to finalise the process as soon as practicable. The complainant will be informed, in writing, within this five (5) day period of the receipt of the formal complaint.
- The RTO Officer Representative will seek to clarify the outcome that the complainant hopes to achieve. If the complaint concerns the staff member, then the complaint may be heard by the National Training Manager and Chief Executive Officer.
- Such clarification may be sought by written or verbal request or by a face-to-face interview with the complainant. When such clarification occurs in a face-to-face interview the complainant or respondent may ask another person to accompany them and there is no cost to the complainant for the process.
- The RTO Officer Representative or Human Resources Representative or their nominee will endeavour to resolve the complaint and provide in writing to the complainant the steps taken to address the complaint, including the reasons for the decision, within 5 (five) working days of the complaint process commencing. A complainant may appeal the complaint outcome decision.

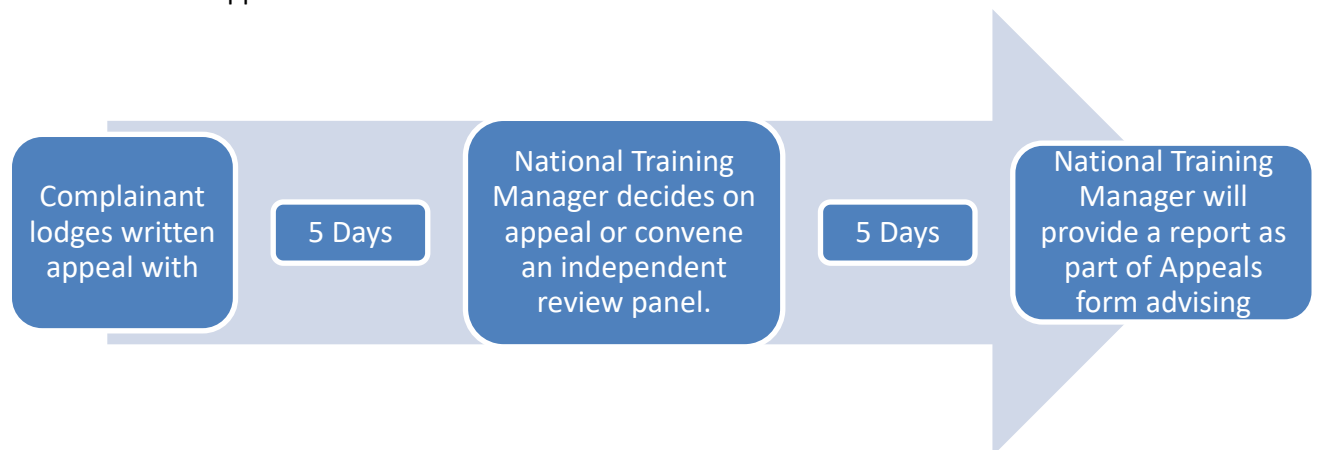


5.5.2 Stage Two – Internal Appeal

If a complainant is dissatisfied with the outcome of their formal complaint process, they may lodge a written appeal (using AMCA Complaints and Appeal Form) with the National Training Manager (who is senior to the original decision maker) within 5 (five) working days of the complaint process outcome.

The National Training Manager may decide on the appeal or convene an independent review panel (who are not a party to the original complaint) within 5 (five) working days of receiving the written request. If heard by a review panel, the panel will review the dispute between AMCA and the appellant; reporting to the National Training Manager within 5 (five) working days of receiving the appeal.

The National Training Manager will provide a written report which is part of the Appeals Form to the appellant advising the outcome of the appeal, additional steps taken to address the complaint and the reasons for the decision within 5 (five) working days of receiving the appeal decision. The report will further advise the appellant of their right to access the external appeals process if they are not satisfied with the outcome of their appeal.



5.5.3 Stage Three – External Appeal

If the matter remains unresolved after the review panel or National Training Manager presents the appeal process findings in writing, the appellant may make a written request to the Chief Executive Officer that they wish the matter be dealt with through an independent external dispute resolution process. AMCA, in consultation with the appellant, will appoint a mutually agreed independent external mediator within 5 (five) working days.

The appellant or the respondent may ask another person to accompany them to meetings with the mediator.

The mediator will report to the Chief Executive and National Training Manager, the outcome of the mediation, including any recommendations arising, within 5 (five) days of the completion of the review. Once the Chief Executive Officer and National Training Manager, receives the report of the outcomes from the

independent mediator, they will provide a written report to the appellant within 5 (five) working days on the recommended actions to resolve the appeal.

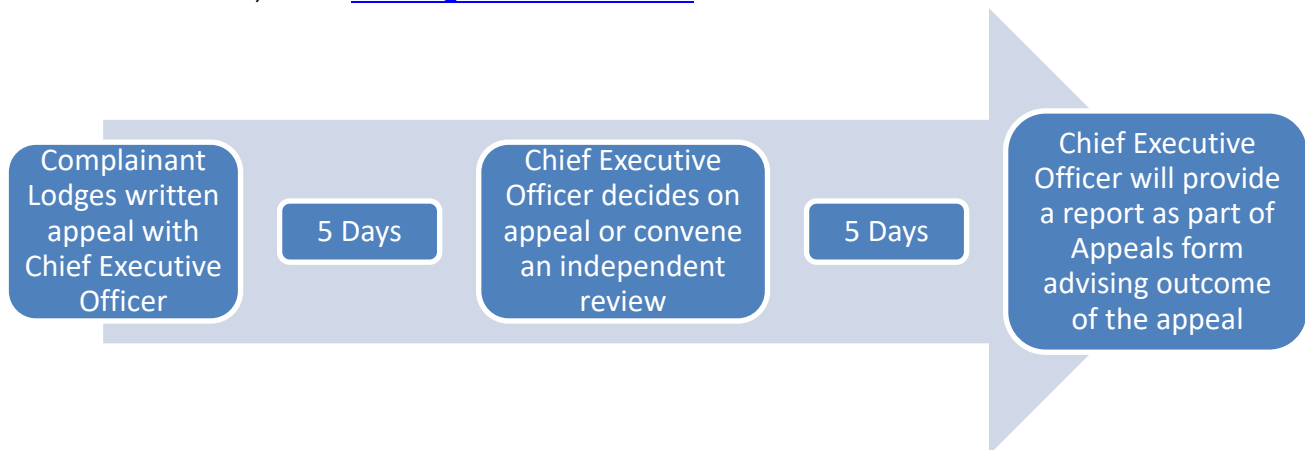
AMCA agrees to be bound by the independent mediator's recommendations and the Chief Executive Officer and National Training Manager will ensure that any recommendations made are implemented within 5 (five) days of receipt of such decision.

The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statutes or any other law. Nothing in this policy and procedure limits the rights of individuals to take action under Australia's Consumer Protection laws. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.

Contact information of an external third party "Resolution Institute":

Website: <https://www.resolution.institute/>

Phone: 02 9251 3366, **Email:** infoaus@resolution.institute



5.6 Investigate and review the complaint

1. The RTO Officer Representative will investigate all formal complaints, to determine whether the complaint will proceed and if so what actions need to be taken
2. The investigation stage may include interviews with the complainant, any witnesses, or other relevant persons and a review of any documentation. The RTO Officer Representative may request further details from the complainant. This may be sought by written or verbal request or by a face-to-face interview with the complainant and/or respondent
 - When such clarification occurs in a face-to-face interview, the person being interviewed may have another person accompany them
 - Investigation into the matter will take place to ensure AMCA has accurate, complete and relevant information.

5.7 Recommend resolution and provide the report to the complainant

1. When determining a resolution, the RTO Officer Representative and the National Training Manager will consider the outcome of the investigation, program guidelines, relevant legislation and the impact on AMCA
2. AMCA will make every attempt to reach a satisfactory resolution to the issue within 10 workdays
3. Upon a decision being made the client will be advised in writing of the outcome of the complaint. The RTO Officer Representative will provide a written report to the complainant on the steps taken to address the complaint/s and will include their recommendations and the reason for their decision

4. The report will further advise the complainant of their right to access the internal appeals process if they are not satisfied with the outcome of the formal complaint
5. The RTO Officer Representative will create an electronic file and store all records related to the complaint, including outcomes in the student's electronic folder.
6. The details regarding the complaint, including the outcomes, will be documented in the Complaints Record Log by the RTO Officer Representative.

5.8 Escalate complaint – lodge appeal to the National Training Manager for review

1. If the complainant is dissatisfied with the outcome, they may lodge an appeal with the National Training Manager
2. Within 24 hours of receipt, the National Training Manager will contact the appellant to acknowledge receipt of the appeal
3. An appeal may be made on one or more of the following grounds:
 - New evidence of a relevant nature is available
 - The decision was made without due consideration of the facts, evidence or circumstances
 - There was bias, prejudice or a conflict of interest by the person investigating
 - Some significant policy/procedural irregularity occurred in the investigative process
4. Appeals should be submitted to the National Training Manager in writing within seven days of the client receiving notification of the decision and must set out the grounds of the appeal and provide any supporting evidence
5. The National Training Manager will investigate all appeals. The investigation stage may include interviews with the appellant, any witnesses, or other relevant person and a review of any documentation
6. An appropriate person or committee will be appointed to consult with the complainant and other relevant parties within 10 working days
7. Where possible, such consultations should take the form of face-to-face interviews. The complainant or respondent may ask another person to accompany them to these interviews
8. Note that in the case of an assessment appeal, AMCA may appoint an independent, qualified assessor to review the assessment
9. Following the consultation, the National Training Manager will provide a written report to the complainant within 10 working days, advising the further steps taken to address the complaint including the reasons for the decision
10. The report will further advise the complainant of their right to access the external appeals process if they are not satisfied with the outcomes of their internal appeal
11. The National Training Manager will create a file and store all sealed records related to the appeal, including outcomes electronically
12. All appeal details including outcomes will be documented in the Complaints Record Log.

5.9 Additional complaint avenues

1. This complaint policy does not infringe on the rights of students and stakeholders to raise their complaints through other available channels. Students and stakeholders are advised about how they can raise external complaints in the Student Handbook, Trainer Guide and at induction. For example:
 - The Australian Skills Quality Authority (ASQA):
 - Website - www.asqa.gov.au/complaints/make-a-complaint---domestic-students/make-a-complaint---domestic-students1.html
 - Ph - 1300 701 801
 - *For all students.*
 - Other
 - Anti-Discrimination Board of NSW - www.antidiscrimination.justice.nsw.gov.au Ph - (02) 9268 5544.
 - Anti-Discrimination Commission Queensland - www.adcq.qld.gov.au/about-us Ph - 1300 130 670.
 - Victorian Ombudsman – www.ombudsman.vic.gov.au Ph - 1800 806 314.
 - Department of Queensland Training Ombudsman – www.trainingombudsman.qld.gov.au Ph – 1800 773 048 - National Training Complaints Hotline – Ph - 13 38 73 (Please Select Option 4)
2. This complaint policy does not infringe on the rights of students and stakeholders to seek legal advice regarding their complaints.

5.10 Responding to external complaints

1. If contacted by ASQA or any other relevant complaint body AMCA will cooperate fully in the process of handling the complaint. This will include and not be limited to providing full access to the relevant participant file (with the permission of the participant – see AMCA Privacy Policy) and the internal complaints records. All AMCA staff will be instructed to cooperate with each such instant and give an accurate account of events as they understand them.

5.11 Circumstances in Which Complaints May Not Proceed

1. A complaint will not proceed when:
 - The matter that is being complained about relates to relevant legislation
 - The complaint has been previously dealt with
 - An external body that has jurisdiction has already investigated the complaint
 - The complaint is made anonymously
 - The complainant declines to be named
2. A complaint will not proceed if it is found to be fabricated, frivolous, vexatious or malicious. These types of complaints are characterised by:
 - Giving false or misleading information
 - Withholding relevant information or distorting the facts
 - Demonstrating no real commitment to resolving the complaint
3. A student making these types of complaints may be subject to the AMCA Student Code of Conduct Policy
4. The complainant will be informed in writing why the complaint has not been investigated

5.12 Assessment Appeals Process

1. A student has the right to appeal the outcome of an assessment within four weeks from the date on which the assessor judgment for the student was made
2. In the first instance, students should discuss the assessment outcome with the nominated assessor, if they feel comfortable to do so
3. If a student does not wish to speak to the assessor directly, they can appeal by completing a Complaints and Appeals Form or contacting the RTO Officer Representative directly
4. The Complaints and Appeals Form should be forwarded to the RTO Officer Representative within 28 days of the incident
5. Within 24 hours of receipt, the RTO Officer Representative will contact the appellant to acknowledge receipt of the appeal
6. The RTO Officer Representative will investigate the appeal and assign an independent assessor to conduct a reassessment within a reasonable timeframe
7. When a reassessment is complete, the student will be advised in writing of the outcome of the reassessment
8. The RTO Officer Representative will create a file and store all sealed records related to the assessment appeal, including outcomes electronically
9. The details of the appeal and the decision of the independent assessor will be logged in the Complaints and Appeals Register.

5.13 Records of complaints and their outcomes

1. Following the complaint, appropriate actions will be taken by AMCA to prevent the problem from occurring again through the AMCA Continuous Improvement Policy and procedures
2. The complaint details and outcomes will be logged on the AMCA's Complaints Record Log for review by the Advisory Committee.

5.14 Where AMCA considers more than 60 calendar days are required to process and finalise the complaint or appeal

1. The RTO Officer Representative informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required
2. The RTO Officer Representative updates the complainant or appellant on the progress of the matter in writing every week until the final resolution has been agreed upon
3. Copies of all correspondence are kept in the complainant or appellant file electronically.

5.15 Maintenance of Complaints Record Log

The RTO Officer Representative is to maintain the Complaints Record Log.

6 Supporting Forms and Templates

Item	Name of Form / Template
1	Complaints and Appeals Form
2	Complaints and Appeals Management Form
3	Complaints Record Log (Complaints Register)
4	Continuous Improvement Register