

## POLICY

KAL Training (KAL Training) is committed to ensuring the highest quality support for our students. This policy and procedure support Standard for Registered Training Organisation Standard 6 Clause 6.1 - 6.6 and VET Funding Contract Clause 12 in providing a process for complaints and appeals to be heard and actioned.

## PURPOSE

KAL Training has a Complaints & Appeals Policy & Procedure to ensure all complaints and appeals are handled as efficiently and effectively as possible. KAL Training aims to resolve complaints and appeals honestly, fairly and without bias and in an easily accessible manner which is inexpensive to the parties involved using this policy document.

## SCOPE

The policy and procedure applies to all staff, contractors, and other personnel employed with KAL Training. KAL Training will provide students with access to a clear and consistent Complaints and Appeals process. Our staff will communicate an individual's rights, the RTO responsibilities and provide acknowledgement of any concerns as they arise. All staff will also ensure that a student does not feel intimidated or victimised for the lodgment of a complaint or appeal.

This policy and procedure relate to complaints and appeals related to:

- KAL Training
- KAL Training's staff
- Students/Students
- Third parties

The policy and procedure is not implemented where complaints are anonymous.

## DEFINITIONS

**Complaint** can be defined as a person's expression of dissatisfaction with any aspect of KAL Training's services and activities, including both academic and non-academic matters.

Examples of complaints would be where a member of the public or a student considers that there has been:

- Harassment, bias or unfair discrimination.
- Dissatisfaction about the enrolment, induction/orientation process.
- Dissatisfaction about the quality of education provided.
- Academic issues, including student progress, assessment, curriculum and awards in a VET course of study.
- Unauthorised handling of personal information and access to personal records.
- Failure to provide a service at the right time or to the standard expected of the service.
- Dissatisfaction in answering a query or responding to a request for a service.
- Failure to follow KAL Training's agreed policy, or procedures.
- Failure to take proper account of relevant matters in coming to a decision.
- Discourteous or dishonest behaviour by a member of staff.

If you are dissatisfied or have concerns about the standard of service, actions or lack of action by KAL Training or its staff, we have a formal complaints procedure.

**An appeal** is where a member of the public or student seeks a review of the decision made by the KAL Training. An appeal could relate to:

- Any decisions made in relation to a complaint outcome.
- Any decisions made in relation to a refund application.
- Any decisions made in relation to an academic decision, for example, about admission (or re-enrolment) to study, an assessment, a certificate, progression within a course of study or termination of study, etc.

Our service standard is to contact the complainant within 2 business days to acknowledge in writing receipt of their complaint/appeal.

**Appellant(s)** is/are the person(s) lodging an appeal to the outcome of a complaint or grievance.

**Complainant(s)** is/are the person(s) lodging the complaints or grievance.

**Grievance** is a concern about academic matters, perceived discrimination, a situation, a process, a person or people, a facility or a support service provided by RTO, which the student brings to the attention of the RTO in an informal way, i.e. it is spoken about, not written down.

**Respondent** is/are the person(s) against whom the complaints or grievance has been made.

## PROCEDURES

### General Process

- The Complaints and Appeals policy & procedure, and forms are made available to all students and other stakeholders by directly contacting KAL Training, through the KAL Training's website, and Student handbook.
- Where possible all informal attempts shall be made to resolve the issue (Informal Complaint). This may include advice, discussions, meeting with the student or stakeholder, emails and general mediation in relation to the issue and the student / stakeholder issue.
- Any staff member can be involved in this informal process to resolve issues but once a student has placed a formal complaint / appeal, the following procedures must be followed.
- Any student, potential student, employee or third party may submit a formal complaint to KAL Training with the reasonable expectation that all complaints will be treated with integrity and privacy. There is no cost for the complaints process unless it is referred to a third party.
- Complainants have the right to access advice and support from independent external agencies/persons at any point of the complaint and appeals process. Use of external services will be at the complainant's costs unless authorised by the Chief Executive Officer (CEO).
- Any person wishing to submit a formal complaint or appeal can do so by completing the Complaints and Appeals Form and state their case providing as many details as possible. This form can be obtained by contacting Administration staff at KAL Training, or through the KAL Training website.
  - As per policy, complaints are to be made in writing by the complainant.
  - KAL Training should review all complaints upon receipt.
  - Acknowledge receipt of complaint in writing by sending a letter to complainant or email.
  - Record details of the complaint on the Complaints and Appeals Register.
- Once a complaint or appeal is received and checked for, it should be forwarded to the appropriate personnel for review.
- There will be no charge to the complainant or appellant for the lodgement or presentation of their case. Incidental expenses for attending KAL Training offices to lodge the document or attend a meeting or any charges incurred (e.g. telephone) will NOT be reimbursed.
- All complainants and appellants must be given the opportunity to formally present their case and to be accompanied by a friend or third party to support them (and if language is an issue, to help them present

their case). Any payments to accompany the friend/third party will be made by complainants or appellants.

- The Review Personnel may gather evidence and constitute a review committee as they see fit.
- This process must be commenced within 10 working days of the lodgement of the complaint or appeal (and receipt of all supporting evidence) and should be completed within a reasonable time period, usually 10- 15 working days.
- If further evidence is requested, then the Review Personnel must communicate with the complainant or appellant as soon as possible and within 5 working days of asking for evidence, it should be submitted.
- The process will be put on hold until the evidence is received.
- The decision will be advised in the written response to the complainant or appellant.
- In case of complaint, if the complainant is not happy with the decision they may appeal. That appeal is on the fairness and objectivity of the decision.
- A template for a formal written response has been developed for when the complaint is accepted or rejected. This also includes the complainant's right to access the Internal Appeals process.
- A template for a formal written response has been developed for when the appeal is accepted or rejected. This includes the appellant's right to access the External Appeal process.
- All documentation relating to a formal complaint or appeal MUST be recorded on the student file, in case of student. This must include the initial form, supporting evidence, meeting minutes, copy of correspondence with all concerned parties. This information will be kept confidentially and stored securely for 7 years.
- Documentation of all complaints and appeals and their outcomes is securely maintained. Potential causes of complaints and appeals are identified and KAL Training takes appropriate corrective actions to eliminate or mitigate the likelihood of reoccurrence.
- All formal complaints or appeals must be logged in the Complaints and Appeals Register.
- A complaint or appeal is a learning opportunity for KAL Training. The outcome will be seen as an input to the continuous improvement process. Any decisions that support students will be immediately implemented.

## Detailed Process

Complaints may be made in relation to any of KAL Training's services and activities such as:

- The application and enrolment process
- Marketing information
- The quality of training and assessment provided
- Training and assessment matters, including course progress, student support and assessment requirements
- Student amenities and facilities
- Discrimination
- Sexual harassment
- The way someone has been treated
- The actions of another student
- Other issues that may arise

Appeals should be made to request that a decision made by KAL Training has to be reviewed. Decisions may have been about:

- Course admissions
- Refund assessments
- Response to a complaint



- Assessment outcomes / results
- Other general decisions made by KAL Training

KAL Training is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, KAL Training ensures that complaints and appeals:

- Are responded to in a consistent and transparent manner.
- Are responded to promptly, objectively, with sensitivity and confidentiality.
- Are able to be made at no cost to the individual.
- Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.

Where possible, all informal attempts shall be made to resolve the issue (Informal Compliant). This may include advice, discussions, meeting with the complainant, emails and general mediation in relation to the issue. Any staff member can be involved in this informal process to resolve issues, but once a complainant has placed a formal complaint / appeal, the following procedures must be followed.

If a complainant is uncomfortable in speaking directly to the person involved or the informal process does not resolve the issue to the complainant's satisfaction, the formal process should be followed as described later on in the document.

Where a student is unhappy with the outcome of an assessment decision, this will be dealt with under internal appeals. Please refer to Assessment appeals points in the Appeals section.

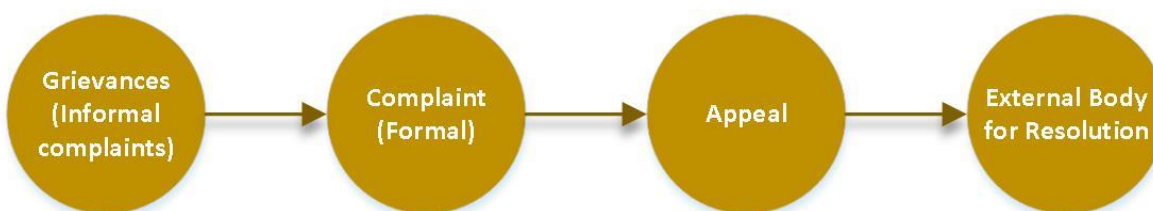
KAL reduce complaints through:

- providing excellent ongoing service
- addressing complaints quickly and fairly
- making sure similar kind of complaint/incident does not occur again

When a complainant has a genuine complaint, KAL Training may:

- thank them for raising the matter
- treat them with genuine empathy, courtesy, patience, honesty and fairness
- respond to the complaint quickly
- tell the complainant how KAL Training will handle it and when to expect a response
- speak to the complainant in person

Diagram of the Different Steps/ Procedures in the complaints management process:



### ***Informal Complaint***



- Students / potential students / stakeholders are encouraged, wherever possible, to resolve grievances directly with the person(s) concerned. For example: if the issue concerns an academic matter, the complainant should talk honestly to the trainer through Student Support Staff about his/her concerns. Issues about fees should be discussed in the first instance with the Accounts Department through Student Support.
- Any student with a question or complaint may raise the matter with KAL Training Student Support staff and attempt an informal resolution of the question or complaint. This can be done online, or by telephonic conversation. In some cases, face-to-face will also be accepted.
- Questions or complaints dealt within this way do not become part of the formal complaint process and will not be formally documented, recorded or reported on unless the staff member involved determines that the issue, question or complaint was relevant to the wider operation of KAL Training.
- If the student / potential student / stakeholder has attempted to resolve the issue directly, but is not satisfied with the outcome or does not wish to approach the person(s) concerned directly, then he/she may discuss the issue with the Compliance Manager. In case of face-to-face meeting, he/she may be accompanied or assisted by a support person during this process.
- The Compliance Manager will consider the issue and may either suggest a course of action to resolve the issue, or attempt to mediate between the complainant and the person(s) concerned.
- Within ten (10) days of receiving the grievance, the Compliance Manager will provide the complainant and any other person(s) directly concerned, with a written report summarising the actions that were taken, or will be taken, to resolve the issue.
- If the complainant is not satisfied with the outcome, a formal complaint can be lodged under this policy.

### **Formal Complaint**

- Students or any other stakeholders who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so.
- To register a formal complaint, a student must complete the Complaints and Appeals Form and contact the Student Support Staff to arrange a meeting with Compliance Manager, if required (a nominated person if Compliance Manager is not present for the particular case). It is better to provide as many details as possible.
- Once a formal complaint is received it will be entered into the Complaints and Appeals Register and written acknowledgment will send to complainant. The information to be contained and updated within the register is as follows:
  - The name of the complainant
  - Date of the complaint
  - Type of complaint
  - Name of investigating officer / department assigned to deal with the complaint
  - Response from those involved in the allegations
  - Analysis of the matter
  - Outcome of complaint
  - Action recommended to address systemic issues (if any)
  - Time taken to investigate complaint
  - Complainant satisfaction with the outcome.
- There is no cost for the complaints process unless it is referred to a third party.
- Complainants have the right to access advice, support, assistance or company from independent external agencies/persons at any point of the complaint and appeals process. Use of external services will be at the complainant's costs unless authorised by the CEO.
- At the stage of the complaint meeting (if required), the complaint must be recorded in writing and signed and dated. The complaint is recorded in writing by completing the Complaints and Appeals Form prior to the meeting or a new document can be prepared and signed during the meeting.



- The Compliance Manager will then refer the matter to the appropriate staff members to resolve, or make a decision on the complaint within 10 working days and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint.
- Where a decision is expected to take longer than 60 days, KAL Training will advise the student in writing of the delay and including the reasons for the delay. Thereafter the student will be provided with weekly updates in writing of the progress of the complaint.
- Weekly updates to both complainant and appellant will be provided by the Compliance Manager.
- If decision is taking more than 60 days, matter can be forwarded to an external complaints resolution organisation as well for resolution.
- At the end of the resolution phase, the Student Support Staff will report KAL Training decision to the complainant in writing. The decision and reasons for the decision will be documented by the Compliance department and will update the records accordingly.
- Following the resolution phase, KAL Training must implement the decision as conveyed to the complainant. KAL Training will immediately implement any decision and/or corrective and preventative actions that are required.
- Where the formal complaint process does not find in favour of the complainant, s/he will be notified that they have the right of appeal. He/she may institute an internal appeals process by completing the Complaints and Appeals Form.
- To appeal a decision, KAL Training must receive, in writing, grounds of the appeal within 10 days of the date of the notice of the decision.
- Copies of all documentation, outcomes and further action required will be placed on the Complaints and Appeals Register by the Compliance Manager or representative and also in the student's file, in case of student as complainant
- We will ensure that the investigation process is impartial and encompasses the Principles of Natural Justice. No assumptions will be made nor any action be taken until all relevant information has been collected and considered.
- There will be no victimisation against anyone who makes a complaint.
- Nothing in this procedure inhibits complainant's rights to pursue other legal remedies. Complainants are entitled to resolve any dispute by exercising their rights to other legal remedies. Complainants wishing to take this course of action are advised to:
  - Contact a solicitor; or
  - Contact the Law Institute of Victoria, 470 Bourke St., Melbourne 3000, and telephone 03 9602 5000 for a referral to a solicitor.

### ***Internal Appeals***

- All students and stakeholders have the right to appeal decisions made by KAL Training where reasonable grounds can be established. The areas in which a student or stakeholder may appeal a decision made by KAL Training may include:
  - Any other conclusion/decision that is made after a complaint has been dealt with KAL Training in the first instance as described in the complaints process above. This is referred to as general appeals and internal appeals).
  - Assessments decisions as set out below (assessment appeals).
- To activate the appeals process, the appellant must complete a Complaints and Appeals Form that is to include a summary of the grounds the appeal is based upon. The reason the appellant feels the decision is unfair, is to be clearly explained and help and support with this process can be gained from KAL Training staff.
- Where an appellant has appealed a decision or outcome of a formal complaint, s/he is required to notify KAL Training in writing within 10 working days, of the grounds of her/his appeal. Any supporting documentation should also be attached to the appeal.
- A KAL Training representative must record the details in the Complaints and Appeals Register.



- The process for all formally lodged appeals will begin within 10 working days of the appeal being lodged in writing.
- The Compliance Manager or a nominee appointed by Compliance Manager will be notified and will seek details regarding the initial documentation of the appeal and make a decision based on the grounds of the appeal.
- The appellant will be notified in writing of the outcome with reasons for the decisions, and the Complaints and Appeals Register updated. Particularly the appellant will also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The appellant is required to notify RTO if they wish to proceed with the external appeals process.
- Compliance Manager ensures KAL Training acts on any substantiated appeal. Compliance Manager determines the validity of the appeal and organises a meeting with all parties involved in the matter and attempts to seek resolution where appropriate.
- Where students wish to appeal an assessment or RPL, they are required to notify their Trainer / Assessor in the first instance. Where appropriate their Assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The Assessor shall complete a written report regarding the re-assessment outlining the reasons why re-assessment was - or was not - granted.
- If this is still not to the student's satisfaction, the student may formally lodge an appeal. They will lodge this with the Compliance Manager or a nominee appointed by the Compliance Manager and the appeal will be entered in the Complaints and Appeals Register.
- The Compliance Manager will be notified and will seek details from the Assessor involved and any other relevant parties. A decision will be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a third party. The third party will be another Trainer/Assessor appointed by KAL Training.
- The student will be notified in writing of the outcome with reasons for the decision, and the Complaints and Appeals Register will be updated. The student will also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify KAL Training if they wish to proceed with the external appeals process.
- We recognise the right of individuals to approach an external agency if the formal complaint or internal appeal has not resolved the issue to their satisfaction.
- The student's enrolment must be maintained whilst an appeal is in progress and the outcome has not been determined.
- A maximum time of 30 calendar days from the commencement of the appeal resolution phase will be allowed for the appeal resolution unless all parties agree in writing to extend this time.

### ***External Appeals***

- If not satisfied with the internal appeal processes, the complainant / appellant may request that the matter be further reviewed by an external dispute resolution process, by the body appointed by KAL Training for that purpose.
- The details of these external bodies are as follows:

Resolution Institute, previously as LEADR and IAMA, has been accrediting mediators since the mid-1990s. <https://www.resolution.institute/>

*Or*

The Dispute Settlement Centre of Victoria (DSCV)  
Dispute Assessment Officer  
Level 4, 456 Lonsdale Street  
Melbourne VIC 3000 Tel: 9603 8370 <http://www.disputes.vic.gov.au>



- The division of the expenses associated with the mediation e.g. mediator's fee, room hire and possibly travel expenses are to be shared equally between KAL Training and the complainant / appellant.
- You can also contact the Victorian Civil and Administrative Tribunal (VCAT), [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au).
- KAL Training will immediately implement recommendations arising from the external review within at least 10 working days of the receipt of the recommendations.
- If a student or stakeholder are still dissatisfied with the decision of KAL Training, they may wish to seek advice or make a complaint about KAL Training to ASQA directly. If, after KAL Training's internal complaints and appeals processes have been completed, and they still believe KAL Training is breaching or has breached its legal requirements, they can submit a complaint to ASQA by completing the "The Complaint about a training organisation operating under ASQA's jurisdiction" form. While ASQA will not be able to act as their advocate, the lodgement of their complaint will inform ASQA's risk assessment of KAL Training and a complaint audit may be conducted.
- Contact details for ASQA are:  
Australian Skills Quality Authority  
- Melbourne - Level 6, 595 Collins Street  
- Brisbane - Level 7, 215 Adelaide Street  
- Sydney - Level 10, 255 Elizabeth Street  
- Canberra - Ground Floor, 64 Northbourne Avenue  
- Perth - Level 11, 250 St Georges Terrace  
- Adelaide - Level 5, 115 Grenfell Street  
- Hobart - Level 11, 188 Collins Street  
Telephone: 1300 701 801  
Email: [complaintsteam@asqa.gov.au](mailto:complaintsteam@asqa.gov.au)  
Website: [www.asqa.gov.au](http://www.asqa.gov.au)

### PRINCIPLES OF NATURAL JUSTICE AND PROCEDURAL FAIRNESS

- KAL Training Staff may also use this complaints and appeals process. KAL Training will use all complaints as an opportunity for continuous improvement.
- All parties to a complaint or appeal have the opportunity to put their case and have this properly considered.
- Any allegation against a KAL Training staff member or member of a subcontractor party is made known to that person and KAL Training will provide an opportunity to present their side of the matter.
- Investigations and decisions are made by persons who do not exercise bias.
- A complainant/appellant should feel confident that they will not suffer any discrimination as a result of using the complaint or appeal process.
- Confidentiality shall be maintained to the extent of the people that need to be directly involved in the complaint or appeal process.
- All the information regarding this policy can also be found:
  - On the KAL Training website;
  - In the Student Handbook;
  - In the Staff Handbook.
- The complainant / appellant can be supported or accompanied by an independent person or friend during the complaints and appeals process.
- It is normal KAL Training policy that whilst a student is going through any formal complaint or appeals process, the student remains enrolled at KAL Training and continues their studies and assessments in the normal way. It should be noted that if the complaint or appeal has resulted in the student being suspended or excluded due to a breach of the Student Code of Conduct, then the suspension or





exclusion shall continue until either it has expired or the result of the complaint or appeal is decided in the student's favour.

- KAL Training has a fair and transparent informal and formal complaints and appeals process, but should the complainant / appellant require it, access is available to an independent mediator who can review the compliant and/or appeals process.

NOTE: If the outcome is in the appellant's favour then KAL Training will implement any changes recommended by the adjudicator immediately and advise the appellant of the outcome and actions taken.

## Responsibilities

- CEO has overall responsibility for this policy.
- Compliance Manager conducting investigation into all formal complaints.
- Student Support Staff will assist stakeholders at every phase, as required.

## Revision history

Revision	Date	Version	Description of modifications
1	March 2019	2.0	Logo change and other changes to the policy
2			
3			