



QMS-160 RTO Policy Student Complaints, Appeals & Resolution

Revision History

Date	Version	Author	Change reference
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Oct 2015	10	A. Hunkin	Review to align with ISO 9001
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Jan 2017	12	P O'Connor	Review & Update
Feb 2018	13	M. Van Looy	Review & Update

Reviewers

Date	Version	Approved by	Next review date
Oct 2015	10	M. Van Looy	October 2016
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1.1 POLICY OVERVIEW

The policies in this document have been developed to ensure that the rights and responsibilities of all students involved with K.Y.M. (Victoria) Inc. (K.Y.M.) are protected.

The policies are designed to give direction to all students, ensuring that they are provided with the necessary information, in regard to the process of complaints and appeals and how to address these in order to reach resolution with minimal disruption to the student, other students, associates and staff of K.Y.M.

Students may lodge informal and formal complaints. Students may also access the K.Y.M. (internal) and the external appeals process.

1.2 ADHERANCE

Adherence to all policies and procedures set down by K.Y.M. (Victoria) Inc. (K.Y.M.) is implicit in the terms and conditions of students of K.Y.M.

1.3 ADMINISTRATION

Administration of the policy is delegated to the Chief Executive Officer by resolution of the Board of Directors (BOD) and shall remain in force until cancellation or amendment of said resolution.

1.4 POLICY STATEMENT

The Board of Directors, together with the Chief Executive Officer recognise that the students of K.Y.M., have the right to raise and have resolved any grievances, complaints or concerns including any decision of an educational matter they may have including without fear of recrimination or victimisation.

Complaints, which arise from physical, verbal, sexual and/or emotional harassment, abuse or discrimination, are covered by the procedures outlined in this policy. Sexual harassment or abuse is defined as; any coercion, humiliation, or offensive behaviour of a sexual nature.

Complaints of an educational manner may include:

- Recognition of interstate qualifications
- Refunds and /or exchange of monies
- Client selection, enrolment and orientation
- Issues relating to training and assessment
- Compliance with Commonwealth, State/Territory legislation and regulatory requirements
- Recognition of qualification by K.Y.M.
- Recognition of prior learning

This policy will be implemented in compliance with the requirements of AQTF Essential Conditions and Standards for Continuing Registration Standards 1.1, 2.2, 2.7, 3.2 and the 2018 Skills First Service Agreement.

K.Y.M. employs a procedure for informal/ formal complaints and internal and external appeals processing/ handling.

All complaints and appeals lodged will be used for in reference to the Continuous Improvement Policy.

The following procedure outlines how clients will have their complaints and appeals processed.

1.4.1 POLICY

Informal Process - General Complaints

- Students are encouraged to approach any member of K.Y.M. staff and make an informal complaint about any issue relating to their training
- Where possible staff members may utilise advice, discussions, and general mediation in relation to the issue / complaint. Staff members should try and resolve the issue informally
- Any staff member can be involved in this informal process to resolve issues
- Staff members should refer clients to the Training Services Consultant if they feel they cannot or it is not appropriate for them to try and resolve the complaint/ issue
- Staff may ask the student to come back at an arranged time if further investigation is required
- The outcome of the investigation should be communicated to the student within an agreed timescale
- If the complaint is against the Training Services Consultant another member of staff should be approached and deal with the complaint
- Students who are not satisfied with the outcome of the informal process should be encouraged to lodge a formal complaint
- All staff members should log student complaints and resolution (QMS 160). Where the resolution identifies a potential change to a QMS procedure the corrective and preventive action will be recorded on the Performance Improvement Form and Performance Improvement Register

Formal Process - General Complaints

- The student will incur no cost to themselves during the complaints and appeals process unless they seek external representation
- Students should lodge formal complaints using the Opportunity for Improvement, Complaints and Appeals Form QMS 400- 78, located in the Student Information Handbook
- Students should complete the Opportunity for Improvement, Complaints and Appeals Form QMS 400- 78 (with assistance from the Training Services Consultant or other Staff Member if required)
- Opportunity for Improvement, Complaints and Appeals Forms QMS 400- 78, are to be submitted to: The Training Services Consultant K.Y.M. 673 Mountain Highway Bayswater, or emailed to mvanlooy@kym.com.au.
- If the complaint is against the Training Services Consultant another member of staff should be approached and deal with the complaint. Refer to the 1.5.1 Within this policy
- K.Y.M. will process the complaint/ appeal within 10 working days of lodgement
- K.Y.M. seeks to resolve complaints to students' satisfaction through ensuring the student has the opportunity to present their case and careful consideration of the evidence. A fair open minded approach along with negotiation and mediation is employed to achieve results
- The Training Services Consultant will investigate the complaint and liaise with appropriate staff if necessary to ensure all the facts are considered prior to making any decision
- The Training Services Consultant may delegate the handling of the complaint to an appropriate staff member if appropriate
- The Training Services Consultant may arrange a meeting with the student during the investigation process if appropriate
- Students' have the right to seek advice from and be represented by external parties at any time during the complaints and appeals process. The cost of this will be borne by the student
- The Training Services Consultant will notify the student in writing of K.Y.M.'s decision within 3 working days of the decision being made
- Students are also notified of their right to appeal any decision within 20 working days if they are not satisfied with the outcome of the process

- All formal complaints and outcomes are to be recorded in the Complaints and Appeals Register
- If a student's complaint is substantiated through this process the Training Services Consultant will take immediate corrective action
- All relevant documentation relating to the complaint must be stored in the students file
- If a student is dissatisfied with K.Y.M.'s decision regarding the complaint they have the right to appeal the decision via K.Y.M.'s Appeals Policy. The procedure is outlined below

Internal Appeals Process – General Appeals

If students are not satisfied with K.Y.M.'s decisions they may ask K.Y.M. to reconsider the decision by lodging an appeal.

Appeals may be made in relation to the following areas:

- The outcome of a formal complaint
- The outcome of action being brought against the student for breaching the Code of Conduct
- Students must have reasonable grounds for an appeal and include all supporting evidence with Opportunity for Improvement, Complaints and Appeals Form QMS 400- 78.
- The appeals process will commence within 10 working days of lodgement
- The Training Services Consultant can assist students with completing the Opportunity for Improvement, Complaints and Appeals Form QMS 400- 78
- The Training Services Consultant is not able to assist clients in establishing if they have reasonable grounds for an appeal
- If the appeal is in relation to the Training Services Consultant and or his/her decisions another member of staff will deal with the process
- Students must lodge an appeal within 20 working days of being notified by K.Y.M. of any decision they wish to appeal
- Students may be accompanied by a representative at any meetings during the appeals process
- On receiving a Opportunity for Improvement, Complaints and Appeals Form QMS 400- 78, K.Y.M. will arrange a time and venue for a meeting to take place and inform the student in writing
- The meeting shall be attended by the student and representative (if requested), the Training Manager and one other appropriate member of staff
- During the meeting the student will have the opportunity to present their evidence and then K.Y.M. will make a decision based on all evidence supplied to date
- At the completion of the internal appeals meeting a written statement of the outcome including reasons and details for the decision will be discussed with the complainant and signed by the complainant and the Training Services Consultant
- The outcome will either be in favour of K.Y.M. or the student.
- If the outcome is in favour of the student the Training Services Consultant will immediately commence corrective action
- The student will be sent written notification of the outcome within two working days of the meeting taking place. This will include the outcome including reasons for the decision
- This written notification will also inform the student that they have the right to access K.Y.M.'s External Appeal Process (if appropriate) and how they go about doing this
- The complaints and appeals register will be updated
- All evidence will be placed in the students file
- If the student is dissatisfied with the outcome of the internal appeals process they may access the external appeals process. Details of how to activate this process are contained in the policy and procedure

Internal Appeals Process – Assessments

- If a student feels they have been unfairly assessed or there are circumstances that impacted their performance they may appeal the assessment decision
- Students should approach their assessor in this case outlining the reasons for their appeal
- If the assessor feels there is reasonable grounds for the appeal he/ she may decide to re-assess the client
- The assessor should document this process along with the outcome in the complaints and appeals register. All supporting documentation should also be placed in the students file
- If the assessor decides to refuse the student an opportunity for re-assessment, the student may lodge a formal appeal by submitting a Opportunity for Improvement, Complaints and Appeals Form QMS 400- 78. The student must provide reasons for the appeal along with any supporting evidence
- Opportunity for Improvement, Complaints and Appeals Form QMS 400- 78, are to be submitted to: The Training Services Consultant K.Y.M., 673 Mountain Highway, Bayswater 3153 or emailed to mvanlooy@kym.com.au
- If the appeal is in relation to the Training Services Consultants decision another member of staff will deal with the process
- If the Training Services Consultant or other staff member handling the process decides that the students appeal be upheld the following will apply
- The assessment in question will be marked by a different trainer (or from a trainer from another training organisation if appropriate and feasible) and the outcome communicated to the student
- The assessor should document this process along with the outcome in the Complaints and Appeals Register. All supporting documentation should also be placed in the students file
- The student will be awarded the grade that gives them the most favourable outcome between the two outcomes
- If the students appeal is refused they will be sent written notification of the outcome within five working days of the meeting taking place. This will include the outcome including reasons and details for the decision. The letter will also inform the student of their right to access the external appeals process
- Students can only appeal an assessment decision once
- If students are dissatisfied with the outcome of the internal appeals process they may access the external appeals process. Details of how to activate this process are contained in the policy and procedure
- Students must inform K.Y.M. in writing if they are accessing the external appeals process

External Appeals Process

- External appeals may only be lodged if a student thinks K.Y.M. has not followed its Complaints and Appeals Policy and Procedure
- External appeals may be lodged with Dispute Settlement Centre of Victoria, 4/456 Lonsdale Street Melbourne – 1300 372 888
- The Dispute Settlement Centre of Victoria will also advise the student that in general, the purpose of the external appeals process is to determine whether K.Y.M has followed its Internal Complaints and Appeals Policies and Procedures
- The Dispute Settlement Centre of Victoria will not review the evidence or make a decision in place of the one made by K.Y.M.
- K.Y.M. will pay the costs for the appeal
- All documentation must be placed in the students file
- The Dispute Settlement Centre of Victoria will provide a written statement of the outcome including reasons and details for the decision to the complainant and K.Y.M. at the completion of the external appeals process

- If the outcome of the internal or external appeals process results in a decision favouring the student, K.Y.M. will immediately implement any corrective action, decision or measures required as indicated in the written response provided by the external appeals body. The student will be advised as to the course of action taken by K.Y.M. as per Dispute Settlement Centre of Victoria advice
- The student will be contacted within 24 hours of receiving notification from Dispute Settlement Centre of Victoria of the decision
- The student may access and receive the outcome of only one external appeals process

Further Information

K.Y.M.'s Complaints and Appeals Policy in no way effects the students right to access consumer affairs legislation and legal representation.

The student also has the right to contact the VET regulator if they are dissatisfied with the complaints and appeals process and lodge a complaint against K.Y.M..

Victorian Registration and Qualifications Authority
Level 4, Casselden
2 Lonsdale Street
Melbourne, 3000
Victoria
Phone: 03 9637 2806
Fax: 03 9032 1579
Website: www.vrqa.vic.gov.au

1.5 CONTACTS IN CASE OF STUDENT COMPLAINT

1.5.1 CONTACTS WITHIN THE ORGANISATION

**K.Y.M. (Victoria) Inc.
673 Mountain Highway
HEAD OFFICE
BAYSWATER 3153
Telephone: (03) 9722 5777
Fax: 9722 5700**

1. Relevant Staff Member
2. Michele Van Looy
Training Services Consultant
3. Peter O'Connor
Chief Executive Officer

1.6 DOCUMENTATION

Opportunity for Improvement, Student Complaints and Appeals Form (QMS 400-78)