

## 1.0 Policy

The Complaints and Appeals Policy and Procedure is designed to ensure that the Ultimate Institute of Australia responds effectively and efficiently to learner's complaints and dissatisfaction during the course of study.

This policy outlines a mechanism to ensure learners and prospective learners can have their dissatisfaction regarding any academic or non-academic matters addressed appropriately in a timely, fairly and confidential manner.

## 2.0 Related Standard

Standard 6: Clauses 6.1 - 6.6

Standard 8 (National Code 2007)

## 3.0 Responsibility

Ultimate Institute of Australia's CEO, Training Manager and Administration Manager will be responsible for the implementation and maintenance of the policy and to ensure that staff are aware of its application and procedure.

## 4.0 Requirements

1. Learners who are concerned about the conduct of Ultimate Institute of Australia, its trainers, assessors or other staff, are encouraged to attempt to resolve their concerns using this procedure
2. The procedure will be implemented at no cost to the learner
3. Ultimate Institute's Complaint and Appeals Policy is publicly available on the UIA website
4. The procedure will commence within 5 working days of the formal lodgement of the complaint or appeal and supporting information and will be acknowledged in writing
5. Where Ultimate Institute of Australia considers that more than 60 calendar days are required to process and finalise the complaint or appeal, it will:
  - a. Inform the complainant or appellant in writing, including the reasons that more than 60 calendar days are required, and
  - b. Regularly update the complainant or appellant on the progress of the matter
6. All prospective learners will be provided with information about the complaints and appeals procedure before making an agreement to enrol
7. All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties
8. Learners will be provided with details of external authorities they may approach, if required

9. At any stage in the complaint or appeal process learners are entitled to have their own nominee included to accompany and support them
10. Learners may raise any matters of concern relating to training delivery and assessment, the quality of the teaching, learner amenities, discrimination, sexual harassment and other issues that may arise
11. For complaints and appeals:
  - The learner will have an opportunity to formally present their case, in writing or in person at no cost to the learner
  - The learner may be accompanied and assisted by a support person at any relevant meetings
  - At the conclusion of the complaint or appeal the learner will be given a written statement of the outcome, including details of the reasons for the outcome and the record of the complaint and outcome will be placed in the learner file
12. A learner's enrolment will normally be maintained whilst a complaint or appeal is in progress and the outcome has not been determined except in cases where Ultimate Institute of Australia is intending to cancel a learner's enrolment
13. Ultimate Institute will encourage the parties to approach a complaint with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to review the process implemented by Ultimate Institute of Australia
14. If there is any matter arising from a learner informal complaint, formal complaint or appeal that is a systemic issue which requires improvement action, this will be reported in writing (via email to the Chief Executive Officer) so the matter can be addressed and recorded in Ultimate Institute Complaints and Appeals Register and be used as part of the continuous improvement activities of Ultimate Institute of Australia
15. Nothing in this procedure inhibits learner's rights to pursue other legal remedies. Learners are entitled to resolve any dispute by exercising their rights to other legal remedies. Learners wishing to take this course of action are advised to:
  - a. Contact a solicitor; or
  - b. Contact the Law Institute of Victoria, 470 Bourke St Melbourne 3000, Telephone 9602 5000 for a referral to a solicitor
16. Learners will be advised of Ultimate Institute Complaints and Appeals policy and procedure during the enrolment process through the distribution of student handbook.
17. The policy is available to both prospective and current learners from Student Administration and through our website.
18. Ultimate Institute will ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process.

19. Ultimate Institute will securely maintain the records of complaints and appeals and their outcomes on student files and Complaints and Appeals Register. Hard copy records are stored in a locked filing cabinet.

## 5.0 Procedure

### Informal Complaint Process

1. Any learner with an issue, question or complaint may raise the matter with staff of Ultimate Institute of Australia and attempt an informal resolution of the complaint
2. Learners with an issue, question or complaint can arrange a meeting to discuss the matter with one of the following Institute staff members who are responsible to try and resolve the issue, question or complaint with the learner:
  - Trainer
  - Training Manager
  - Administration Manager
3. If there is any matter arising from a learner informal complaint that is a systemic issue which requires improvement action this will be reported by the staff member, in writing (via email to the Chief Executive Officer) to the Continuous Improvement Management meeting so the matter can be recorded in Ultimate Institute of Australia Complaints Register and be used as part of the continuous improvement activities of Ultimate Institute of Australia.
4. The staff member (or any of those listed in clause 2 above) will try and resolve the complaint at the meeting or if required investigate the matter and then arrange another meeting with the learner to discuss the outcome of investigation and offer a solution if appropriate.
5. Learners who are not satisfied with the outcome of their discussion of the complaint are encouraged to register a formal complaint by:
  - Obtaining a copy of the Complaints and Appeals Form which can be requested from the Administration Manager;
  - Completing the Complaints and Appeals Form;
  - Lodging the Complaints and Appeals Form with the Administration Manager.
6. Learners having difficulty completing the Complaints and Appeals Form should ask a trainer, Training Manager or Administration Manager to assist them.
7. Once the Learner complaint form is lodged with the Administration Manager it will be dealt with as described in the formal complaint process below.

### Formal Complaint Process – preamble

1. Complaints must be lodged within 2 weeks of the issue arising. The formal complaint process will commence within 5 working days of the formal lodgement of the complaint or appeal and supporting information and will be acknowledged in writing.

2. A maximum time of 10 working days from the commencement of the formal complaint process will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase.
3. If Ultimate Institute considers that more than 60 calendar days are required to process and finalise the complaint or appeal, it will:
  - a. inform the complainant or appellant in writing, including the reasons that more than 60 calendar days are required, and
  - b. regularly update the complainant or appellant on the progress of the matter
4. Formal complaints must be lodged using the Learner complaint form that can be requested from the Administration Manager.
5. Formal complaints must be recorded in the learner's files

## Formal Complaint Process - details

1. Learners who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so at any time by.
  - Obtaining a copy of the Learner complaint form which can be requested from the Administration Manager;
  - Completing the Learner complaint form;
  - Lodging the Learner complaint form with the Administration Manager.
2. Once completed the complaint form is to be lodged with the Administration Manager who will arrange for the complaint to be entered on Ultimate Institute of Australia Complaint Register, acknowledge it in writing and meet with the learner to discuss the complaint.
3. During the formal complaint process:
  - Learners will have an opportunity to formally present their case to the Administration Manager, in writing or in person at no cost to the learner
  - Learners may be accompanied and assisted by a support person at any meetings involving the complaint.
4. Only the Training Manager, the Administration Manager or the Chief Executive Officer has the authority to deal with complaints. Whoever does hear the complaint must not be the subject of the complaint and cannot be involved in subsequent appeal hearing. In the event that the Training Manager, the Administration Manager and the Chief Executive Officer are not available to hear the complaint then the complaint must be directed to an external person at no cost to the learner.
5. The external person to hear a learner complaint on behalf of a learner is to be engaged from the Institute of Arbitrators and Mediators Australia (IAMA) phone (03) 8648 6578.
6. The role of the Administration Manager is to:
  - Assist the learner register their formal complaint

- Ensure the resolution phase commences within 5 working days of the written complaint being lodged
- Provide the learner, or the learners representative, with an opportunity to present their complaint
- Ensure they fully understand the learners complaint
- Work with the learner to identify how the complaint can be resolved to the satisfaction of the learner
- Consult and negotiate with the all parties involved with the complaint in order to obtain their commitment and agreement to the proposed solution
- Formally document the resolution to the complaint including reasons for the method of resolution and provide the learner with a written copy of the document
- Arrange for the proposed resolution to be signed off by the learner
- Monitor the implementation of the resolution to ensure that all parties adhere to the agreed resolution.
- Ensure that the details of the complaint are recorded in Ultimate Institute of Australia Complaints Register and reported (via the Training Manager report) to the Continuous Improvement Management meetings for continuous improvement purposes.
- Advise the learner to take the complaint to appeal if a resolution cannot be agreed upon

## Formal Complaint Process – finalisation

1. At the end of the resolution phase the Administration Manager will report the Ultimate Institute decision in writing to the learner within 5 working days. Ultimate Institute of Australia decision and reasons for the decision will be documented by the Administration Manager and placed in the learners file. A copy of this document will be provided to the learner.
2. Following the resolution phase Ultimate Institute of Australia will implement the decision as conveyed to the learner in writing and undertake any improvement actions arising from the complaint to eliminate or mitigate the likelihood of reoccurrence
3. Learners who are not satisfied with the outcome of the formal complaint are encouraged to appeal against Ultimate Institute of Australia decision by:
  - Obtaining a copy of the Complaints and Appeal Form which can be obtained from the Administration Manager;
  - Completing the Complaints and Appeal Form;
  - Lodging the Complaints and Appeal Form with the Administration Manager.
4. Once the Learner's Complaints and Appeal Form is lodged with the Administration Manager it will be dealt with as described in the Internal Appeal Process below.

## Internal Appeal Process – preamble

1. Internal appeals may arise from a number of sources including appeals against assessment, appeals against discipline actions, and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by a learner to reconsider a decision made by Ultimate Institute.
2. Learners who are not satisfied with the outcome of a formal complaint or wish to appeal a decision made by Ultimate Institute of Australia are encouraged to appeal against the decision by:
  - Obtaining a copy of the Complaints and Appeal Form which can be requested from the reception, the Administration Manager or the Training Manager
  - Completing the Complaints and Appeal Form
  - Lodging the Complaints and Appeal Form with the Administration Manager or the Training Manager
3. A learner's enrolment will be maintained whilst an appeal is in progress and the outcome has not been determined.
4. The appeal resolution phase must commence within 5 working days of the internal appeal being lodged in writing.
5. A maximum time of 10 working 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.

## Internal Appeal Process - general

1. Internal appeals (except assessment appeals) will be heard by a 3 person Appeals Panel selected from Ultimate Institute of Australia Chief Executive Officer, the Training Manager, compliance and educational consultants, and members of the teaching staff of Ultimate Institute of Australia (the Appeals Panel). No member of the Appeals Panel is to have been directly involved in the complaint leading up to the appeal.
2. The role of the Appeal Panel is to:
  - Ensure the appeal phase commences within 5 working days of the written appeal being lodged and acknowledge it in writing
  - Provide the learner, or the learners representative, with an opportunity to present their appeal to the Appeal Panel
  - Ensure they fully understand the learners appeal
  - Review the evidence and information provided by the learner, or the learners representative, and Ultimate Institute of Australia
  - Make an **independent** decision, based on the evidence to both support the learners appeal and reverse the decision by Ultimate Institute that lead to the appeal, or to support Ultimate Institute of Australia case and proceed with the original decision.
  - Arrange for the decision to be signed off by the learner and the Chief Executive Officer (this is not agreement by the learner but to record that the decision has been transmitted to the learner)

- Within 24 hours of making its decision the Appeal Panel must have formally documented the decision of the panel including reasons for the decision and convey the written decision and reasons for the decision to the learner

## Internal Appeal Process - assessment

1. Learners appealing an assessment decision (including RPL) will be given the opportunity for reassessment by a different assessor selected by Ultimate Institute. Costs of reassessment will met by Ultimate Institute.
2. The recorded outcome from the assessment appeal will be the most favourable result for the learner from either the original assessment or the reassessment.
3. Only one assessment appeal will be allowed.

## Internal Appeal Process – finalisation

1. The outcome of an internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the learner and Ultimate Institute of Australia and placed in the learner file. A copy of this document will be provided to the learner.
2. Following the internal appeals phase Ultimate Institute of Australia will implement the decision as conveyed to the learner and undertake any improvement actions arising from the complaint through Ultimate Institute of Australia continuous improvement process
3. If there is any matter arising from a learner informal complaint, formal complaint or appeal that is a systemic issue which requires improvement action this will be reported in writing (via email to the Chief Executive Officer) to Ultimate Institute of Australia Continuous Improvement Group so the matter can be recorded in Ultimate Institute of Australia Complaints Register and be used as part of the continuous improvement activities of Ultimate Institute of Australia.
4. There are no further avenues within Ultimate Institute of Australia for complaints or appeals after the internal appeals process has been completed, however an external appeals process is available
5. Learners who are not satisfied with the process undertaken for an internal appeal are encouraged to make an external appeal by:
  - Obtaining a copy of the Complaints and Appeal Form which can be requested from the reception desk or from the Training Manager
  - Completing the Complaints and Appeal Form and selecting the External appeal option on the form
  - Lodging the Complaints and Appeal Form with the Training Manager
6. Once the Complaints and Appeal Form is lodged with the Training Manager it will be dealt with as described in the External Appeal Process below

## External Appeal Process

1. Learners who are not satisfied with the process undertaken for an internal appeal are encouraged to make an external appeal by:
  - Obtaining a copy of the Complaints and Appeal Form which can be requested from the reception desk or the Administration Manager
  - Completing the Complaints and Appeal Form and selecting the External appeal option on the form.
  - Lodging the Complaints and Appeal Form with Administration Manager
2. The purpose of the external appeals process is to consider whether Ultimate Institute of Australia has followed its learner complaint and appeals procedure, not to make a decision in place of Ultimate Institute of Australia. For example, if a learner appeals against his or her subject results and goes through Ultimate Institute of Australia internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be
3. For external appeals the independent mediator will be the IAMA (Institute of Arbitrators and Mediators Australia), website [www.iama.org.au](http://www.iama.org.au), phone (03) 8648 6578. The cost of mediation is to be shared equally between the parties involved in mediation
4. The external appeals procedure will be determined by the IAMA
5. Following the receipt of the outcome of the external appeal Ultimate Institute of Australia must immediately implement the decision, convey the outcome to the learner, place a copy of the documentation on the learner file and undertake any improvement actions arising from the complaint

## 6.0 Resources and Forms

Complaints and Appeals Form  
Complaints Register

Other external mediators:

### **Overseas Learners Ombudsman**

Web: [www.oso.gov.au](http://www.oso.gov.au)

Email: [overseas.learners@ombudsman.gov.au](mailto:overseas.learners@ombudsman.gov.au)

Call: 1300 362 072 (Local call charge)

Enquiries 9 am–5 pm Monday to Friday

### **Dispute Resolution Centre of Victoria**

Level 4, 456 Lonsdale Street, Melbourne VIC 3000

Tel: 9603 8370

<http://www.disputes.vic.gov.au>

### **Australian Skills Quality Authority**

Level 6, 595 Collins Street Melbourne

Telephone: 1300 701 801

Email: [complaintsteam@asqa.gov.au](mailto:complaintsteam@asqa.gov.au)



# Complaints and Appeals Policy and Procedure



Website: [www.asqa.gov.au](http://www.asqa.gov.au)

## 7.0 Approval

This policy and procedure has been endorsed by the CEO and the management of the Ultimate Institute of Australia in March 2016 and will be implemented upon an approval as an RTO by ASQA.

## 8.0 Revision history

Version	Date	Description of modifications
1.0	March 2016	Policy created and approved
1.1	August 2016	Policy reviewed and updated