



OCA Complaints and Appeals Policy Procedure

This policy document was created to meet the requirements of the VET Quality Framework.

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Related Documents:	<ul style="list-style-type: none"> • 2.3.5 OCA Student Handbook v.1.0 • 3.1.4 OCA Appeals Lodgement Form • 3.1.6 OCA Complaints Lodgement Form • 3.1.5 OCA Complaints and Appeals Lodgement Register v1.0 			
Statutory Reference	<ul style="list-style-type: none"> • National Vocational Education and Training Regulator Act 2011 • Standards for RTO's 2015 – Specifically, Clauses 6.1 – 6.5 			

Version Control Table			
Date	Summary of Modifications	Modified by	Version
19.06.19	Document consistency	Matthew OConnor James Moore	v. 1.0
02/12/2019	Review Policy and Procedure Updated Policy to include the procedure	Dianne Ramage	V1.0



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PURPOSE

OCA is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (SRTOs 2015). This policy provides the framework and general principles for complaints and appeals.

This policy is based on providing and maintaining training services that are fair and reasonable and afford a forum to resolve issues or inadequacies. The **OCA** procedure describes the process to resolve complaints and appeals in a timely, confidential, and sensitive manner. **OCA** will adhere to the principles of natural justice and procedural fairness throughout the hearing of all complaints and appeals.

The object of this policy is to ensure that **OCA** staff act in a professional manner at all times. This policy provides clients with a clear process to register a complaint. The process will keep all parties involved informed of the resulting actions and outcomes.

SCOPE

OCA acknowledges the student's right to complain or appeal when they are dissatisfied with the training or assessment services and experiences provided by **OCA** or by a third-party provider (if applicable).

OCA ensures that clients have access to a fair and equitable process for expressing complaints and appeals and that **OCA** will manage the complaint by implementing principles of natural justice and procedural fairness.

With this, **OCA**:

1. has a procedure for collecting and managing complaints and appeals in a constructive, timely, confidential and sensitive manner;
2. communicates these procedures to all staff, contractors, third party partners and students;
3. records each complaint and appeal and its outcome in writing;
4. gives complainants and appellants written statements or communication of the appeal or complaint handling outcomes, including decisions and reasons for the decisions;
5. outcomes of complaints and appeals are utilised to review current practices which may potentially lead to continuous improvement initiatives to mitigate the likelihood of the complaints and appeals.

POLICY PRINCIPLES

Complaints and Appeals Policy:

1. Details concerning the scope of **OCA** Complaints and Appeals Policy are available in the Student Handbook, and Website.
2. **OCA** treats complaints and appeals seriously and deals with them promptly, impartially, sensitively and in confidence.
3. **OCA** aims to resolve complaints and appeals on an individual case basis and as the needs arise.
4. All **OCA** students have the right to express a concern or problem or lodge a formal complaint if they are dissatisfied with the training and assessment services, including through a third party (if applicable) or the behavioural conduct of another learner or **OCA**.



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5. **OCA** supports the right of a student to appeal any assessment decision and will not impair that right in any way. **OCA** will do everything possible to address the appeal in an unbiased and professional manner.
6. The handling of a complaint or appeal is to commence within seven (7) working days of the lodgement of the complaint or appeal and take all reasonable measures to finalise the process as soon as practicable.
7. All complaints and appeals are acknowledged in writing and finalised as soon as practicable. **OCA** will aim to complete the complaints process as quickly as possible and within 30 calendar days. **OCA** will keep the learner informed of the progress of the complaint throughout the process by phone communication, email correspondence or face-to-face meeting.
8. If the complaint takes in excess of 60 calendar days to finalise, **OCA** will inform the complainant in writing, providing the reasons why more than 60 calendar days are required.
9. OCA Staff will record all complaints in the **OCA** Complaints and Appeals Register and on the student record in the Student Management System. **OCA** will maintain and secure these records, including the outcomes of the process.
10. OCA staff shall disclose information to any person without the permission of the **Training Manager**. The Training Manager must permit the complainant to release information to third parties.

Types of Complaints

A complaint or grievance may include allegations involving the conduct of:

1. the RTO, its trainers and assessors or other staff members;
2. a third-party providing services on behalf of **OCA**; or
3. a student of **OCA**.

Grounds for Appeal

Valid grounds for an appeal against an assessment decision (where the student feels the assessment decision is incorrect) could include the following:

1. the judgment made by the Assessor as to whether the student achieved competency was incorrect;
2. the judgement made by the Assessor was not according to the assessment plan;
3. the alleged bias of the assessor;
4. the alleged lack of competence of the assessor;
5. the alleged wrong information from the assessor regarding the assessment process;
6. the alleged inappropriate assessment process for the particular competency;
7. faulty or inappropriate equipment; or
8. inappropriate conditions.

If a student has an appeal, they are encouraged to speak immediately with the assessor to resolve the issue. If the appellant remains dissatisfied, complete the **Appeals Form** to lodge a formal appeal.

Appeal Outcomes

1. The appeal is upheld; in this event, the following options will be available:



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- a. another assessor will re-assess the **student's** assessment.
 - b. After reassessment the assessor recognises competency.
 - c. The assessors shall arrange for the student to participate in a new assessment.
2. An appeal is rejected; under the **OCA** assessment policy, the client will:
 - a. undertake further training or experience before further assessment; or
 - b. re-submit further evidence; or
 - c. submit/undertake a new assessment

Complaints and Appeals Process

1. **OCA** adopts the principles of natural justice and procedural fairness at every stage of the complaints and appeals process.
2. Students are provided with a clear process to follow to lodge a complaint or an appeal. OCA will keep all parties informed of the resulting actions and outcomes.
3. If a student has a complaint or appeal, they are encouraged to speak immediately with the trainer/assessor to resolve the issue. If the student is not satisfied, complete a **Complaints Form** or **Appeals Form** and lodge.
4. OCA Staff acknowledges and protects the rights of the complainant and respondent throughout the complaint resolution process, including the conduct of separate interviews initially.
5. In the interest of confidentiality, OCA will keep the number of people involved in the resolution process to a minimum. OCA Staff will handle all complaints as staff-in-confidence and will not affect or bias the progress of the client in any current or future training.

Consumer Protection Officer

At **OCA**, the **Training Manager** will appoint the Consumer Protection Officer. The Consumer Protection Officer will be the primary point of contact for all complaints and appeals.

The **Training Manager** may delegate responsibility for the resolution of the complaint and appeal if necessary. **OCA** will ensure that its staff and those acting on its behalf in accordance with the **OCA's** Code of Conduct and Appeals Policy.

MONITORING AND IMPROVEMENT

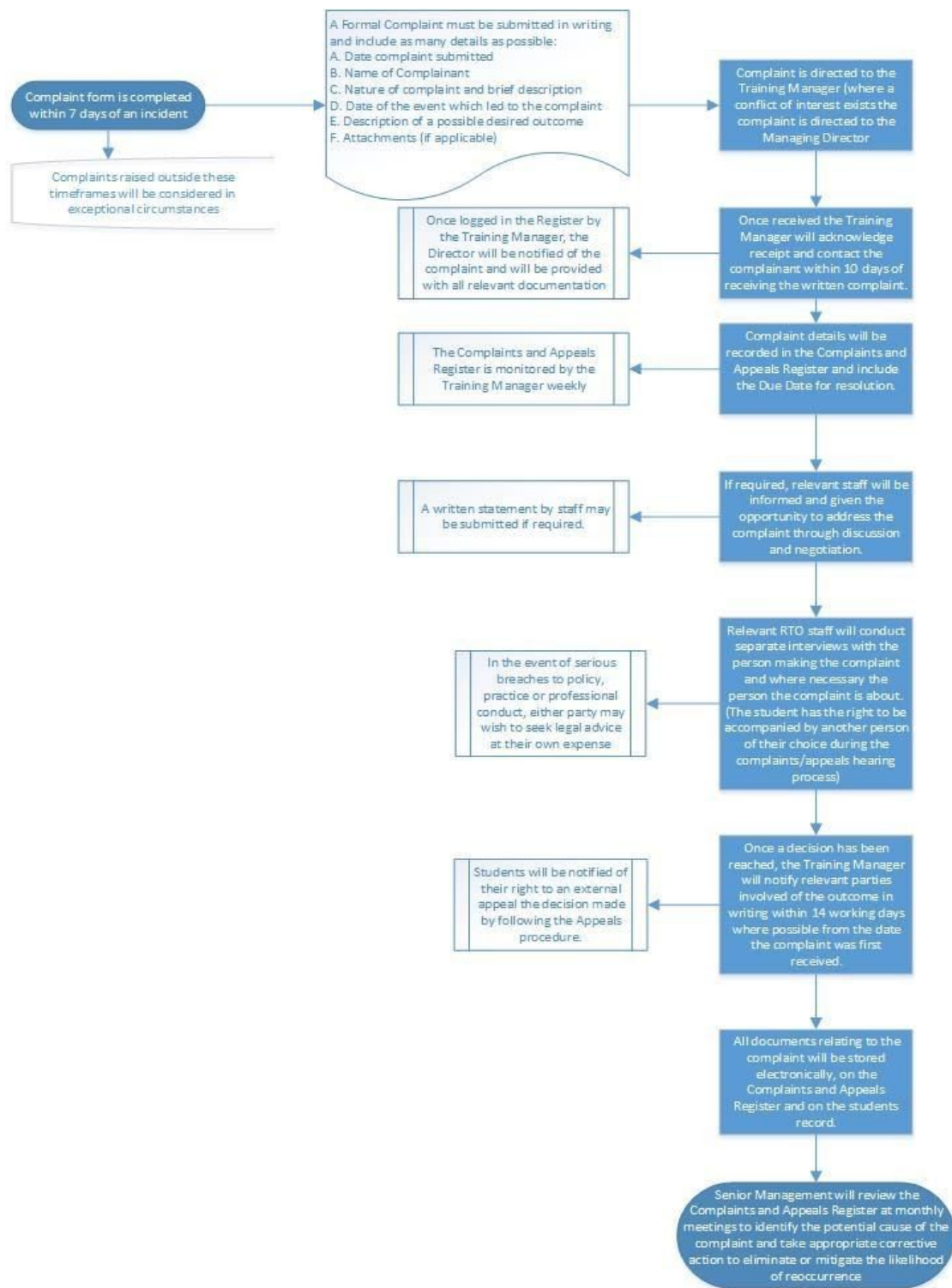
The Training Manager will discuss all complaints and appeals at Management Meetings or at Continuous Improvement Meetings to identify potential causes of complaints or appeals, to discuss to eliminate or mitigate the likelihood of re-occurrence and to identify opportunities for continuous improvement of the processes.



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Complaints Procedure

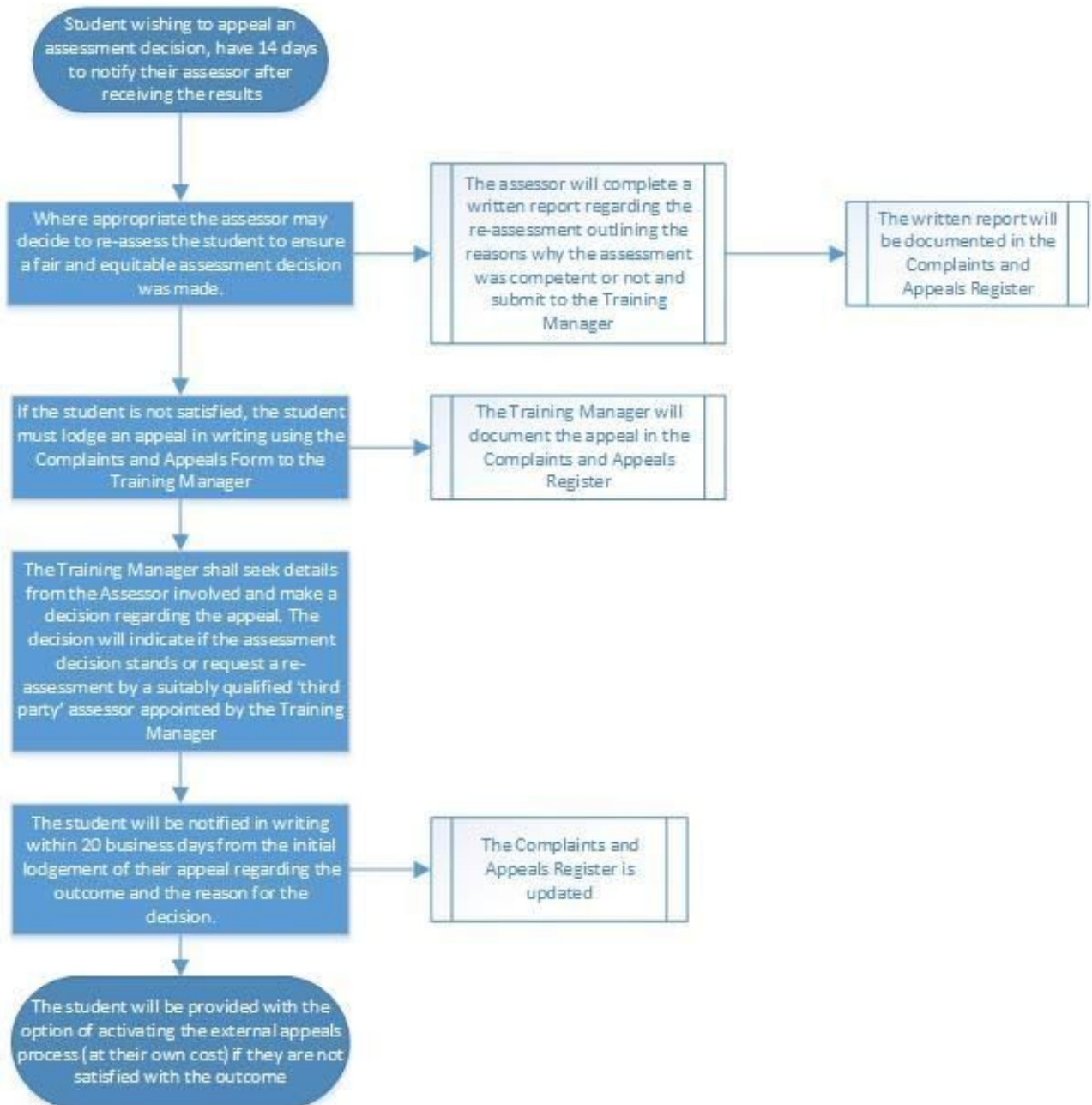




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Academic Appeals Procedure





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External Appeals

1. The Training Manager in consultation with the CEO will make final decisions.
2. If the complaints process fails to resolve the complaint and the complainant remains dissatisfied with the outcome of the complaint, the Training Manager will refer the matter to an independent third party for review, at the request of the complainant.
3. The Training Manager will advise the complainant of all costs incurred by the third party review.
4. **OCA** reserves the right to nominate or agree to the independent party and will cooperate fully with the independent third party review.

Appeals can relate to the assessment decisions or other decisions such as the decision to exclude a student from a program. Students are encouraged to resolve Complaints and Appeals through OCA's complaint mechanism. However, if the student is not satisfied with the complaints and appeal outcome, they can contact other suitable mediators, and OCA can refer students include:

- Australian Mediation Association - Commercial and Business Mediation
<http://www.ama.asn.au/commercial-and-business-mediation/>
- The State Ombudsman Offices available from the websites <https://www.ombo.nsw.gov.au/>
- Department of Fair Trading – for issues involving monies, service or product agreements.
- Industry Associations – for judgement on course content and learning outcomes.
- ASQA accepts complaints about providers - <https://www.asqa.gov.au/complaints>

Consumer protection agencies

If you are seeking a refund or a cancellation of your course fees, the consumer protection agency in your state or territory can provide you with information about your rights and obligations. Your consumer protection agency may be able to help you negotiate with your provider.

- New South Wales: NSW Fair Trading—Phone 13 32 20

Overseas Student Ombudsman

If you are a current or former overseas student studying with a private provider in Australia, you can seek help with fees and refunds from the Overseas Students Ombudsman by calling 1300 362 072 or +61 3 9203 4027.