

1. Aim

AVANTE is committed to ensuring its complaints processes are fundamentally based on the requirements of the Standards for Registered Training Organisations (SRTOs 2015), the VET Funding Contract and uphold auss-one values of retaining high learner satisfaction in relation to the services it provides.

Through this Policy, AVANTE seeks to comply with Standard 6, Clauses 6.1,6.3,6.4 and 6.5 of the SRTOs 2015 and its requirements of a complaints and process under the VET Funding Contract. Where there is a change to the laws, regulations or legislation AVANTE is bound, it ensures the Complaints Policy is updated to meet the requirements of the change and continue meeting the aims of this Policy and its guiding principles.

2. Purpose

The purpose of the Complaints Policy is to outline the frame of processes AVANTE has in responding to allegations involving the services it has provided and/or the conduct of staff, learners and all relevant stakeholders of AVANTE which are designed based on the aims of this Policy and its guiding principles.

3. Scope

The scope of this policy is relevant to all current and prospective learners, employers, clients, staff and other relevant stakeholders of AVANTE. Individual roles are further defined in the clause 7. AVANTE Responsibilities.

4. Policy Statement

It is a requirement of this Policy to have procedures in place that support the guiding principles of this policy which are formed based on AVANTE's obligation with respect to regulatory, legislative, contractual requirements and AVANTE's value of high learner satisfaction.

5. Definitions

The following words and expressions have the following specific meaning:

Third party means any party that provides services on behalf of the RTO but does not include a contract of employment between an RTO and its employee.

ASQA means the Australian Skills Quality Authority, the National VET regulator and the registering body.

Complainants may also complain AVANTE's registering body: Australian Skills Quality Authority (ASQA).

However, ASQA will only use the information the individual provides to inform its regulatory approach and will not contact AVANTE on an individual's behalf or act as an individual's advocate. For more information refer to the following webpage: <http://www.asqa.gov.au/complaints/make-a-complaint--domestic-learners/make-a-complaint---domestic-learners1.html>

Principles of Natural Justice recognizes the duty to accord a person natural justice when a decision is being made that affects the persons rights, reasons or legitimate expectations.

Complaint is a formal statement made of something that is unfair or unsatisfactory.

Complaint Register is a register used to record each complaints case and their outcomes.

Complaints Lodgment Form is a form used by the complainant to lodge a formal complaint and initiate the Complaints Procedure.

Complaints Progress Form is a form used by the Compliance Officer to record each step of the complaints process and additional information to have on record and support the complaints case and outcome.

Complaints Procedure is the written procedure which outlined the steps of the complaints process including how an individual can lodge a complaint and how relevant staff must operate within the Complaints Procedure.

External Mediator Representative is a professional representative independent from AVANTE and external to the internal complaints review and resolution process to resolve a complaint in the event that the complainant has not been satisfied with the outcome of the internal stages of the complaints resolution.

Complaint Review and Resolution Process- Stage One refers to the initial review and resolution process upon the receipt of a formal Complaint and involves further investigating the complaint and determining an outcome that is fair, free from bias and in accordance with AVANTE policies and procedures.

Complaint Review and Resolution Process- Stage Two refers to the secondary internal review and resolution process where a complainant is dissatisfied from the outcome of the Complaint Review and Resolution Process- Stage One and involves the Director to further review the complaint upon a formal meeting with the complainant and an outcome that is fair, free from bias and in accordance with AVANTE policies and procedures.

Continuous Improvement Policy refers to the requirements of AVANTE to implement continuous improvement initiatives systematically across its operation to comply with legislation, regulatory and contractual agreement requirements as a registered training organisation. In terms of the Complaints Policy is it a requirement of SRTOs2015 to review complaints outcomes against current practice to identify continuous improvement opportunities.

In-House Training Policy refers to AVANTE's policy for implementing in-house training processes to satisfy the requirements of Standard 8 of the SRTOs 2015 which require all staff to be informed in the event there is a change in legislation, regulatory or contractual agreements which impact the operation of AVANTE. As the aim of the Complaints Policy is to meet the requirements of its governing bodies, the In-House Training Policy interlinks with the Complaints Policy as it incorporates the need for in-house training in relation to the Complaints Policy and Complaints Procedure and any changes made.

Records Management Policy refers to AVANTE's Policy on how it maintains and adopts recordkeeping protocols in order to meet legislation, regulatory and contractual agreement requirements which dictate the need for adequate record keeping processed across all its operation and the services it provides.

Types of Complaints refer to all natures of how a formal complaint can be lodged. A complaint may include allegations involving the conduct of:

- a) AVANTE, its trainers, assessors or other staff; or
- b) A third party providing services on behalf of AVANTE (if applicable)
- c) A learner of AVANTE.

Complaints can involve services, activities and decisions such as:

- a) Marketing practices
- b) The pre-enrolment & enrolment process, induction process
- c) The quality of training and assessment provided
- d) Training and assessment matters, including learner progress, assessment, curriculum and awards in course of study
- e) Access to personal records
- f) Decisions made by AVANTE
- g) The way someone has been treated
- h) The actions of another learner or staff member
- i) Breach of Access & Equity Policy
- j) Breach of Work, Health and Safety Policy

Quality Management System refers to AVANTE set of policies, procedures and supporting document which executes AVANTE business framework and informs the tasks and responsibilities of staff within the Organisation Chart.

6. Policy Principles

Guiding principles

AVANTE identifies the following moving parts as the guiding principles which form part of the Complaints Policy and provide a frame for the Complaints Procedure:

- 6.1 Adopting Principles of Natural Justice**
- 6.2 Complaints Resolution Commitment**
- 6.3 Notification of the Complaints Process**
- 6.4 Lodging a complaint**
- 6.5 Informal Complaints**
- 6.6 Complaint Review and Resolution Process**
- 6.7 Complaint Escalation**
- 6.8 Recordkeeping**
- 6.9 Confidentiality**
- 6.10 Regulations, Contractual Agreements and Legislation**

6.1 Adopting Principles of Natural Justice

- a) A procedure must be designed and implemented that aids good decision making that has a liberal justification as a principle and justice that gives due dignity and the learner the opportunity of replying to any complaints decision.
- b) It is a requirement of this Policy to develop and implement a procedure that adopts the Principles of Natural Justice and ensures the decision maker and decision making process is not bias in any way.

6.2 Complaints Resolution Commitment

- a) AVANTE must strive to resolve all types of complaints as soon as they emerge through a fair and equitable process that includes at minimum:
 - i. AVANTEs acknowledgement to the rights of all prospective & current learners, clients, employers and staff to be able to express a concern or problem and/or lodge a complaint if they are dissatisfied with any services provided by AVANTE or the behavioural conduct of another individual.
 - ii. A cooperative & harmonious environment that encourages any issues or informal complaints to be raised and resolved immediately before lodging a formal complaint.
 - iii. The Principles of Natural Justice adopted at every stage of the complaints process.
 - iv. The Complaints process is clear and easy to use by those who need to access this service.
 - v. All complaints to be treated seriously and dealt with promptly, fairly and only in accordance to the Complaints Procedure.
 - vi. Complaint outcomes must be utilised for the purposes of reviewing current practices which may lead to continuous improvement opportunities (See Continuous Improvement Policy).
 - vii. Complaints are resolved on an individual case basis, as they arise.
 - viii. The use of external mediation is incorporated in the event the complaint cannot be resolved internally while taking into consideration that in some instances formal procedures and disciplinary action may be required.
 - ix. Access and equity principles apply throughout the Complaints process and any victimisation of complainants, respondents or persons involved in the complaint process will not be tolerated.
- b) AVANTE does not have any third-party arrangements to ensure the minimisation of complaints that may potentially arise. In the event a third-party arrangement was in place, AVANTE must have control mechanisms to

minimize the number of complaints and be able to direct prospective and current learners to the internal AVANTE complaints process.

6.3 Notification of the Complaints Process

- a) It is a requirement of this Policy that the complaints process is made publicly available and that the processes established include the following:
 - i. A verification process to satisfy the complaints process is made publicly available and is conducted on a frequent basis to avoid doubt that the complaints process is not publicly available at any given time.
 - ii. All staff and learners must familiarise themselves with the Complaints Process.
 - iii. In support of clause 6.3(a) ii, each prospective learner must be directed and/or provided with the complaints process prior to enrolment and;
 - iv. All new and current staff must be directed to the complaints process and understand their right and responsibilities under the Complaints Policy and Complaints Process and;
 - v. 'Refresher' training on the Complaints Policy and Complaints Process must be provided for all staff in accordance with the In-House Training Policy.
 - vi. The complaints process must be referenced where appropriate to direct individuals to the avenue of lodging a complaint.

6.4 Lodging a complaint

- a) This policy requires that the Complaints Procedure outlines clear and simple instructions on how to lodge a formal complaint.
- b) In addition to Clause 6.4 (a) the Complaint Lodgement process must ensure that:
 - i. Complaints are received in 'real time' by authorised personnel to deal with the matter promptly and in confidence.
 - ii. Individuals lodge complaints within seven (7) calendar days of the incident to meet the objective of clause 6.4(b) i.
 - iii. Only the Director can make reasonable exemptions to acknowledging a complaint if it is lodged in excess of seven (7) days of the incident.
 - iv. A submitted Complaints Form must constitute as a formal complaint. Complainants can provide more detail verbally, however, authorised personnel must uphold record keeping principles as per clause 6.8 of this Policy.
 - v. Complainants must be acknowledged within two (2) working days of receipt of a formal complaint and informed of the next steps within the complaints process and must be updated regularly on the progress of their complaint.
 - vi. Complainants are notified of the complaint outcome in writing within seven (7) days of a resolution being made.

6.5 Informal Complaints

- a) Complaints made verbally that are resolved, must constitute as an informal complaint.
- b) Staff personnel and individuals must aim to resolve informal complaints as soon as they arise in a cooperative and respectful manner and only within the parameters of AVANTE's Quality Management System.
- c) A Process must be established to ensure informal complaints are reported to the authorised personnel and advise:
 - i. If informal complaints cannot be resolved, individuals are directed to the complaints process.
 - ii. Under no circumstance can staff personnel omit the disclosure of access to the complaints process.

6.6 Complaint Review and Resolution Process

- a) Complaints must only be reviewed and resolved by a nominated authorised staff member under the approval of the Director.

- b) Further to clause 6.4(a), the authorised staff member must demonstrate the necessary skills and capabilities to resolve complaints in order for AVANTE to maintain a high level of learner satisfaction.
- c) When handling a complaint, a review and resolution process must be established and include:
 - i. Opportunities for the respondent to address the complaint pertaining them.
 - ii. Investigating and reviewing complaint details in accordance with AVANTE's Quality Management System.
 - iii. Confidentiality principles are applied in accordance with clause 6.9 of this policy.
 - iv. Complaints are reviewed and finalised no later than sixty (60) calendar days and;
 - v. In the event, resolving a complaint will exceed sixty (60) calendar days, a process is established to inform the complainant why more than sixty (60) calendar days are required.
 - vi. All complaint outcomes must be secondarily reviewed and authorised by the Director to manage the risk of further escalation.

6.7 Complaint Escalation

- a) The complaints procedure must intend to resolve a complaint internally and establish an internal escalation process which must include:
 - i. A secondary complaints review and resolution process conducted by the Director or a senior authorised delegate approved by Director and ensure a second opportunity to review the complaint is granted.
- b) In the event, the complainant remains unsatisfied by the outcome from the internal escalation process, the complainant must have the right to have their complaint externally reviewed by an appropriate party independent from AVANTE.
- c) An external escalation process must be established and include:
 - i. The complainant's rights to access an appropriate mediatory service of their choice.
 - ii. The complainant's rights to access an external mediatory service provided by AVANTE.
 - iii. Associated costs in accessing external mediatory services.
 - iv. Recommendations of the external mediatory representative must constitute as the final outcome of the complaint and the complaint must be resolved within ten (10) working days of been notified of the recommendations.

6.8 Recordkeeping

- a) The complaints process must establish recordkeeping protocols to meet the policy's obligations under the SRTOs standard 6, clause 6.5.
- b) A record of each individual case must be lodged on a Complaints Register to satisfy the requirements under the SRTOs2015 standard 6, clause 6.5.
- c) AVANTE ensure the information collected and used to determine the complaints outcome is documented and includes details of:
 - How the complaint was dealt with;
 - The outcome of the complaint;
 - The timeframes for resolution of the complaint;
 - The potential causes of the complaint; and
 - The steps taken to resolve the complaint.
- d) All documentation from the complaints processes are to be maintained in accordance with Records Management Policy.

6.9 Confidentiality

- a) Records of all complaints and their outcomes must be maintained securely and in confidence.
- b) The review and resolution process established must ensure complaints are handled as confidential and will not affect or bias the progress of the learner in any current or future training and ensure:
 - i. Gathering of information to the incident is conducted with integrity and honesty and confidentially,
 - ii. the number of people involved in the complaints process is kept to a minimum.

6.10 Regulations, Contractual Agreements & Legislation

- a) A process must be established to identify all regulations, contractual agreements and legislation and guidelines to govern and form the foundation blocks of the Complaints Policy namely:
- The Standards for Registered Training Organisations (SRTOs2015)
 - Victorian Standard Funding Contract
 - Privacy Act 1988

7. AVANTE Responsibilities

Processes and procedures must be established to identify the responsibilities of this policy within the Organisation Chart and at minimum include the following:

Director

- Responsible for final approval of the complaints outcome.
- Responsible for undertaking the second stage of the review and resolution process.
- Responsible for reviewing all cases of complaints to implement continuous improvement initiatives as relevant.

Compliance Officer

- Responsible for receiving formal complaints
- Responsible for acknowledging to the complainant receipt of a formal complaint
- Responsible for the review and resolution process- Stage One
- Responsible for the administration and recordkeeping of complaint related documents.

All AVANTE staff

- All AVANTE staff including its administration, trainers or assessors have a responsibility to adhere to the Complaints policy and procedure.
- Responsible for reporting informal complaints and issues resolved to the Compliance Officer.
- Responsible for directing individuals to the Complaints Procedure when a verbal complaint is made.

8. Non-limitation of Policy

This policy and related procedures acknowledges that it does not replace or modify those or any other responsibilities which may arise under other policies or under statute or any other law. AVANTE acknowledges that nothing in this policy and related procedure limits the rights of individuals to take action under Australia's Consumer Protection laws. Also, this policy does not circumscribe an individual's rights to pursue other legal remedies.