

Complaints and Appeals

PROCEDURE

COMPLAINTS PROCEDURE

Complaints about a particular incident should be made within 15 working days of the incident occurring and appeals must be made within 10 working days of the original decision being advised. Complaints and appeals should be made in writing using the AUSTSWIM ***Complaints and Appeals Form available on the AUSTSWIM website***, and sent to:

a) Receive and acknowledge complaint

- As per policy, complaints are to be made in writing by the complainant via the AUSTSWIM website, attention to the Business Centre Manager (BCM) in the state of concern.
- The BCM should review all complaints upon receipt.
- Acknowledge receipt of complaint in writing by sending a letter or email to complainant within 7 working days of receipt.
- Record details of the complaint on the *Complaints and Appeals Register*.

b) Investigate the complaint

- Upon receiving the complaint, the matter is to be investigated to ensure all relevant information is available and it is accurate and complete.
- Update any involved persons/parties of the nature of the complaint without disclosing the identity of the complainant. Collect all information relevant to the incident and record on the complaints register.
- Further details from the complainant, respondent or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face.
- If the matter is in relation to a third-party delivering services on behalf of the AUSTSWIM, the third party should be involved in the resolution of the complaint.
- The BCM will review the information and decide on an appropriate response. Where deemed necessary by the BCM, the matter may be reviewed by other members of the management team to arrive at an appropriate resolution.

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Note: Complaints and appeals will be finalised as soon as practical at least within 30 calendar days. Where the matter is particularly complex and is going to take longer than 60 calendar days of receipt of the original complaint, the complainant is to be advised in writing along with reasons for the extra time. They must be provided with updates on progress on a weekly basis thereafter until the matter is resolved.

c) Advise of the outcome and update records

The BCM is responsible to:

- Provide a written response to the complainant outlining:
 - AUSTSWIM’s understanding of the complaint
 - The steps taken to resolve the complaint
 - Decisions made about resolution, with reasons for the decisions made
 - Areas that have been identified as possible causes of the complaint and improvements to be recommended
- Their right to access the appeals process if they are not satisfied with the outcome of the complaints process
- BCM to update the **AUSTSWIM Complaints and Appeals Register** so it includes the outcome of the complaint
- BCM to update the **AUSTSWIM Continuous Improvement Register** if applicable for any improvements to be made as an outcome and or advise Compliance team to update the Register
- Keep a copy of the complaint and supporting documents in the Complaints file and in the Candidate or staff file online or hard copy (where relevant)
- BCM to discuss the complaint and its outcome at the next BCM meeting.
- General Manager Operations to discuss the complaints and appeals register and its outcome every quarter in the National Management Meetings.

APPEALS PROCEDURE

A. Receive and acknowledge appeal

- As per policy, appeals are to be made in writing by the appellant by using AUSTSWIM Complaints and Appeals Form
- Business Centre Manager to provide all information including the appeal to General Manager Operations

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- General Manager Operations or nominee is responsible for responding to all appeals
- General Manager Operations will review all appeals upon receipt
- Acknowledge receipt of appeal in writing by sending a letter to appellant within 7 working days of receipt. Record details of appeal on the *Complaints and Appeals Register*.

B. Respond to assessment appeals

- In the case of appeals against assessment decisions, the original assessment decision will be reviewed by having an assessor independent of the original decision, mark the assessment task again.
- General Manager Operations or nominee to allocate an Assessor to review and mark the assessment task.
- The assessment decision made during the appeals process will be considered the actual assessment outcome for the task.
- General Manager Operations or nominee to advise the Candidate of the outcome of the appeal in writing

C. Respond to appeals against non-academic decisions

The General Manager Operations or nominee is responsible for responding to all appeals and:

- Upon receiving the appeal, the matter is to be investigated to identify the original decision made and the reasons for the decision.
- Further details from the appellant, respondent, the person who made the original decision, or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face.
- If the matter is in relation to a third-party delivering services on behalf of AUSTSWIM, the third party should be involved in the resolution of the appeal.
- The appellant may request for an independent party (mediator) to be involved in the process. Where this is requested by the appellant, they will bear the costs associated. Additionally, AUSTSWIM may decide to call upon an independent mediator to assist to resolve the issue where a decision cannot be reached internally.
- AUSTSWIM's Senior Management team will review all relevant information and decide on an appropriate response.

Note: The appeal must be resolved within 60 calendar days of receipt of the original appeal. If the matter is particularly complex and it is going to take longer to resolve, the appellant must be advised in writing along with reasons for the extra time. They must be provided with progress updates on a weekly basis thereafter until the matter is resolved

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D. Advise appellant of the outcome and update records

- General Manager Operations to provide a written response to the appellant outlining:
 - AUSTSWIM's understanding of the reasons for the appeal
 - The steps taken to investigate and resolve the appeal
 - Decisions made about resolution and reasons for the decisions
 - Areas that have been identified as possible causes of the appeal and improvements to be recommended
- Update the *Complaints and Appeals Register* so it includes the outcome of the appeal.
- Update the *Continuous Improvement Register* if applicable for any improvements to be made as an outcome.
- Keep a copy of the appeal and supporting documents in the Complaints file and in the Candidate or staff file - electronic or hard copy (where relevant).
- Discuss the appeal and its outcome at the next management meeting.

INDEPENDENT REVIEWS BY EXTERNAL PARTY

A. External complaint or appeal (General Manager Operations)

- If dissatisfied with the internal processes, the complainant/appellant may initiate an external complaint or appeal.
- Additionally, a complainant or appellant who has been through the internal processes may request AUSTSWIM to appoint an independent party to review the matter.
- AUSTSWIM will co-operate fully in the process of the external party to investigate and review the matter. This will include and not be limited to providing full access to the relevant Candidate file/s and the internal complaints records where permitted to do so by law. All staff will be instructed to cooperate in such instances and to give an accurate account of the events as they understand them.

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REFERENCES AND KEY DOCUMENTS

Related Legislation and Publications and Key Documents

- Complaints and Appeals Policy
- Privacy Policy
- Complaints and Appeals Form - online: www.austswim.com.au
- Complaints and Appeals Register
- Continuous Improvement Register
- CLAUSE 6.1-6.6: Standards for Registered Training Organisations (RTOs) 2015
- AUSTSWIM code of Conduct
- AUSTSWIM Teachers code of conduct
- AUSTSWIM Teacher code of conduct disciplinary Process
- AUSTSWIM Staff Handbook

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