



Advocate Training

**CRICOS Policies and
Procedures**

Complaints Handling

Advocate Training is committed to providing a fair and transparent complaint handling process.

This policy and procedure addresses the requirements of Standard 6 of the Standards for RTOs 2015 and Standard 10 of the National Code 2018

What is a complaint?

A complaint is generally negative feedback about services or people which has not been resolved locally.

Who does this policy apply to?

This policy applies to and may involve issues concerning the conduct of:

- Advocate Training as an organisation, its trainers, assessors or other staff;
- Third party's services provided on the behalf of Advocate Training, including education agents, or any related party Advocate Training has an arrangement with to deliver the overseas student's course or related services
- its trainers, assessors or other staff; or
- a student of Advocate Training.

This is an important point to note in understanding that this policy has a broad application and is not simply relevant to complaints that may be made by students. A complaint may be made by an employer about Advocate Training or by the trainer about the conduct of the student. Throughout this policy we refer to the person making a complaint as simply the complainant.

Early resolution of complaints

In all cases, issues that arise during training and assessment that are the source of frustration or are in dispute should be resolved at the time they occur between the persons involved. It is often the case that complaints can be avoided by proper communication and respect between persons involved.

Relationship to continuous improvement

Frequently, the complaints handling process will expose weaknesses in the training and assessment or administrative system that can flow into the continuous improvement system as opportunities for improvement. This outcome of complaints

handling is very positive and should be actively applied by all persons involved. It is for this reason that complaints received from stakeholders should be seen in a positive light and as opportunities for improvement.

Making a complaint

A complaint may be received by Advocate Training in any form and does not need to be formally documented by the complainant in order to be acted on. Complaints may be made by any person.

To make a complaint, the person is recommended to complete the Advocate Training - Complaint Form. This form is available via our website or can be obtained from the Advocate Training office.

The completed complaint form is to be submitted to the Office Manager either in hard copy or electronically via the following contact details:

Insert Address

Insert email

Complaint handling procedure

Advocate Training will apply the following procedure to its complaints handling:

- A complaint may be received in any form (written, verbal) although persons seeking to make a complaint are recommended to complete the complaint form which is available to them on the website. There is no time limitation on a person who is seeking to make a complaint. A person who makes a complaint must be **provided a written acknowledgement** as soon as possible and **not later than 24 hours** from the time the complaint is received. This acknowledgement is intended to provide the complainant assurance that Advocate Training had received the complaint and will review the relevant issues and provide a response as soon as practicable. The acknowledgement must inform the complainant that they will receive a written response within 14 days and explain the complaint handling process and the person's rights and obligations.
- A written record of all complaints is to be kept by Advocate Training including all details of lodgement, response and resolution. The complaints register within RTO Data is to be used to record the details of the complaint and to maintain a chronological journal of events during the complaint handling process. Records relating to complaint handling must be stored securely to prevent access to unauthorised personnel.

Advocate Training

- A complainant is to be provided an opportunity to formally present his or her case at no cost.
- Each complainant may be accompanied and/or assisted by a support person at any relevant meeting.
- Advocate Training will conduct the assessment of the complaint or appeal in a professional, fair and transparent manner
- Where a complaint is made about or involves allegations about another person, Advocate Training is obliged to inform this person about this complaint or allegation and provide them the opportunity to respond and present information in response to the issues raised. This may be achieved through direct meetings or meeting via an electronic means. Advocate Training must maintain a detailed record of these meetings in the form of a record of conversation. At all times information must be handled sensitively and treated in confidence. Persons involved in a dispute or complaint should be reminded to treat each other with respect and conduct themselves in a professional and courteous manner.
- Where a complaint is received by Advocate Training which involve allegations about alleged criminal conduct, Advocate Training are to recommend the person making the complaint refer the matter to the relevant State or Territory Police Service.
- The complaints policy must be publicly available. This means that the complaints policy and procedure must be published on the Advocate Training website.
- The handling of a complaint is to commence within **ten (10) working days** of the lodgement of the complaint and all reasonable measures are taken to finalise the process as soon as practicable.
- The complainant is to be provided a written response to the complaint, including details of the reasons for the outcome. A written response must be provided to the complainant within **fourteen (14) working days** of the lodgement of the complaint.
- Complaints must be resolved to a final outcome within **sixty (60) calendar days** of the complaint being initially received. Where Advocate Training Chief Executive Officer considers that more than 60 calendar days are required to process and finalise the complaint, the CEO must inform the complainant in writing, including reasons why more than 60 calendar days are required. As a benchmark, Advocate Training should attempt to resolve complaints as soon as possible. A timeframe to resolve a complaint within thirty (30) calendar days is considered acceptable and in the best interest of Advocate Training and the complainant. A complainant should also be provided with regular updates to inform them of the progress of the

complaint handling. Updates should be provided to the complainant at a minimum of **two (2) weekly intervals**.

- Advocate Training shall maintain the enrolment of the complainant during the complaint handling process.
- Decisions or outcomes of the complaint handling process that find in the favour of the student shall be implemented immediately.
- Complaints are to be handled in the strictest of confidence. No Advocate Training representative is to disclose information to any person without the permission of Advocate Training Chief Executive Officer. A decision to release information to third parties can only be made after the complainant has given permission for this to occur. This permission should be given using the Information Release Form.
- Complaints are to be considered and handled to ensure the principles of natural justice and procedural fairness are applied at every stage of the complaint handling process. This means that the complainant is entitled to be heard with access to all relevant information and with the right of reply. The complainant is entitled to have their complaint heard by a person that is without bias and may not be affected by the decision. Finally, the decision must be made based on logical evidence and the decision-maker must take account of relevant considerations, must act for a proper purpose and must not take into account irrelevant considerations. Further guidance on principles of natural justice and procedural fairness can be accessed at the following link: [Principles of Natural Justice and Procedural Fairness](#)
- Complaint handling procedures should conclude with an analysis of the circumstances to identify any opportunities for improvement.

Informing Persons and Responding to Allegations

Where a complaint involves one person making allegations about another person, it is a requirement for Advocate Training to hear both sides of the matter before making any judgements about how the complaint should be settled. A person who will be affected by a decision made by Advocate Training as a result of a complaint has the right to be fully informed of any allegations and to be provided adequate opportunity to be heard and respond. The person has the right to:

- put forward arguments in their favour,
- show cause why a proposed action should not be taken,
- deny allegations,

- call for evidence to disprove allegations and claims,
- explain allegations or present an innocent explanation, and
- provide mitigating circumstances (information aimed at reducing the severity, seriousness, of something).

Advocate Training also has an obligation to fully consider the substance of allegations and the response provided by parties before making a decision. Decisions must be communicated to the complainant and relevant persons subject of allegations in writing. This is to include advising these persons of their right to seek a third-party review of decisions made by Advocate Training.

Where an allegation is made that involve alleged criminal or illegal activity and it is considered outside the scope and expertise of Advocate Training to investigate the matter, then in these circumstances Advocate Training reserve the right to report these allegations to law enforcement authorities. Persons related to the matter involving alleged criminal or illegal activity will be advised in writing if this course of action is being taken.

Third Party Review

Where the person making a complaint is not satisfied with the handling of the matter by Advocate Training, they have the opportunity for a body or person that is independent of Advocate Training to review his or her complaint following the internal completion of complaint handling process. Before a person seeks a review by an independent third party, they are requested to first allow Advocate Training to fully consider the nature of the complaint and to respond to the person in writing. If after this has occurred, the person is not satisfied with the outcome, they have the right then seek a review by an independent third party. To request a review by an independent third party, the complainant should inform the Office Manager of their request who will initiate the process with the Chief Executive Officer.

In these circumstances, the Advocate Training Chief Executive Officer will advise of an appropriate party independent of Advocate Training to review the complaint outcome (and its subsequent handling) and provide advice to Advocate Training in regards to the recommended outcomes. The independent third-party is required to respond with their recommendations within **fourteen (14) working days** of their review being requested. This advice is to be accepted by Advocate Training as final, advised to the person making a complaint in writing and implemented without prejudice.

Where the Advocate Training appoints or engages an appropriate independent person to review a complaint, the Advocate Training will meet the full cost to facilitate the independent review.

Where a complaint is received by Advocate Training and the Chief Executive Officer feels that they may have bias or there is a perception of bias, then the complaint is to be referred directly to an independent third-party for consideration and response as outlined above.

Unresolved Complaints

Once the complaint handling process has concluded; where the person making a complaint remains not satisfied with the outcome of the complaint handling procedure, the person is to be advised that they have the right to refer the matter to any external authority/agency who may be relevant to their complaint.

Please note that for international students there is additional information about unresolved matters following this section.

The following external agencies are nominated in the first instance as relevant points of referral the person may consider:

- In relation to consumer related issues, the person may refer their complaint to the **Office of Fair Trading**.
- In relation to the delivery of training and assessment services, the person may refer their complaint to the **National Training Complaints Service** via the following phone number: 13 38 73 or visit the website at <https://www.education.gov.au/NTCH>
- In relation to matters relating to privacy, the person may refer their complaint to the **Office of the Australian Information Commissioner** via the following details: <https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint> or call on 1300 363 992

This guidance is also communicated to students within the Student Handbook. It is expected that the above agencies will investigate the persons concerns and contact the Advocate Training for information. External agencies will typically request a copy of any record of how the complaint was handled from the person. Advocate Training is to ensure that the person is provided with a written response that they may use for this purpose.

Unresolved International Student Complaints

Where an international student complaint is unable to be resolved, the international student may refer the matter to the Overseas Students Ombudsman. The Ombudsman's services are free, independent and impartial.

The Overseas Students Ombudsman can consider matters relating to:

- refusing admission to a course
- fees and refunds
- course or provider transfers
- course progress or attendance
- cancellation of enrolment
- accommodation or work arranged by your provider
- incorrect advice given by an education agent.

The Overseas Students Ombudsman can investigate complaints about education agents who have an agreement with a provider to represent them in Australia or overseas. The following website provides more information about accessing the services of the Overseas Students Ombudsman.

<http://www.ombudsman.gov.au/making-a-complaint/overseas-students>

The Advocate Training is to co-operate fully with agencies such as the National Training Complaints Service, Overseas Students Ombudsman, the Office of Fair Trading or ASQA that may investigate the handling of a complaint. Advocate Training considers that it would be extremely unlikely that a complaint is not able to be resolved quickly within Advocate Training internal arrangements.

Record Management of Complaint Records

Records relating to complaints will present in two formats. There will be electronic records in the form of email correspondence and other documents which are communicated electronically and hard copy records which are submitted by the complainant or generated by Advocate Training. There is also a record of the complaint maintained within the Advocate Training student management system RTO Data. This includes the details about the complaint and a diary log which records the progress of the complaint handling and closure. This record also records identified opportunities for improvement that result from complaints handling.

All records regardless of their format (excluding RTO Data) will be saved in a digital format into a secure folder located on the Advocate Training file storage. Each file is to be clearly labelled with the document title or subject and the date of which the document was received or generated. This folder must only be accessible to persons

authorised by the Chief Executive Officer. Records stored on RTO Data are to be accessible only to RTO data administrators and managers.

To ensure records are maintained in a safe and suitable condition, the following is to apply:

- Records must be kept securely to prevent them being accessed by any non-authorised personnel.
- Records must be kept confidential to safeguard information and to protect the privacy of complainants.
- Records must be kept to avoid damage by fire, flood, termites or any other pests.
- Electronic data storage must be safe from destruction by fire or flood and should take account of the risk of component failure of a single storage device. Electronic data is also to be backed-up off site.

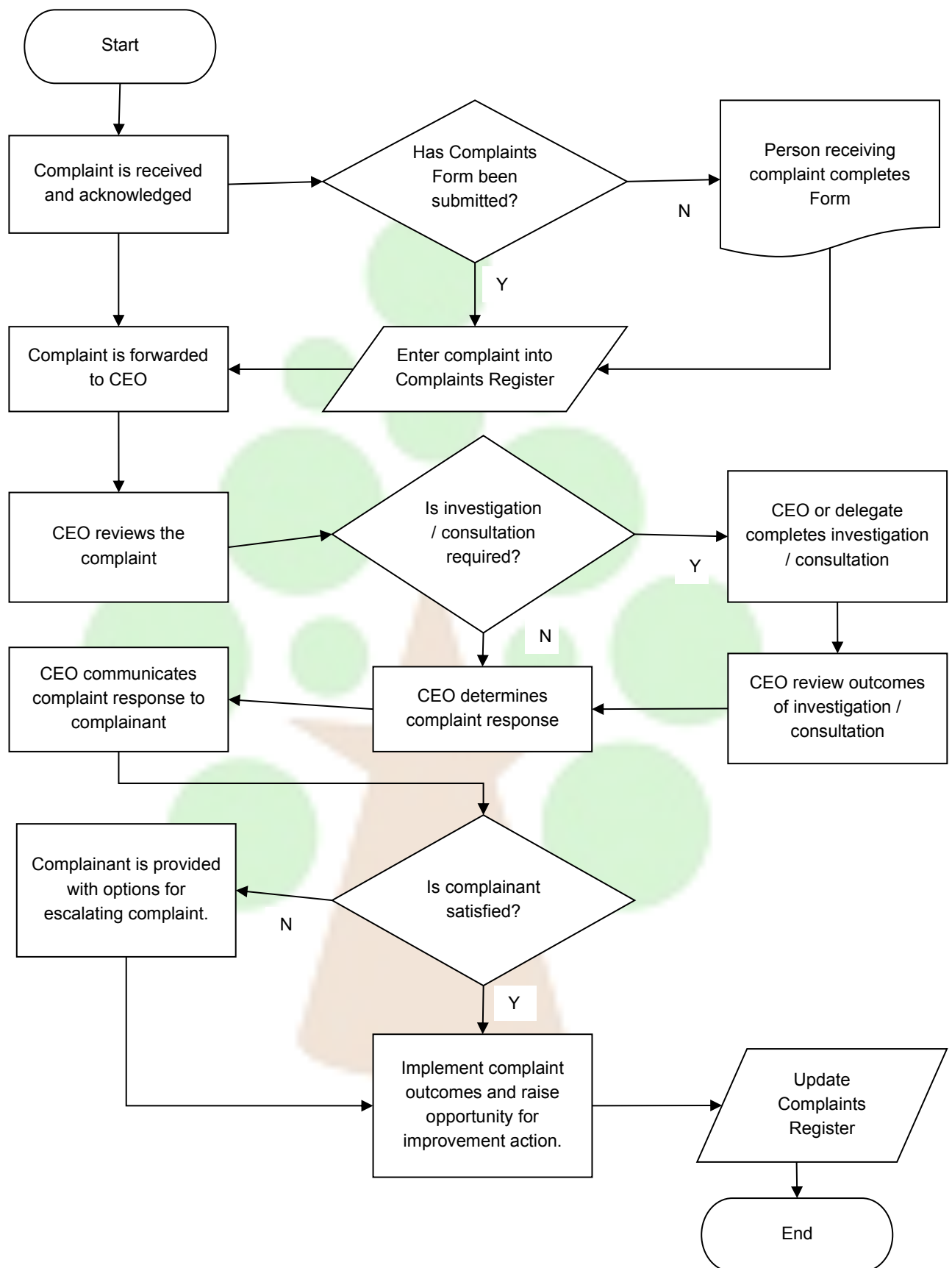
Period of retention of Complaints Records

Advocate Training is to retain records relating to complaints handling for a minimum of two (2) years after the student ceases to be an accepted student.

Destruction of Complaints Records

Advocate Training CEO is the only person who can authorise (in writing) the destruction of complaint handling records. Records are only to be authorised for destruction after the retention period has lapsed. Documents identified for destruction are to be shredded before being recycled.

Complaints Handling Process



Appeals Handling

Advocate Training is committed to providing a fair and transparent appeals handling process.

What is an appeal?

An appeal is an application by a student for reconsideration of an unfavourable decision or finding during their time with Advocate Training. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within **twenty-eight (28) working days** of the decision or finding being informed to the student.

It is important to note that a student may appeal any decision made by Advocate Training or a third party providing services on Advocate Training behalf. Contrary to the popular belief that appeal relates only to assessment decisions, appeals can relate to administrative decisions that Advocate Training may make. Examples of this include an appeal of a decision to deny a refund or to deny an application for credit transfer. As the process for handling and assessment appeal compared with an appeal of an administrative decision is slightly different, this difference has been catered for within this policy with adjusted processes for both situations.

Early resolution of appeals

In all cases, issues that arise during training and assessment that are the source of frustration or are in dispute should be resolved at the time they occur between the persons involved. It can often be the case that a student's decision to make an appeal can be avoided by proper communication and consultation with students at the time a decision is made.

Relationship to continuous improvement

Frequently, the appeals handling process will expose weaknesses in the training and assessment or administrative system that can flow into the continuous improvement system as opportunities for improvement. This outcome of appeals handling is very positive and should be actively applied by all persons involved. It is for this reason that appeals received from stakeholders should be seen in a positive light and as opportunities for improvement.

Making an appeal

An appeal must be received by Advocate Training in writing using the specified form within **twenty-eight (28) working days** of the decision or finding being informed to the person.

To appeal a decision, the person is required to complete the Advocate Training - Request for Appeal of a Decision. This form is available via our website. The completed Request for Appeal form is to be submitted to the Office Manager either in hard copy or electronically via the following contact details:

Advocate Training

Level 4, 770-772 George St

Sydney NSW 2000

Tel: 02 8366 0960

Email: info@advocate.edu.au

If a person seeking an appeal has any difficulty accessing the required form or submitting the appeal to Advocate Training, they are advised to contact Advocate Training immediately at the following phone number: 61 2 8366 0960

Appeal handling procedure

Advocate Training will apply the following procedure to its appeals handling:

- Appeals must be lodged within **twenty-eight (28) working days** of the decision or finding being informed to the person. An appeal must be submitted using the Advocate Training - Request for Appeal of a Decision.
- A person who submits an appeal must be **provided a written acknowledgement** as soon as possible and **not later than twenty-four (24) hours** from the time the appeal is received. This acknowledgement is intended to provide the person making an appeal assurance that Advocate Training had received the appeal and will review the relevant issues and provide a response as soon as practicable. The acknowledgement must inform the person making an appeal that they will receive a written response within 14 days and explain the appeal handling process and the persons rights and obligations.
- A written record of all appeals is to be kept by Advocate Training including all details of lodgement, response and resolution. The appeals register within RTO Data is to be used to record the details of the appeal and to maintain a chronological journal of events during the appeal handling process. Records relating to appeal handling must be stored securely to prevent access to unauthorised personnel.
- An appellant is to be provided an opportunity to formally present his or her case at no cost.
- Each appellant may be accompanied and/or assisted by a support person at any relevant meeting.

- The appeals policy must be publicly available. This means that the appeals policy and procedure must be published on the Advocate Training website.
- The handling of an appeal is to commence within **ten (10) working days** of the lodgement of the appeal and all reasonable measures are taken to finalise the process as soon as practicable.
- The appellant is to be provided a written response to the appeal, including details of the reasons for the outcome. A written response must be provided to the appellant within **fourteen (14) working days** of the lodgement of the appeal.
- Appeals must be resolved to a final outcome within **sixty (60) calendar days** of the appeal being initially received. Where Advocate Training Chief Executive Officer considers that more than 60 calendar days are required to process and finalise the appeal, the CEO must inform the appellant in writing, including reasons why more than 60 calendar days are required. As a benchmark, Advocate Training should attempt to resolve appeals as soon as possible. A timeframe to resolve an appeal within thirty (30) calendar days is considered acceptable and in the best interest of Advocate Training and the appellant. An appellant should also be provided with regular updates to inform them of the progress of the appeal handling. Updates should be provided to the appellant at a minimum of **two (2) weekly intervals**.
- Advocate Training shall maintain the enrolment of the appellant during the appeal handling process.
- Decisions or outcomes of the appeal handling process that find in the favour of the appellant shall be implemented immediately.
- Appeals are to be handled in the strictest of confidence. No Advocate Training representative is to disclose information to any person without the permission of Advocate Training Chief Executive Officer. A decision to release information to third parties can only to be made after the appellant has given permission for this release to occur. This permission should be given using the Information Release Form.
- Appeals are to be considered and handled to ensure the principles of natural justice and procedural fairness are applied at every stage of the appeal handling process. This means that the appellant is entitled to be heard with access to all relevant information and with the right of reply. The appellant is entitled to have their appeal heard by a person that is without bias and may not be affected by the decision. Finally the decision must be made based on logical evidence and the decision-

maker must take account of relevant considerations, must act for a proper purpose and must not take into account irrelevant considerations.

- Appeals handling procedures should conclude with an analysis of the circumstances to identify any opportunities for improvement.

Third Party Review

Where the appellant is not satisfied with the handling of the matter by Advocate Training, they have the opportunity for a body or person that is independent of Advocate Training to review his or her appeal following the internal completion of appeals handling process. Before a person seeks a review by an independent person, they are requested to first allow Advocate Training to fully consider the nature of the appeal and to respond to the person in writing. If after this has occurred, the person is not satisfied with the outcome, they can then seek a review by an independent person. To request a review by an independent person, the person making an appeal should inform the Office Manager of their request who will initiate the process with the Chief Executive Officer.

In these circumstances, the Advocate Training Chief Executive Officer will advise of an appropriate party independent of Advocate Training to review the appeal outcome (and its subsequent handling) and provide advice to Advocate Training in regards to the recommended outcomes. The independent third-party is required to respond with their recommendations **within fourteen (14) working days** of their review being requested. This advice is to be accepted by Advocate Training as final, advised to the appellant in writing and implemented without prejudice.

Where the Advocate Training appoints or engages an appropriate independent person to review an appeal, the Advocate Training will meet the full cost to facilitate the independent review.

Where an appeal is received by Advocate Training and the Chief Executive Officer feels that they may have bias or there is a perception of bias, then the appeal is to be referred directly to an independent third-party for consideration and response as outlined above.

Unresolved Appeals

Once the appeals handling process has concluded; where the person seeking an appeal of a decision remains not satisfied with the outcome of the appeals handling procedure, the person is to be advised that they have the right to refer the matter to any external authority/agency who may be relevant to their appeal.

Please note that for international students there is additional information about unresolved matters following this section.

The following external agencies are nominated in the first instance as relevant points of referral the person may consider:

- In relation to consumer related issues, the person may refer their matter to the **Office of Fair Trading**.
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- In relation to matters relating to privacy, the person may refer their matter to the **Office of the Australian Information Commissioner** via the following details: <https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint> or call on 1300 363 992

This guidance is also communicated to students within the Student Handbook. It is expected that the above agencies will investigate the persons concerns and contact the Advocate Training for information. External agencies will typically request a copy of any record of how the appeal was handled from the person. Advocate Training is to ensure that the person is provided with a written response that they may use for this purpose.

The Advocate Training is to cooperate fully with agencies such as the Office of Fair Trading, National Training Complaints Service, Overseas Students Ombudsman or ASQA that may investigate the handling of an appeal. Advocate Training considers that it would be extremely unlikely that appeals are not able to be resolved quickly within Advocate Training internal arrangements.

Unresolved International Student Appeals

Where an international student appeal is unable to be resolved, the international student may refer the matter to the Overseas Students Ombudsman. The Ombudsman's services are free, independent and impartial.

The Overseas Students Ombudsman can consider matters relating to:

- refusing admission to a course
- fees and refunds
- course or provider transfers

- course progress or attendance
- cancellation of enrolment
- accommodation or work arranged by your provider
- incorrect advice given by an education agent.

The Overseas Students Ombudsman can investigate complaints about education agents who have an agreement with a provider to represent them in Australia or overseas. The following website provides more information about accessing the services of the Overseas Students Ombudsman.

<http://www.ombudsman.gov.au/making-a-complaint/overseas-students>

The Advocate Training is to cooperate fully with agencies such as the National Training Complaints Service, the Office of Fair Trading, Overseas Students Ombudsman or ASQA that may investigate the handling of a complaint. Advocate Training considers that it would be extremely unlikely that a complaint is not able to be resolved quickly within Advocate Training internal arrangements.

Record Management of Appeals Records

Records relating to appeals will present in two formats. There will be electronic records in the form of email correspondence and other documents which are communicated electronically and hard copy records which are submitted by the appellant or generated by Advocate Training. There is also a record of the appeal maintained within the Advocate Training student management system RTO Data. This includes the details about the appeal and a diary log, which records the progress of the appeal handling and closure. This record also records identified opportunities for improvement that result from appeals handling.

All records regardless of their format (excluding RTO Data) will be saved in a digital format into a secure folder located on the Advocate Training file storage. Each file is to be clearly labelled with the document title or subject and the date of which the document was received or generated. This folder must only be accessible to persons authorised by the Chief Executive Officer. Records stored on RTO Data are to be accessible only to RTO data administrators and managers.

To ensure records are maintained in a safe and suitable condition, the following is to apply:

- Records must be kept securely to prevent them being accessed by any non-authorised personnel.

- Records must be kept confidential to safeguard information and to protect the privacy of the appellant.
- Records must be kept to avoid damage by fire, flood, termites or any other pests.
- Electronic data storage must be safe from destruction by fire or flood and should take account of the risk of component failure of a single storage device. Electronic data is also to be backed-up off site.

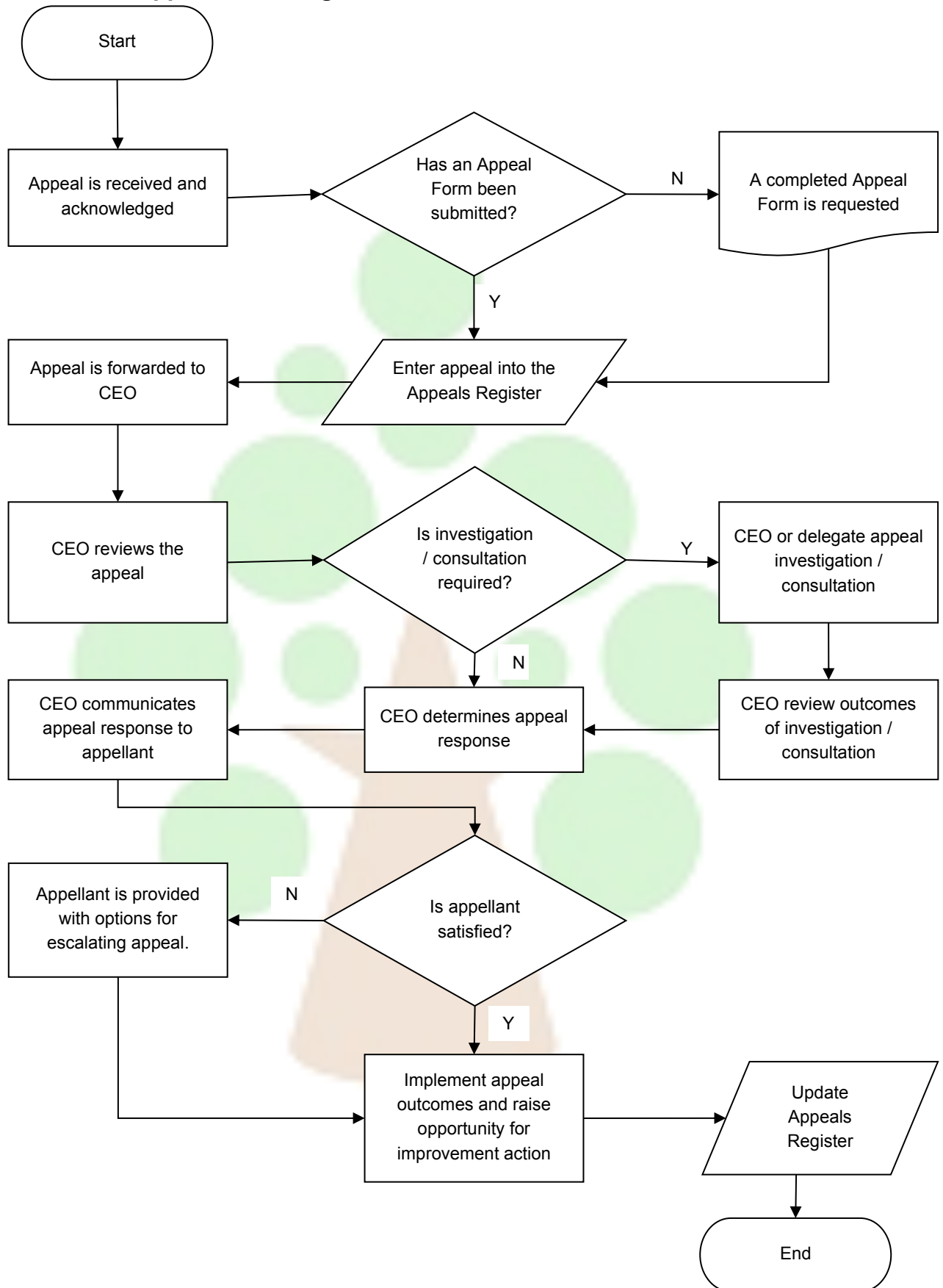
Period of retention of Appeals Records

Advocate Training is to retain records relating to appeals handling for a minimum of two (2) years.

Destruction of Appeals Records

Advocate Training CEO is the only person who can authorise (in writing) the destruction of appeals handling records. Records are only to be authorised for destruction after the retention period has lapsed. Documents identified for destruction are to be shredded before being recycled.

Administrative Appeals Handling Process



Assessment Appeals Handling Process

