

## RTO Complaints Policy and Procedure

### PURPOSE

The purpose of this policy is to provide clear directions to students, staff and other complainants who wish to make an informal or formal complaint about:

- the RTO, its trainers, assessors or other staff
- a third party providing services on behalf of the RTO, its trainers, assessors or other staff; and
- a student of the RTO.

It also outlines the way in which the RTO will manage and respond to complaints.

### SCOPE

This policy and procedure applies to all complaints, except for those relating to assessment decisions. Students who have a grievance about an assessment decision should refer to the Music SA RTO Appeals Policy and Procedure.

Complainants may include (but are not limited to):

- current and past students
- staff
- contractors
- suppliers and providers
- employers
- members of the public
- third parties; and
- regulatory authorities.

Complaints may relate to (but are not limited to):

- marketing and recruitment activities
- the enrolment process
- the delivery of training programs
- assessment processes (excluding assessment decisions)
- learning resources and training facilities
- administrative processes
- the issuing of AQF certification documentation
- Work Health and Safety
- access and equity
- privacy breaches
- discrimination; and
- bullying and harassment.

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### POLICY STATEMENT

Music SA is committed to recording, acknowledging and dealing with complaints made by students, staff and other complainants in a confidential, fair, efficient and effective manner.

In particular, Music SA will ensure that:

- the principles of procedural fairness (natural justice) are adopted at every stage of the complaints process
- this policy and procedure is publicly available
- there is a clear and concise procedure for making a complaint and appealing any decisions
- formal complaints are acknowledged in writing and are finalised as soon as practicable; and
- if the RTO's internal complaint resolution processes are unable to resolve a complaint in a satisfactory manner for all parties, an appropriate independent third party e.g. mediator is engaged by the RTO at the request of the complainant or RTO Appeals Committee,.

### DEFINITIONS

**Complaint** means an expression of dissatisfaction about another person's behaviour or actions, or the decisions, services or products provided by the RTO, or third parties on its behalf.

**Complainant** means the person making the complaint.

**Confidentiality** is the process of ensuring that the privacy of all parties involved in a complaint is protected as much as legally possible, to minimise the grounds for possible defamation action, and to facilitate a positive complaint resolution process.

**Defamation** is the publication or making of false statements about another which damage that person's reputation. Defamatory statements must be untrue, and also intended to be taken seriously. Its effect must be damaging to the reputation of the person claiming to be defamed.

**Informal complaint** means a complaint that is resolved by the complainant themselves, by discussing the complaint directly with the person(s) involved, or writing to the person(s) involved to inform them of the complaint and their desired resolution.

**Final decision** means the decision made by the Music SA Chief Executive Officer or Chair of the Music SA Board and communicated in writing to the complainant, once all internal appeal avenues have been exhausted.

**Formal complaint** means a complaint that is put in writing and forwarded to a designated senior officer of the organisation.

**Malicious complaint** means a fictitious complaint or one made intentionally without truth or foundation, for the purpose of causing detriment or mischief.

**Mediation** is the process established by a mediator, to bring together the parties involved in a dispute to try and reach a mutually satisfying solution to the dispute.

**Procedural fairness (natural justice)** is a duty to act fairly and includes two rules:

- the fair hearing rule i.e. all parties must be given the opportunity to present their case and be fully informed about allegations made; and
- the bias rule i.e. a decision maker must not have any personal interest in the matter.

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### REFERENCES

- Music SA RTO Privacy Policy
- Music SA RTO Appeals Policy and Procedure
- Standards for Registered Training Organisations (RTOs) 2015
- Users' Guide to the Standards for Registered Training Organisations 2015

### DOCUMENTS

- Music SA RTO Complaint Form
- Music SA RTO Appeal Form
- Music SA RTO Complaints and Appeals Register

### RESPONSIBILITIES

The **Music SA Board** is responsible for:

- approving the RTO Complaints Policy and Procedure and all subsequent revisions.

The **Music SA Board, Chair** is responsible for:

- ensuring that all Board members understand their roles and responsibilities in relation to this policy and procedure; and
- managing the complaint resolution process when the original decision made by the Music SA Chief Executive Officer is appealed.

The **Music SA Chief Executive Officer (CEO)** is responsible for:

- presenting any revised versions of this RTO Complaints Policy and Procedure to the Music SA Board for approval
- dealing with any formal complaints by students, staff and other complainants in accordance with this RTO Complaints Policy and Procedure and the RTO Privacy Policy
- ensuring that all RTO staff understand their roles and responsibilities in respect to the management and resolution of complaints
- engaging the services of an appropriate independent third party e.g. mediator, where the RTO's internal complaints resolution process is unable to reach a resolution to the complaint in a satisfactory manner for all parties
- establishing a complaint file and completing all documentation associated with the complaints resolution process, including logging complaints in the Music SA RTO Complaints and Appeals Register
- ensuring that any continuous improvement recommendations identified during the complaint resolution process are documented and acted upon in a timely manner; and
- ensuring that the official complaint file and all related documentation is safely and securely stored.

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### RESPONSIBILITIES CONT.

All **Music SA Training Staff (TS)** are responsible for:

- ensuring that all students are aware of this RTO Complaints Policy and Procedure and understand their rights and responsibilities in relation to the complaints process; and
- only engaging in practices that comply with this RTO Complaints Policy and Procedure and the Music SA RTO Privacy Policy.

All **Complainants** are responsible for:

- lodging informal and formal complaints in accordance with the principles and procedures outlined in this RTO Complaints Policy and Procedure and the Music SA RTO Privacy Policy; and
- not making any malicious complaints.

### PROCEDURE

#### Informal Complaint Resolution Process

Many complaints may be quickly and effectively resolved by the complainant choosing to take responsibility for resolving the complaint by themselves. This may be an appropriate course of action if the complaint is minor in nature and easily resolved.

Where the complainant is willing and able to do so, they may:

- discuss the complaint directly with the person(s) involved and negotiate a satisfactory resolution; and/or
- write to the person(s) involved to inform them of their complaint and communicating how they would like their complaint resolved.

Complainants who are students are encouraged to seek advice and support from a Music SA RTO staff member (where required and appropriate), to help resolve informal complaints.

An informal complaint may be resolved by the complainant and the other person(s) involved, or left unresolved as part of the informal complaints process.

If the complainant does not feel that they have achieved a satisfactory resolution after participating in the informal process, they may choose to make a formal complaint.

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### PROCEDURE CONT.

#### Formal Complaint Resolution Process

- 1 Formal complaints will be submitted in writing using the Music SA RTO Complaint Form and forwarded to the Music SA CEO.
  - the complainant has the right to withdraw their complaint at any stage of the process.
  - The complainant has the right to be supported by a person of their choice throughout the complaint resolution process.
- 2 Upon receipt of the Complaint Form, the Music SA CEO (or their delegate) will establish an official complaint file, allocate the complaint a reference code i.e. MSA-RTO-COM0001 and log the complaint in the RTO Complaints and Appeals Register.
- 3 The Music SA CEO (or their delegate) will acknowledge the complaint within 24 hours where possible, and in any event, within three (3) working days of it being received.
- 4 The Music SA CEO (or another responsible officer) will investigate the complaint by interviewing all involved parties, ensuring that the principle of procedural fairness (natural justice) is adhered to at all times. A confidential record of these discussions needs to be kept for reference in the event of a future appeal.
- 5 Once a decision regarding the complaint has been made, the Music SA CEO will write to the complainant and other parties (if applicable), to formally advise them of their decision and reasoning, within 10 working days of the formal complaint being received.
- 6 If additional time is required to conduct the investigation, the Music SA CEO will write to the complainant to inform them of this change in timeframe, and when a decision can be expected.
- 8 If their decision is not the subject of an appeal, the Music SA CEO will complete all sections of the RTO Complaint Form and make any required final entries in the RTO Complaints and Appeals Register. The complaint will then be deemed to be resolved and closed.
- 9 The Music SA CEO will ensure that any continuous improvement recommendations identified during the complaint resolution process are documented and implemented as soon as reasonably practicable, but generally within 30 days of the final decision being made.
- 10 The Music SA CEO (or their delegate) will ensure that the official complaint file and all related documentation is safely and securely stored.

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### PROCEDURE CONT.

#### Formal Complaint Resolution Process

- 11 If the complainant does not accept the decision made by the Music SA CEO, they can appeal the decision by completing the Music SA RTO Appeal Form and forwarding it to the Music SA Board, Chair stating their reasons for not accepting the original decision. The RTO Appeal Form must be lodged within four weeks of the complainant being notified of the original decision.
- 12 Within three days of receiving the complainant's RTO Appeal Form, the Music SA Board, Chair (or their delegate) will write to the complainant acknowledging receipt of their Appeal Form.
- 13 The Music SA CEO will forward the official complaint file to the Music SA Board, Chair.
- 14 The Music SA Board, Chair will appoint a three member Appeals Committee to consider the complainant's appeal. These members must not previously been involved in any aspect of the complaint resolution process, or the complaint itself.
- 15 If no new information is provided in the Appeals Form:
  - the Appeals Committee will simply review the complaint file to determine if the original decision was reasonable. This process must be completed within 15 working days from the date that the RTO Appeal Form was received by the Music SA Board, Chair. If the Appeals Committee deems that the original decision (by majority vote) was reasonable, they will complete the RTO Appeal Form and forward it, along with the official complaint file to the Music SA Board, Chair within five working days of conducting their review
  - the Music SA Board, Chair will write to the complainant advising them of their final decision in respect to the appeals process within five working days of receiving the official complaint file from the Appeals Committee. In this correspondence, the Music SA Board, Chair will also outline the complainant's rights and avenues for any further appeal. This final decision will not be the subject of any further internal investigation by Music SA
  - the Music SA Board, Chair will forward the completed official complaint file to the Music SA CEO
  - the Music SA CEO will complete any outstanding documentation and make any required final entries in the RTO Complaints and Appeals Register. The complaint will then be deemed to be resolved and closed
  - the Music SA CEO will ensure that any continuous improvement recommendations identified by the Appeals Committee are implemented (and documented) as soon as reasonably practicable, but generally within 30 days of the final decision being made; and
  - the Music SA CEO (or their delegate) will ensure that the official complaint file and all related documentation is safely and securely stored.

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### PROCEDURE CONT.

#### Formal Complaint Resolution Process

- 16 If new information is provided in the Appeal Form:
- the Appeals Committee may choose to investigate the original complaint by interviewing all involved parties. They may also choose to initiate a process of mediation. Regardless, this process must be completed within 15 working days from the date that the RTO Appeal Form was received by the Music SA Board, Chair
  - and once the Appeals Committee has made a final decision (by majority vote) they will complete the RTO Appeal Form and forward it, along with the official complaint file to the Music SA Board, Chair within five working days of concluding their investigation
  - the Music SA Board, Chair will write to the complainant advising them of their final decision in respect to the appeals process within five working days of receiving the official complaint file from the Appeals Committee. In this correspondence, the Music SA Board, Chair will also outline the complainant's rights and avenues for any further appeal. This final decision will not be the subject of any further internal investigation by Music SA
  - the Music SA Board, Chair will forward the completed official complaint file to the Music SA CEO
  - the Music SA CEO will complete any outstanding documentation and make any required final entries in the RTO Complaints and Appeals Register. The complaint will then be deemed to be resolved and closed
  - the Music SA CEO will ensure that any continuous improvement recommendations identified by the Appeals Committee are implemented (and documented) as soon as reasonably practicable, but generally within 30 days of the final decision being made; and
  - the Music SA CEO (or their delegate) will ensure that the official complaint file and all related documentation is safely and securely stored.

## RTO Complaints Policy and Procedure

### STATUS AND DETAILS

Category:	Learner Support and Progression
Reference Code:	MSA-RTO-POLP-LSP:1-V1.2
Version No:	V1.2
Status:	Current
Commencement Date:	27/05/2019
Review Date:	27/05/2022
Authorising Authority:	Music SA Board
Authorisation Date:	27/05/2019
Accountable Officer:	Music SA Chief Executive Officer