

Document number	AMTAP10
Version	3
Date of issue	March 2021
Date of review	March 2024
Reviewed by	RTO Compliance Officer
Approved by	AMTAM

Aspen Medical Training Academy Complaints and Appeals Policy

Purpose of this document

The purpose of this policy is to:

- Provide a fair, equitable and confidential means of resolving participants complaints
- Provide a framework for managing and investigating participants complaints
- Ensure that Aspen Medical Training Academy adheres to the National Standards for RTOs 2015

Scope

This policy applies to all informal and formal complaints received by Aspen Medical Training Academy in relation to its provision of training, assessment and related services

Policy Statement

Aspen Medical Training Academy is committed to responding promptly to all complaints or appeals regarding training services. This policy document outlines the process that will be followed to ensure that a fair, equitable and confidential resolution is achieved.

A record of any complaints and appeals will be recorded in the Complaints and Appeals Register, which will be reviewed as part of the continuous improvement processes.

Related Policies

- Aspen Registered Training Organisation (RTO) Privacy
- Aspen RTO Access and Equity

Definition of Complaints

For this policy, a complaint is defined as dissatisfaction with a specific action/inaction of Aspen Medical Training Academy that has a detrimental effect on the complainant or persons on whose behalf the complaint is made.

Dissatisfaction may relate to a process, a person, equipment or safety - for example:

- Participant enrolment and services
- Assessment processes and decisions
- Training delivery
- Trainer/assessor conduct
- Training equipment and resources
- Access and equity issues
- Process and outcome of the Recognition of Prior Learning (RPL)
- Health and safety or training environment concerns
- Training fees and payments

Responsibilities

Chief Executive Officer

The Chief Executive RTO is responsible for ensuring that the Aspen Medical Training Academy complies with the Australian Qualifications Framework and the Australian Skills Quality Authority (ASQA) standards for continuing registration as an RTO. Key areas of governance include:

- Ratification of all policy and procedure documents for Aspen Medical Training Academy operations
- Ratification of complaint resolution actions and appeal decisions
- To act as a mediator in the complaint resolution processes as required
- Referring a complainant who is dissatisfied with the outcome of the complaints or appeals process to the appropriate government body or court system for resolution

RTO Manager

The RTO Manager is responsible for implementing and managing all Aspen Medical Training Academy policies and procedures under delegation from the Chief Executive. Key areas of accountability include:

- Investigating and responding to all formal complaints or appeals in the first instance
- Ensuring that the Chief Executive RTO is aware of any formal complaints or appeals lodged

- Participation in the complaint resolution processes and moderation of the appeals process (as appropriate)
- Responsibility for the Complaints and Appeals Register's, including documentation of complaint resolutions, decisions or actions

Trainers and Assessors

All trainers and assessors will operate in accordance with Aspen Medical Training Academy policies and procedures. All complaints or appeals received by trainers or assessors will be referred to the Aspen Medical RTO Manager.

Administrative Staff

In conjunction with the Aspen Medical RTO Manager, Aspen Medical Training Academy administrative staff will maintain the Complaints and Appeals Register.

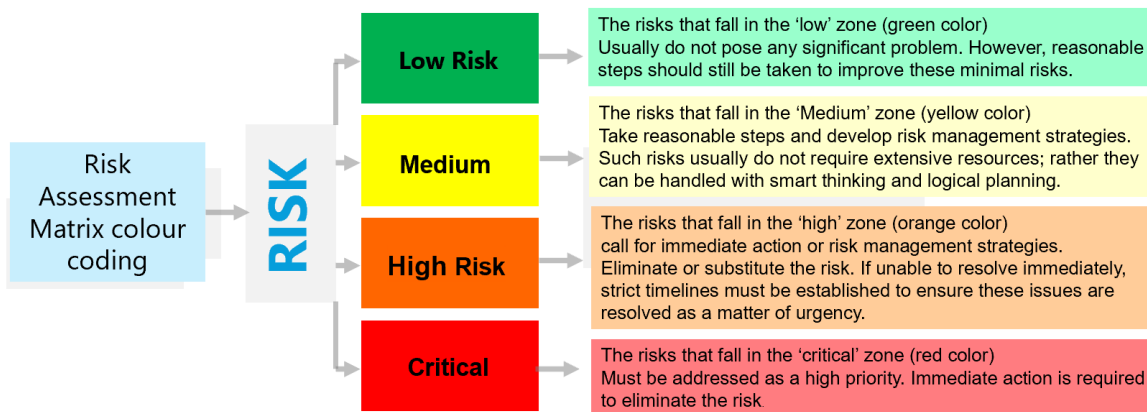
Risk Assessment

If a complaint is verified, a risk assessment should be conducted prior to the commencement of the complaints process to determine the seriousness and the urgency of action required to remediate the complaint.

A risk assessment should answer the following question:

- What is the likelihood of harm or damage to people, property, or the organisation if remedial action is not initiated immediately?
- What is the optimum timeframe for initiating remedial action to ensure minimal risk to people, property or the organisation?

SEVERITY	Minimal	Medium	High	Disaster
PROBABILITY				
Improbable	Low	Low	Medium	Medium
Rarely	Low	Medium	Medium	High
Occasional	Low	Medium	High	Critical
Probable	Medium	Medium	High	Critical
Regularly	Medium	High	Critical	Critical



Complaints Process

Refer to the flowchart for the complaints and appeals process.

Complainant options for lodging a complaint or appeal

If a participant or client is dissatisfied with a specific action/inaction by Aspen Medical Training that they perceive to have a detrimental effect, they are encouraged to take the following steps:

- Speak directly with the Aspen Medical Training Academy staff member who is directly aware of the issue of concern
- If uncomfortable speaking with the staff member concerned, or the issue is not able to be resolved, the complainant is encouraged to speak directly with the Aspen Medical Training Academy Manager
- If the issue cannot be resolved, the applicant will be encouraged to submit a formal complaint in writing using the Complaints and Appeals form
- The complaint will then be processed according to the Aspen Medical Training Academy Complaints and Appeals process
- The participant should lodge complaints regarding assessment processes or results within 30 days

Complaint / Appeal Investigation Process

Complaint / Appeal Investigation Process			
Process	Action	Administration	Time frame (business days)
Complaint against Aspen Medical Training Academy is lodged to a staff member	<p>The staff member will investigate to validate the complaint</p> <p>If the complaint is validated and is within the authority and scope of the staff member to correct, remedial action will be taken</p> <p>If the complaint is validated and is not within the authority and scope of the staff member to correct, the issue will be reported immediately to the AMTM</p>	The complaint will be reported to the Aspen Medical Training Academy Manager (AMTAM) and recorded in the complaints register	ASAP
The complaint cannot be resolved by the staff member to whom the issue was reported	<p>The AMTA Manager will contact the complainant to discuss their concerns to ascertain if the matter can be quickly resolved</p> <p>If the matter cannot be easily resolved, the complainant will be asked to complete and submit a Complaints and Appeals form</p>	<p>All discussions will be recorded on the Complaints and Appeals Register</p> <p>The complainant will be provided with the Complaints and Appeals Form</p>	2-5 days
Receipt of Complaints and Appeals Form	<p>The AMTAM will ask an independent arbitrator or review panel to examine the evidence and review the determination already provided</p> <p>The AMTAM will consult subject matter experts as required</p>	<p>The complainant will be notified in writing of the determination</p> <p>All discussions and evidence will be recorded on the Complaints and Appeals Register</p>	5-14 days
The Complainant is not satisfied with the determination provided by the AMTM and independent review panel	<p>The AMTAM will invite the complainant to submit a Complaints and Appeals Form if the complainant feels they have grounds for appeal</p> <p>The applicant must lodge the Complaints and Appeals Form within 10 days of receipt of the determination notification</p>	<p>The complainant will be provided with a Complaints and Appeals form</p> <p>All discussions and evidence will be recorded on the Complaints and Appeals Register</p>	2-5 days

Aspen Medical Training Academy will endeavour to ensure that all complaints are resolved within 14 days unless there are mitigating circumstances that delay proceedings.

Application for an Appeal			
Process	Action	Administration	Time frame (business days)
Receipt of a Complaint and Appeal Form	<p>The AMTA Manager will escalate the issue to the Aspen Medical Training Academy CEO</p> <p>The CEO will review the Complaint and Appeal Form, all evidence and documentation and determine to either accept or dismiss the appeal</p>	All discussions and evidence will be recorded in the Complaints and Appeals Register. The complainant will be notified in writing of the outcome of the determination to accept or dismiss the appeal	5-10 days
Appeal is successful	The CEO will convene an Appeal Hearing and select a Hearing Panel	<p>The complainant will be notified, in writing, of the Appeal Hearing and provided information regarding their rights and responsibilities</p> <p>All documentation will be retained in the complainant's file</p>	1-2 days after the decision has been made
The appeal is not successful	The independent review panel will notify the complainant, in writing, that their appeal has not been successful	The complainant will be notified in writing that their appeal has not been successful	1-2 days after the decision has been made
Appeal Hearing	<p>The CEO and the Appeal Hearing Panel will review all existing and newly submitted evidence and documentation related to the initial complaint</p> <p>The RTO's CEO will make a binding and final determination</p>	All discussions and evidence will be recorded on the Complaints and Appeals Register. The complainant will be notified, in writing, of the determination	10-14 days after the Appeal Hearing
Aspen Medical will endeavour to ensure that all appeals are resolved within 28 days unless there are mitigating circumstances that delay proceedings			
The Complainant is not satisfied with the determination	Final notification from Aspen Medical Training Academy will advise the complainant of the outcome of the determination and of other avenues available to them for resolution if they are dissatisfied with the outcome		

General Principles

- All complaints will be dealt with professionally, fairly, objectively, efficiently, and confidentially
- All parties will be provided with clear information on the steps involved in dealing with complaints procedures and resolutions
- Resolution of a complaint may be reached at any stage by mutual agreement between the parties involved
- If there is a delay in the process due to the complainant's circumstances, the complainant will notify Aspen Medical Training
- If Aspen Medical Training Academy receives no communication from the complainant within ten (10) working days of the complainant receiving notification of determination, the complaint/appeal will be considered closed

Right to Appeal

Notice of appeal

If a complainant decides to appeal a determination, they must lodge a Complaints and Appeal Form within ten (10) working days of receiving the determination and include the following:

- Appeal request
- Grounds for appeal
- Evidence supporting the grounds of appeal or any new information not previously provided in support of the grievance
- The expected outcome

Grounds for the appeal

An appeal of a determination may be made when:

- New evidence is available
- There is evidence that the decision was made without due consideration of the facts or circumstances
- There is perceived bias, prejudice or a conflict of interest
- There is an alleged policy or procedural irregularity in the investigation or hearing

Duty and Power of CEO of the RTO

Upon receiving an appeal application, the RTO CEO, if not involved with the initial complaint, may determine whether to hear or dismiss an appeal. If the CEO believes there are no grounds for appeal or that the appeal lacks substance, the appeal may be dismissed.

The CEO's decision to allow or dismiss the appeal application will be final. There will be no further right of appeal within the Aspen Medical Training Academy complaints/appeals process. However, the complainant may appeal to external complaint hearing bodies.

In cases where the CEO dismisses an appeal application, the complainant will receive written notification from Aspen Medical Training Academy informing them that their appeal application was unsuccessful and will be provided with reasons why.

The CEO will make the following decisions if the appeal has grounds to be progressed:

- The process to conduct the appeal hearing
- Procedures to be adopted based on the general principles of natural justice and procedural fairness

Appeal Hearing

- Members of the Appeal Hearing Panel will include:
 - CEO of the RTO
 - Relevant subject matter expert/s
 - Involved staff member/s
 - The complainant and support person (or nominated representative)
 - Other relevant person/s as determined by the CEO
- All documentation collected throughout the investigation in connection to the complaint/appeal will be reviewed and considered
- The AMTA Manager will be consulted to investigate the evidence supporting the original determination
- Any involved staff member may also be consulted and questioned regarding the issue of complaint
- The complainant is entitled to be represented by a person they nominate at the hearing or to be present with a support person
- During the appeal hearing, the complainant or their representative is entitled to ask questions of the CEO or any involved staff member and to make an address in defence of their appeal
- The CEO may reasonably adjourn the appeal hearing any time to consider his/her determination

CEO's determination

The CEO will determine if the appeal will be upheld or denied within 10 working days from the Appeal Hearing date. The CEO's decision will be final and binding, and there will be no further right of appeal within the Aspen Medical Training Academy complaints/appeals process.

The complainant will be informed of the CEO's determination and the reasons for the determination in writing. The complainant has the right to access the records of the hearing.

If the appeal is upheld:

- The CEO will determine what action will be taken to address the issue/s raised through the complaints and appeals process

If the appeal is not upheld:

- The complainant will be referred to the appropriate body relevant to the issue of the complaint, for example:
 - Australian Skills Quality Authority (ASQA)
 - Department of Fair Trading
 - Ombudsman

Access and Equity

Where a complaint relates to access, equity or discrimination, the Aspen Medical Training Academy Manager will be directly and immediately involved. As far as practicable, the complaint/appeal will be resolved quickly.

Record Keeping and Confidentiality

- A written record of all complaints, appeals and outcomes will be maintained and securely stored for 5 years
- All complaints/appeals documentation will be treated as confidential and managed in accordance with Aspen Medical Privacy policy

Related Documents / Resources

- Complaints and Appeals Register
- Complaints and Appeals form