

## Complaints and Appeals Policy & Procedure

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## Purpose

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This policy outlines Fran Capelli Academy's (FCA) approach to managing fees and refunds while ensuring the protection of fees paid in advance. As an approved provider under the 2025 Skills First Program, FCA complies with its contract with the Department of Jobs, Skills, Industry and Regions in Victoria, including the Guidelines about Fees.

## Definitions

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**ASQA** means Australian Skills Quality Authority which is the Victorian VET regulator and the RTO's registering body.

**Contract** means the 2025 VET Funding Contract for the Skills First Program issued by the Department.

**Department** means the Department of Jobs, Skills, Industry and Regions (DJSIR) in Victoria.

**Eligible Individual** means an individual who is eligible for government subsidised training in accordance with the eligibility requirements set out in the VET Funding Contract and related guidelines

**Skills First** means the Skills First Program funded by the Department.

**Skills First Student** has the same meaning as Eligible Individual.

**Standards** means the VET Provider guidelines of the VET Quality Framework which can be accessed from [www.asqa.gov.au](http://www.asqa.gov.au).

**Tuition Fee** means the amount that FCA charges for government funded students under the Skills First program for a course based on the rules issued by the Department.

## Policy

### 1. Nature of complaints and appeals

- Fran Capelli Academy responds to all allegations involving the conduct of:
  - The RTO, its trainers and assessors and other staff.
  - Any third party providing Services on behalf of Fran Capelli Academy.
  - Any student or client of Fran Capelli Academy.
- Complaints may be made in relation to any of Fran Capelli Academy's services and activities such as:
  - the application and enrolment process
  - marketing information
  - the quality of training and assessment provided
  - training and assessment matters, including student progress, student support and assessment requirements
  - the way someone has been treated
  - the actions of another student
- An appeal is a request for a decision made by Fran Capelli Academy to be reviewed. Decisions may have been about:
  - course admissions
  - refund assessments
  - response to a complaint
  - assessment outcomes / results
  - other general decisions made by Fran Capelli Academy

### 2. Principles of resolution

- Fran Capelli Academy is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, Fran Capelli Academy ensures that complaints and appeals:
  - Are responded to in a consistent and transparent manner.
  - Are responded to promptly, objectively, with sensitivity and confidentiality.
  - Are able to be made at no cost to the individual.
  - Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.
- Fran Capelli Academy will inform all persons or parties involved in any allegations made as well as providing them with an opportunity to present their side of the matter.
- Nothing in this policy and procedure limits the rights of an individual to take action under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.
- Where a student chooses to access this policy and procedure, Fran Capelli Academy will maintain the student's enrolment while the complaints/appeals handling process is ongoing.

### 3. Timeframes for resolution

Complaints and appeals will be finalised as soon as practicable or at least within 30 calendar days unless there is a significant reason for the matter to take longer. In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated weekly on the progress of the matter until such a time that the matter is resolved.

### 4. Records of complaints and appeals

Fran Capelli Academy will maintain a record of all complaints and appeals and their outcomes on the *Complaints and Appeals Register*, which will be securely stored according to the Privacy Policy and Procedures.

### 5. Making a complaint or appeal

- Complaints about a particular incident should be made within ninety (90) calendar days of the incident occurring and appeals must be made within thirty (30) calendar days of the original decision being made.
- Complaints and appeals must be made in writing using the *Complaints and Appeals Form*, or other written format and sent to Fran Capelli Academy's head office attention to the Chief Executive Officer.
- When making a complaint or appeal, provide as much information as possible to enable Fran Capelli Academy to investigate and determine an appropriate solution. This should include:
  - The issue you are complaining about or the decision you are appealing – describe what happened and how it affected you.
  - Any evidence you have to support your complaint or appeal.
  - Details about the steps you have already taken to resolve the issue.
  - Suggestions about how the matter might be resolved.
- All complaints and appeals will be acknowledged in writing via email or post within 7 days.

### 6. Resolution of complaints and appeals

- Some or all members of the management team of Fran Capelli Academy will be involved in resolving complaints and appeals as outlined in the procedures.
- Where a complaint or appeal involves another individual or organisation, they will be given the opportunity to respond to any allegations made.
- Where a third party delivering Services on behalf of the RTO is involved, they will be included in the process of resolving the complaint or appeal.
- In the case of an assessment appeal, an assessor who is independent from the original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task.

### 7. Independent parties

- Fran Capelli Academy acknowledges the need for an appropriate independent party to be appointed to review a matter where this is requested by the complainant or appellant and the internal processes have failed to resolve the matter. Costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by Fran Capelli Academy.
- Fran Capelli Academy may also appoint the independent party to be involved in the resolution of a complaint or appeal where it is deemed necessary.
- The independent party recommended by Fran Capelli Academy is Melbourne commercial arbitration and mediation centre). Complainants and appellants are able to use their own external party at their own cost.

- Fran Capelli Academy will provide complete cooperation with the external mediator investigating the complaint/appeal and will be bound by the recommendations arising out of this process.
- The CEO will ensure that any recommendations made are implemented within twenty (20) days of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation.

## 8. External complaint avenues

- Fran Capelli Academy agrees to respond to and cooperate in good faith with any complaints handling mechanism or process established by ASQA or the Department from time to time for the purpose of resolving student complaints or other issues in relation to the delivery of services.
- Complaints can be made externally through the following avenues:

- National Training Complaints Hotline:

The National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency/authority/jurisdiction to assist with their complaint. Consumers can register a complaint with the National Training Complaints Hotline by:

- Phone: 13 38 73, Monday - Friday, 8am to 6pm nationally.
- Email: [ntch@education.gov.au](mailto:ntch@education.gov.au)

For more information about the National Training Complaints Hotline, refer to the following webpage:

<https://www.education.gov.au/NTCH>

- Australian Skills Quality Authority (ASQA):

Complainants may also complain to Fran Capelli Academy's RTO's registering body: Australian Skills Quality Authority (ASQA).

However, ASQA will only use the information you provide to inform its regulatory approach and will not contact Fran Capelli Academy on behalf of the complainant or act as their advocate. For more information, refer to the following webpage:

<https://www.asqa.gov.au/>

- Department of Education and Training

Complaints relating to government funded training under the Skills First Funding Contract can be made to the Department of Education and Training. The Department is principally concerned with complaints regarding RTO misconduct, including unethical and fraudulent practices. If a party wishes to make a complaint to the Department, they can do so by:

- Downloading the Department's complaint form, available at <https://www.education.vic.gov.au/about/contact/Pages/expired/compliancecomplain.aspx>; and
- Returning the completed form to the following email address [vtg.feedback@edumail.vic.gov.au](mailto:vtg.feedback@edumail.vic.gov.au); or
- Alternatively, the party can post the completed complaint form to:  
Deputy Secretary, Higher Education and Skills Group  
c/- Executive Director, Training Market Operations  
GPO Box 4367  
Melbourne, Victoria 3001

## 9. Publication

This policy and procedure will be published in the Student Handbook and on Fran Capelli Academy's website

### • Procedures

#### 1. Complaints management

##### A. Receive and acknowledge complaint

As per policy, complaints are to be made in writing by the complainant, attention to the CEO.

The CEO should review all complaints upon receipt.

Acknowledge receipt of complaint in writing by sending a letter to the complainant within 3 working days of receipt. Use *Complaint/Appeal Acknowledgement Letter*.

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.

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.

The CEO will review the information and decide on an appropriate response. Where deemed necessary by the CEO, the matter may be reviewed by other members of the management team to arrive at an appropriate resolution.

Note: The complaint must be completely resolved within 30 calendar days of receipt of the original complaint. If the matter is particularly complex and it is going to take longer to resolve, 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

Provide a written response to the complainant outlining:

- The RTO's understanding of the complaint
- The steps taken to investigate and 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.

Update the *Complaints and Appeals Register* so it includes the outcome of the complaint.

Update the *Continuous Improvement Register* if applicable for any improvements to be made as an outcome.

Keep a copy of the complaint and supporting documents in the Complaints file and in the student or staff file (where relevant).

Discuss the complaints process and its outcome at the next management meeting to consider whether there are any improvements to be made to prevent recurrence

## 2. Appeals management

### A. Receive and acknowledge appeal

Upon receipt of a request for an appeal, acknowledge receipt of appeal in writing by sending a letter to appellant within 3 working days of receipt to ensure appellant receives it within 7 days. 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.

The assessment decision made during the appeals process will be considered the actual assessment outcome for the task.

Advise the student of the outcome of the appeal

### C. Respond to appeals against non-academic decisions

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.

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, Fran Capelli Academy may decide to call upon an independent mediator to assist in resolving the issue where a decision cannot be reached internally. This will be at Fran Capelli Academy's cost.

Fran Capelli Academy's 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.

### D. Advise appellant of the outcome and update records

Provide a written response to the appellant outline:

- The RTO'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 *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 Appeals file and in the student or staff file (where relevant).

Discuss the appeal and its outcome at the next management meeting to consider whether there are any improvements to be made to prevent recurrence.

### **3. Reviews by independent party**

#### **A. Appoint and cooperate with mediator/ independent party**

A complainant or appellant may request that an independent party is involved in the resolution of the matter. The independent party may use the RTO's selected mediator or may seek their own at their cost.

The CEO may also decide that an independent party is required to resolve particularly complex matters or in situations where there may be bias.

Contact independent mediator to arrange mediation/ review.

Fran Capelli Academy will co-operate fully in the process of the external party reviewing and investigating matters. This will include providing access to the relevant information surrounding the complaint or appeal and the internal complaints records were permitted to do so by law. All staff must cooperate in such instances and give an accurate account of the events as they understand them.

### **4. External complaint or appeal**

#### **A. External complaint or appeal**

If dissatisfied with the internal processes, the complainant/appellant may initiate an external complaint or appeal.

If requested, Fran Capelli Academy will respond as necessary. Fran Capelli Academy agrees to respond to and cooperate in good faith with any complaints handling the mechanism or process established by ASQA or the Department from time to time for the purpose of resolving student complaints or other issues in relation to the delivery of services.

All records will be kept on file.

Fully co-operate with the external party to respond to the complaint as required.

Discuss the external process and its outcome at the next management meeting to consider whether there are any improvements to be made to prevent recurrence.