

Complaints and Appeals – Policy & Process

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Approved by: Brendan Power, CEO

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Background and context

Clear to Work is committed to providing an environment in which complaints are responded to promptly, with minimum distress and maximum protection to all parties.

As part of this commitment, Clear to Work will ensure all dealings with complaints is done in an ethical and responsible manner, that ensures transparency in its decision-making processes, and an accessible and fair complaints process.

Purpose and scope

This policy/procedure is designed for dealing with complaints about our organisation, third parties, staff or other learners.

The procedure has been developed to ensure the principles of natural justice are adhered to by the RTO and all its staff.

The policy/procedure covers:

- General complaints made by learners
- General complaints made by employers
- Any stakeholder with a demonstrated interest in the businesses conducted by the RTO
- Complaints made about a learner
- Complaints made against a Third Party which may be providing marketing, training, assessment or other services on behalf of Clear to Work
- Learner appeals to review or reconsider a decision it has made (e.g. an assessment decision).

Learners or employers may make an appeal about academic issues. Academic appeals refer to a decision, act or omission by a member of Clear to Work's staff that affects the learner's academic progress or achievement. This may include (but is not limited to) assessment decisions, withdrawal or expulsion from a learning program, or conduct of a trainer/assessor that impedes the academic progress of a learner.

Learners, employers or any other stakeholder may make a complaint about non-academic issues. Non-academic complaints refer to a decision, act or omission by a member of Clear to Work staff that are not directly related to academic progress or achievement. This may include (but is not limited to) response times to enquiries, refund/payment decisions or conduct of a support services staff member.

Relevant Standards

Clause 6.1

The RTO has a complaints policy to manage and respond to allegations involving the conduct of:

- a) the RTO, its trainers, assessors or other staff;
- b) a third party providing services on the RTO's behalf, its trainers, assessors or other staff; or
- c) a learner of the RTO.

Clause 6.2

The RTO has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the RTO or a third party providing services on the RTO's behalf.

Clause 6.3

The RTO's complaints policy and appeals policy:

- a) ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;
- b) are publicly available;
- c) set out the procedure for making a complaint or requesting an appeal;
- d) ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and
- e) provide for review by an appropriate party independent of the RTO and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.

Clause 6.4

Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:

- a) informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
- b) regularly updates the complainant or appellant on the progress of the matter.

Clause 6.5

The RTO:

- a) securely maintains records of all complaints and appeals and their outcomes; and
- b) identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Clause 6.6

Where the RTO is an employer or a volunteer organisation whose learners solely consist of its employees or members, does not charge fees for the training and/or assessment, and does not have in place a specific complaints and appeals policy in accordance with Clauses 6.1 & 6.2, the organisation has a complaints and appeals policy which is sufficiently broad to cover the services provided by the RTO.

Procedure – Complaints (Non-Academic)

The initial complaint should be directed in writing via email to the appropriate course trainer or through the administration email info@hia.edu.au

- The complainant will receive a response within 5 business day acknowledging receipt of the complaint and advising that it will be responded to
- All complaints received by Clear to Work are recorded in the central complaints register
- Where possible, the complaint will be dealt with immediately by the recipient

If the complaint cannot be resolved initially at that level, it will be escalated to the weekly review meeting. This meeting provides a forum for trainers, assessors, support staff and management to discuss the complaint, and develop an action plan, which includes responsibilities and deadlines for Clear to Work staff

- Action plans may involve (but are not limited to) investigation of the details of the complaint, communication or mediation with the complainant or review of internal policy.
- Any “open” complaints will continue to be reviewed at the weekly review meeting, until the complaint is resolved.
- Throughout the complaints handling process, a member of staff will be allocated to communicate with the student to update and advise them on the progress of their complaint.

Throughout the complaints handling process, Clear to Work will identify any continuous improvement opportunities to ensure improved efficiencies, student experience and compliance with legislation and regulations.

If the person making the complaint feels they have not been treated fairly or that the result is unreasonable, they are advised to seek a review from an independent organisation. They will be directed to the National Training Complaints Hotline is accessible on 13 38 73 (Monday to Friday from 8am to 6pm nationally) or <https://www.education.gov.au/NTCH>

Procedure – Appeals (Academic)

Students may appeal an assessment decision or any other decision affecting their academic progress (Assessment Decision) where the Student can demonstrate any of the following:

- The assessment tool was not explicit. (For example, it did not detail how many assessment tasks were required to be undertaken; how Students will be assessed; or when they will be assessed).
- The assessor did not fairly and appropriately apply the assessment criteria as specified in the assessment tool.
- The assessor did not conduct the assessment tasks as described in the assessment tool.
- The assessor has enforced a disciplinary action for student conduct contrary to Clear to Work student policies and procedures

Informal: Students who are dissatisfied with any aspect of their assessment should first discuss the matter with the course trainer. If the issue is not resolved the student is then required to complete a

“Grievance, Complaint & Appeals Form” and lodge the form via info@hia.edu.au within 14 days of the student being notified of the assessment decision, unless special circumstances permit otherwise.

Formal Appeal: The assessment decision will be reviewed by a panel consisting of 3 members of the management team and qualified training and assessment staff (not involved in the appeal). The student will be notified of the appeal outcome (including reasons for the decision) in writing, within 30 days of lodging the form.

Review of Appeal Outcome: If the student is dissatisfied with the outcome of the Appeal they have the right to ask for the appeal to be reviewed by the Managing Director. This should be done in writing. The student must address the reasons for the decision supplied and why they wish the decision to be reviewed. Failure to lodge second grounds for appeal with 21 days will result in the appeal being dismissed. The student will be notified of the review outcome (including reasons for the decision) in writing, within 30 days of requesting a review.

External Independent Review: If the student is dissatisfied with the review of appeal outcome, they have the right to request a review by an appropriate independent party at their own expense. Clear to Work considers “appropriate” to one of the bodies listed in the appendix of this policy. The student is responsible for any costs relating to an External Independent Review.

Complaint to ASQA: If the student does not accept the decision of the external independent review, they may make a complaint to the Australian Skills Quality Authority (ASQA). Details of contacting ASQA are available at www.asqa.gov.au

Appendix 1 – Independent Review Contacts

Mediator	State or Territory	Contact Information	Link
QLD Training Ombudsman	Queensland	Call: 1800 773 048	https://www.qld.gov.au/education/training/training-ombudsman/pages/about-trainingombudsman.html
Dispute Resolution Centre	Queensland	(07) 3239 6007	https://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/setting-disputes-out-of-court/mediation/
Community Justice Centres	New South Wales & ACT	1800 990 777	http://www.cjc.justice.nsw.gov.au/
The Dispute Settlement Centre of Victoria	Victoria	1300 372 888	http://www.disputes.vic.gov.au/
Conflict Resolution Service	ACT	(02) 61622 4050	http://www.crs.org.au/
Office of the Training Advocate	South Australia	1800 006 488	http://www.trainingadvocate.sa.gov.au/
Citizens Advice Bureau	Western Australia	(08) 9221 5711	http://www.cabwa.com.au/mediation-service/commercial-mediation
Community Justice Centre	Norther Territory	(08) 8935 7777	https://nt.gov.au/law/processes/resolving-disputes-without-going-to-court