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DOCUMENTS : Complaint/Appeal Report Form  
Complaint/Appeal Register

REFERENCES : Access, Equity & Fairness Policy  
Student Handbook  
Student Support Services Policy  
Complaint Policy  
VET Quality Framework  
Standards for Registered Training Organisations (RTOs) 2015 Cwlth.  
National Vocational Education and Training Regulator Act 2011

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EXECUTIVE OFFICER

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## PURPOSE

This policy is to ensure that SGAE stakeholders and in particular students are aware of the Complaint and Appeal Process and the rights and responsibilities afforded to everyone.

It provides guidance and direction regarding legislative and SGAE requirements in the management of complaints and appeals.

## DEFINITION

SGAE Representative	For the purposes of the Complaint/Appeal Process this will normally be the Training Executive or their delegate.
Advocate	Individual who accompanies a complainant/appellant for the purposes of support throughout the process. An advocate for the purposes of this policy does not include Legal Representation.
Appeal	An appeal arises when a stakeholder is not satisfied <u>with a decision</u> taken by SGAE.
Appeal Event	Actual instance of a decision that occurred for which the appeal is being lodged.
Appellant	Person or entity that lodges an appeal.
Complaint	A complaint arises when a stakeholder is dissatisfied with or aggrieved <u>by an action or event or thing</u> under the control of or within the environment or activities of SGAE.
Complaint Event	Actual instance that occurred for which the complaint is being lodged.
Complaint/Appeal Committee	A number of persons nominated by the Executive Officer to review decisions or issues that a complainant/appellant does not accept as satisfactory.
Complainant	Person or entity that lodges a complaint.
Contractor	Individual or entity engaged by SGAE under contract to deliver specified work on its behalf e.g. Sessional trainer/assessor.
Employee	Person employed by SGAE on a full or part time or casual basis. Does not include Contractors.
False Complaint/Appeal	Fictitious complaint/appeal or one made intentionally without foundation or to cause detriment or mischief. Knowingly lodging a false complaint/appeal. (without truth or foundation).
Legal Representation	A lawyer or similar who is engaged by the complainant/appellant or SGAE to represent them in a formal and legal process which may be initiated if the

	complaint/appeal process including external mediation fails.
Malicious Complaint/Appeal	Fictitious complaint/appeal or one made intentionally without foundation or to cause detriment or mischief. Knowingly lodging a false complaint/appeal (without truth or foundation).
Mediation Event	Meeting, intervention or other event specifically designed and arranged with the goal of a satisfactory outcome.
Non Employee Stakeholder	Individual or Entity who is not legally employed by SGAE e.g. Supplier, Contractor, Regulatory Authority.
Parties to the Complaint/Appeal	All individuals and/or entities who are directly involved in lodging or investigating or mediating a complaint/appeal.
Stakeholder	General term inclusive of any individual or entity with whom SGAE has a relationship including but not limited to employees, students, contractors and suppliers.
Student Support Officer	The Student Support Officer's role is to provide and/or facilitate appropriate support services for students.  The Student Support Officers are the VCAL Coordinator and Learning Executive.
Zero Tolerance	SGAE will not under any circumstances tolerate behaviours that breach the fundamental principles of access, equity and fairness. SGAE will take action against any individual or group of individuals proven to have breached these principles and that action may be to the extent of termination of employment or contract or removal of students from hosting.

## **POLICY**

It is the policy of SGAE to manage its process in a fair and equitable manner that ensures all stakeholders are provided with a timely and transparent framework to lodge a complaint or appeal.

SGAE provides a process for advocacy, internal mediation and external independent mediation to resolve complaints and appeals.

A stakeholder and/or SGAE may nominate;

- an advocate to accompany, represent and support them

or

- an external independent mediation process

at any stage of the complaint/appeal process.

## **GUIDING PRINCIPLES**

### **Confidentiality**

Only the parties directly involved in lodging or investigating or mediating a complaint/appeal will have access to information about the complaint/appeal.

Discussion of the matter by parties to the complaint/appeal with other SGAE stakeholders, or other parties either internal or external is not permitted and will breach Australian Privacy Principles. Such discussion may also hamper the effectiveness of the process.

### **Impartiality**

All parties will be provided with equal opportunity for discussion and response. No assumptions will be made and no action will be taken until all relevant information has been collected and considered.

SGAE reserves the right to seek expert advice as to the appropriate action to be taken in regards to the outcome of an investigation.

Stakeholders may have an advocate present throughout the process.

### **Free from Repercussions**

No action will be taken against any individual or entity for lodging a bona fide complaint/appeal or assisting someone to lodge or manage a bona fide complaint/appeal.

SGAE will take all necessary steps to ensure that victimisation does not occur against anyone who lodges or is involved in a bona fide complaint/appeal.

SGAE reserves the right to take appropriate action against an individual or entity that lodges a false or malicious complaint/appeal.

### **Timely & Transparent**

All complaint/appeals will be dealt with as quickly and transparently as possible.

An abbreviated description of the complaint/appeals process is included in the Students Handbook and students will be verbally informed of the complaint/appeals procedure as part of their induction process.

## **SCOPE**

This policy encompasses complaints and appeals lodged by:

- current and past students;
- student candidates;
- employees;
- contractors;

- suppliers and providers;
- regulatory authorities.

## **PROCEDURE**

### **Documentation**

For both complaints and appeals the process must:

- be documented at each step using the Complaint/Appeal Report Form;
- registered in the Complaint/Appeal Register;
- ensure that all parties sign and receive hardcopy of the record within 5 working days of the completion of each step;
- a copy is filed in line with Australian Privacy Principles

### **Complainant/Appellant Support**

If for whatever reason the complainant/appellant is unable to undertake any of the following steps, they should speak with a senior staff member with whom they are most comfortable.

NB: The complainant/appellant is encouraged, at any stage of the process, to invite an advocate or support person to participate.

SGAE will provide assistance throughout the process.

### **Complaint/Appeal Process**

The process will be:

#### **Learning & Assessment Appeal**

The process for appeal for a learning or assessment decision made by SGAE is as follows:

- Appellant (person who is appealing the decision) lodges a verbal or written appeal to SGAE within ten (10) days of the date of the decision;
- An appeal in relation to a learning or assessment outcome should be directed to the Trainer/Assessor concerned;
- SGAE documents details of the appeal attaching the original appeal letter from the Appellant if provided;
- Within five (5) working days of receipt of the appeal a meeting is arranged by SGAE, with the Appellant to discuss the Appellant's concerns. The discussion is recorded by the SGAE Trainer/Assessor and signed off by the Appellant.
- Within five (5) working days of the meeting SGAE's Trainer/Assessor informs the Appellant of the decision. The decision may be given verbally or in writing,

however, a written notification must be provided to the Appellant supporting a verbal advice.

- If the Appellant is dissatisfied with the decision, they may make an appeal directly to the Training Executive. This appeal must be in writing clearly stating the Appellant's concerns.
- The ten (10) will meet with both the Trainer/Assessor and the Appellant within five (5) working days of receiving the appeal notice. The meeting is to be documented and signed by all parties.
- The Training Executive will advise the Trainer/Assessor and the Appellant within five (5) working days of the meeting of their decision.

In the case of an assessment appeal the Training Executive may determine:

- a. that a Student should be reassessed by an alternate assessor;
- b. that the original decision is correct and will stand;
- c. that an adjustment to the original decision is warranted.

**If the Appellant is dissatisfied with the Training Executive's decision they may request referral to the Complaints/Appeals Committee.**

- Complaints/Appeals Committee will meet with all parties within five (5) working days of receipt of referral.
- Complaints/Appeals Committee will provide their decision in writing within five (5) working days.

**If the Appellant is dissatisfied with the Complaints/Appeals Committee's decision they may appeal to the Executive Officer in writing within five (5) days.**

- The Executive Officer will meet with both the Training Executive and the Appellant within five (5) working days of receiving the appeal notice. The meeting is to be documented and signed by all parties.
- The Executive Officer will advise the Training Executive and the Appellant within five (5) working days of the meeting of their decision.

**If the Appellant remains dissatisfied with the process or the decision they may**

- a. request an external mediator agreeable to all parties be engaged. SGAE generally uses the services of Access Programs.
- b. or they may contact:
  - Training Advocate 188 006 488
  - National Training Complaints Hotline on 13 38 73
  - Australian Skills Quality Authority (ASQA) via the online complaint form at <http://asqa.gov.au/forms.html#complaintforms>

### **Service or Other Operational Practice Complaint or Appeal**

The process for complaint or appeal for any issue or decision related to service provision or operational practice by SGAE is as follows:

- Complainants/Appellant lodges a verbal or written complaint/appeal to Training Executive within ten (10) days of the date of the issue or decision. Note: where the complaint/appeal is made verbally it will need to be confirmed in writing prior to commencement of the investigation process;
- Training Executive documents details of the complaint/appeal attaching the original letter from the Appellant if provided;
- Within five (5) working days of receipt of the complaint/appeal a meeting is arranged with the complainant/appellant to discuss the complainant/appellant's concerns. The discussion is documented by the Training Executive and signed off by the complainant/appellant.
- Within five (5) working days of the meeting SGAE informs the complainant/appellant of their decision. The decision may be given verbally or in writing, however, a written notification must be provided to the complainant/appellant within 5 days of the verbal advice.
- If the complainant/appellant is dissatisfied with the Training Executive's decision they may appeal to the Executive Officer in writing within five (5) days of the date of the written notification.
- The Executive Officer will meet with both the Training Executive and the complainant/appellant within five (5) working days of receiving the complaint/appeal notice. The meeting is to be documented and signed by all parties.
- The Executive Officer will advise the Training Executive and the complainant/appellant within five (5) working days of the meeting of their decision.

### **Complaint against a Trainer/Assessor**

Where a complaint is received relating to a Trainer/Assessors inappropriate behaviour the process must commence immediately and be treated as a high priority.

The Training Executive will make a determination as to whether the Trainer/Assessor is suspended for the period of investigation.

### **Operational Policy**

In relation to operational policy the Executive Officer's decision will be final.

### **Legislated Policy**

In relation to decisions taken for which legislation or regulatory authority standards apply the complainant/appellant may access an external appeal process.



### **External Facilitator**

Where it is felt appropriate SGAE may engage the services of an external facilitator to assist the process.

SGAE generally uses the services of Access Programs.

Australia free call number: 1300 66 77 00

### **Unsuccessful Complaint/Appeal Process**

If all SGAE avenues of appeal process are not successful the Training Executive will advise the Appellant in writing of their right to contact an appropriate external body ie:

- National Training Complaints Hotline on 13 38 73
- Training Advocate 188 006 488
- Australian Skills Quality Authority (ASQA) via the online complaint form at <http://asqa.gov.au/forms.html#complaintforms>
- SA Office of Consumer & Business Affairs (08) 8204 9777
- Victoria Consumer Affairs Victoria 1300 558 181
- WA Dept of Commerce 1300 304 054
- NSW Fair Trading Tel 13 32 20
- NT Consumer Affairs Tel: 08 8999 1999
- Tasmania Office of Fair Trading – Consumer Affairs & Fair Trading Tel: 03 6233 4567
- QLand Office of Fair Trading Tel: 13 74 68
- WorkSafe ACT  
Website: [www.worksafe.act.gov.au](http://www.worksafe.act.gov.au)  
Email: [worksafe@act.gov.au](mailto:worksafe@act.gov.au)  
Telephone: (02) 6207 3000
- WorkCover NSW  
Website: [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)  
Telephone: 13 10 50
- NT WorkSafe  
Website: [www.worksafe.nt.gov.au](http://www.worksafe.nt.gov.au)  
Email: [ntworksafe@nt.gov.au](mailto:ntworksafe@nt.gov.au)  
Telephone: 1800 019 115
- Workplace Health and Safety Queensland, Office of Fair and Safe Work Queensland, Department of Justice and Attorney-General  
Website: [www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au)  
Telephone: 1300 369 915 or (07) 3225 2000

- SafeWork SA  
Website: [www.safework.sa.gov.au](http://www.safework.sa.gov.au)  
Telephone: 1300 365 255
  - Workplace Standards Tasmania
  - Website: [www.wst.tas.gov.au](http://www.wst.tas.gov.au)
  - Telephone: 1300 366 322 (inside Tasmania) or (03) 6233 7657 (outside Tasmania)
  - WorkSafe Victoria  
Website: [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au)  
Email: [info@worksafe.vic.gov.au](mailto:info@worksafe.vic.gov.au)  
Telephone: 1 800 136 089 or (03) 9641 1444
  - WorkSafe WA Part of the WA Department of Commerce  
Website: [www.worksafe.wa.gov.au](http://www.worksafe.wa.gov.au)
  - Telephone: 1300 307 877
  - Workplace Ombudsman Tel: 13 13 94 or [www.fairwork.gov.au](http://www.fairwork.gov.au)
  - Union Representative – refer relevant Union
  - Or other relevant regulatory body may be available related to the specific issue.
- or
- legal intervention;
- or
- Other appropriate regulatory body

Training Executive is to advise the Executive Officer immediately of the complainant/appellant's intention to seek external appeal process.

## **HANDLING A COMPLAINT/APPEAL**

On receiving a complaint/appeal, the person who received the complaint/appeal must determine if they are the appropriate person to resolve the matter. Where they consider it would be inappropriate for them to handle the matter, or if the matter is outside the scope of their responsibility, they will discuss this with the complainant/appellant within 24 hours of receiving the complaint/appeal. The person receiving the complaint/appeal is responsible for assisting the complaint/appeal to a more appropriate person. This may require escalation to the next level of responsibility.

Where the person receiving the complaint/appeal believes that they are the appropriate person to deal with the matter, they should arrange to discuss the complaint/appeal with the complainant/appellant at a time convenient to both parties, but as soon as practical after the matter is first raised. Action to resolve the complaint/appeal should commence as soon as possible.

## **Important Steps for Investigation and Resolution**

### **Complaint/appeal**

Where possible, minor interpersonal issues and misunderstandings should be resolved quickly and with minimal formality. In such cases, the emphasis is on ensuring that individual needs and expectations are met without deterioration to the relationship.

### **Progress to Resolution**

All parties should be consulted throughout the investigation, and no action is to be taken toward resolving their complaint/appeal without their prior knowledge and agreement. At a minimum, the parties will be given regular reports on the progress towards resolution of their complaint/appeal. The timeframe should be agreed by all parties dependent upon the nature of the complaint/appeal.

The person investigating the complaint/appeal should establish with the parties the options for resolution they perceive as satisfactory. These are initial ideas and may change or be further developed after more detailed investigation.

If at any stage of the process it becomes apparent that the matter is more complex or serious than originally considered the matter should be referred to a more appropriate person.

### **Resolution**

If the parties are satisfied with the proposed resolution, all agreed actions should be documented, implemented as soon as is reasonably possible and the complaint/appeal considered resolved.

Where resolution is not achieved, the matter should be escalated to the next level of responsibility.

The complaint/appeal process does not intend to preclude recourse to other avenues of resolution including Industrial Relations Commission for conciliation or arbitration purposes, or State Authorities, but rather to facilitate an agreeable and speedy resolution.

## **Guidelines for Negotiating Solution of a Complaint/Appeal**

- Negotiation should focus on 'win – win' situation
- Outcome should aim for the preservation of long term relationship
- Process, activities and outcomes should provide benefits for all parties.

### **Step 1 - PREPARATION**

- Date & Time that is suitable to all parties
- Ensure that venue is private, neutral and comfortable
- Prepare meeting agenda commencing with a positive opening statement

- Clearly articulate the guidelines for negotiation of solution e.g. Demands are not acceptable, blame and justification will not contribute to a positive and outcome focussed discussion/negotiation, etc.

### **Step 2 – CLARIFICATION OF ISSUE**

- Identify what the issue is
- Focus discussion on the issue
- Listen carefully and empathise
- Identify shared/common needs

### **Step 3 – IDENTIFY & DOCUMENT SOLUTION(S)**

- What are the individual and shared needs for outcome
- Ensure solutions are achievable for both parties
- Discuss and prioritise identified solutions
- Negotiate final and most appropriate and satisfactory solution
- Develop action plan and timeframe for the implementation of the solution ensuring all tasks are achievable for all parties within nominated timeframe(s)

### **Step 4 – FORMAL AGREEMENT**

- Agreement should include:
  - Identification of all parties to the agreement
  - Goal/outcome(s) to be achieved
  - Non negotiable items
  - Expectation each parties input/action
  - Realistic timeframe(s)
  - Evaluation process
  - Communication process
  - Date and Sign off by all parties.
- Agreement and copy of the finalised Complaint/Appeal Report Form are to be:
  - recorded in writing;
  - copied to all parties within five (5) days of completion of each event;
  - a copy is filed in line with Australian Privacy Principles.

- The Complaint/Appeal Register is to be updated with Agreement details.
- The Complaint/Appeal Report Form is to be updated throughout the process and details of the Agreement to be recorded.

### **WITHDRAWING A COMPLAINT/APPEAL**

An individual has the right to withdraw a complaint/appeal at any stage. However, where the complaint/appeal concerns:-

- misconduct and/or breach of law or regulatory compliance on the part of any individual or entity;
- or
- where the failure to resolve the complaint/appeal would adversely affect other individuals or SGAE,

SGAE reserves the right to finalise the investigation of the original complaint/appeal and take the necessary recourse.

### **FALSE OR MALICIOUS COMPLAINT OR APPEAL**

A 'False or Malicious Complaint or Appeal' is a fictitious complaint/appeal or one made intentionally without foundation or to cause detriment or mischief.

SGAE maintains a Zero Tolerance policy in regards to false or malicious complaint or appeal.

Complainant/appellant found to have made a 'False or Malicious Complaint or Appeal' will face disciplinary action and dependent upon the issue the consequences may include termination of employment or contract or expulsion from further studies.

### **CONTINUOUS IMPROVEMENT**

All complaints/appeals (not including personal details) will be directed through the Quality Management System for evaluation and actioning of opportunities.

### **RESPONSIBILITY**

#### **Complainant or Appellant**

It is the responsibility of the complainant/appellant to ensure that they commence the complaint/appeal process within the specified period and that their complaint/appeal is supported with a genuine argument and/or evidence.

#### **Training Executive**

It is the responsibility of Training Executive to ensure that:

- the complaint/appeal processes are open, fair, timely and accurate at all times;
- the complaint/appeal process is well documented and that the complainant/appellant signs off and is provided with a copy of each stage of the process;

- ensure that SGAE policy, process and standards mitigate opportunity for complaint/appeal;
- they manage operations and compliance in a manner that mitigates the risk of complaint from any SGAE stakeholder;
- they respond as a matter of priority to any issue identified as a potential 'complaint/appeal' and therefore an opportunity for improvement.
- address and satisfactorily bring to conclusion any and all complaint/appeals;
- utilise the learning from complaints through the Quality Management System as a key strategy to ensure that the complaint/appeal is not repeated.

### **Stakeholders**

It is the responsibility of predominantly all SGAE personnel but also all stakeholders to immediately report potential risks for complaint to the Executive Officer.

### **ACCESS**

All SGAE stakeholders have the right to access the complaint and appeal processes fairly and equitably.

### **APPLICABLE STANDARDS**

#### **Standards for Registered Training Organisations 2015**

Made under the National Vocational Education and Training Regulator Act 2011

**Standard 6 - Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.**

#### ***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.

***Context:***

RTOs must implement a transparent complaints and appeals policy that enables learners and clients to be informed of and to understand their rights and the RTO's responsibilities under the Standards.