

Complaints and Appeals Policy and Procedure

Policy

Precise Training ensures that the learning environments are in accordance with laws and policies which promote a culture that respects the diversity of staff and students. Precise Training is committed to upholding the principles of equal opportunity and fair treatment. As such, Precise Training is committed to providing an environment free from unfair treatment, sexual harassment and discrimination. In support of this commitment, Precise Training will provide complaints and appeals procedures which are fair, sensitive, quick and confidential. Precise Training will not tolerate victimisation of staff and students in the exercising of their rights of complaint.

Complaints and Appeals

As per Standard 6 of the Standards for Registered Training Organisations 2015, the Complaint and Appeal Policy and Procedure are designed to:

- Prevent personal conflicts from becoming entrenched;
- Resolve complaints and appeals speedily in a confidential, peaceful and effective manner;
- Be easily accessible to staff and students to enable effective and productive work and study environment; and
- Monitor and review complaints and appeals to prevent their recurrence and to improve Precise Training's operations and training services.

A complaint is expected to be brought forward within 3 months of the events associated with the complaint. After 3 months a complaint will not be considered unless there are substantial reasons for the delay in reporting the complaint. Please see Complaints and Appeals process diagram in (Appendix 1) and Complaint Application Form in (Appendix 2) within this Learner Guide.

Appealing an Assessment

If you are dissatisfied with the assessment result, you are entitled to have your assessment task reviewed and / or submit an appeal.

If the learner wishes to re-sit their assessment, they may discuss the possibility with their trainer in the first instance. An Appeal Against Assessment form (Appendix 3) must be completed by the learner. This will be used to initiate the reassessment process and will be kept by Precise Training in the learner's file for reference. If dissatisfied by the result of this discussion, the learner may contact the Training Manager to have this matter reviewed.

The Training Manager will arrange for the assessment process that was undertaken to be reviewed. This may involve discussions with the learner and the assessor. If necessary, the learner may be required to re-sit the assessment with another assessor. The results of this will be given in writing to the learner.

If the learner is still not satisfied with the assessment process after the reassessment, they may consult with the Director or an external third party in order to lodge an appeal. An appeal needs to be made in writing and must include the following information:

- A description of the reasons for making the appeal
- A summary of the steps that have already been taken to resolve the issue (i.e. re-assessment)
- The desired outcome (i.e. what needs to happen in order to resolve / fix the issue)

The Director will respond to the appeal in writing and will have a discussion with the parties involved in order to resolve the matter. All decisions will be recorded and kept in the learner's file.

If the learner wishes to lodge a complaint, they must follow the Complaints and Appeals procedure.

Complaint and Appeal Processes

A grievant may choose personnel appropriate to them and the complaint to assist in the resolution of their complaint. Appropriate personnel may include student support officers, compliance administrators, a mediator or an advisory committee.

Different complaints and appeals resolution processes will be used when a student or staff member has a complaint where it is A) a general complaint or B) An Appeal of an Assessment.

If a complaint appears to involve danger to people or property, is within the meaning of serious misconduct or is a criminal offence, staff should discuss this matter with the grievant and must refer the matter directly to the Director. The grievant must submit a written complaint to the Director detailing the following information:

- A description of the complaint
- Steps that have already been taken in order to try and resolve the complaint
- The desired outcome (i.e. what needs to happen in order to resolve / fix the complaint and prevent it from occurring again)

Once a resolution has been achieved, all parties will receive a written statement of the outcome(s) of the complaint and the reason for the decision.

Complaint and Appeal Advisors – Compliance Administrators and Student Support Officers

Complaints and appeals advisers are referred to within Precise as (Compliance Officers and Student Support Officers) to assist in resolving complaints during the initial stage in a quick, confidential, conciliatory and effective manner.

Complaints and appeals advisers can be contacted by staff and students for assistance in the resolution of their complaint and will be advised on the processes for resolving complaints.

Upon receipt of a complaint or appeal from a grievant, the complaint and appeal adviser will normally act within fourteen working days of the grievant informing them of the complaint or appeal. It is expected that resolution of the complaint will normally be completed within 30 calendar days.

Complaint and Appeal Advisory Committee

A complaint and appeal advisory committee can be established to resolve a complaint that is not disciplinary in nature. It is the decision of the Director or nominee to establish whether the complaint is disciplinary or not. If not disciplinary, the director or nominee can establish a complaint and appeal advisory committee.

On receipt of a complaint, the Director or nominee will provide the respondent with a written copy of the complaints and appeals policy and procedure. The Director or nominee, in consultation with the grievant and respondent, will reconfirm that negotiation, conciliation and/or mediation could not be used, or has been exhausted.

A complaint and appeal advisory committee will normally consist of three people. Committee members will be chosen by the nominee in consultation with the grievant and respondent, or their respective representative body. The committee members will have suitable backgrounds and/or training.

The Complaints and Appeals Advisory Committee's role is to:

1. Ascertain the facts and any mitigating circumstances;
2. Interview members of Precise Training, including complaints and appeals advisers and designated officer who can provide a brief history of the process undertaken to resolve the complaint;
3. Have access to available relevant documents;
4. Make a recommendation on resolution of the particular case; and
5. Make comment, where appropriate, on any matters of governance or structure which may have contributed to the dispute.

The Chair of the Committee will ensure that the respondent is fully informed of complaints which affect them.

Both parties will appear before the committee and may be accompanied by a person of their choice who does not have speaking rights. The grievant and respondent may request a person with speaking rights where a person's language or disability would detrimentally affect a person's participation in the process.

The timeline for the formal procedures will be:

1. Agreement on the composition of the committee and the terms of reference occurring within 10 working days of the lodgement of the written complaint;
2. The committee meets within the following 5 working days;
3. The committee completes and submits its report including recommendations, to the nominee, within 10 working days from the conclusion of the committee meetings; and
4. The nominee makes a decision or commences appropriate action within 12 working days after receipt of the committee's report.

The committee's written report, including recommendations, will:

1. Reflect the views of all members of the committee;
2. Be signed by each member of the committee;
3. Be forwarded to the Director or nominee;
4. Be available to the grievant and respondent; and
5. Be, in all other respects, a confidential document.

The Director will make a decision based on the committee's report and will provide reasons for the decision to the grievant and respondent.

If disciplinary action is indicated at any stage throughout this process, the committee will refer the matter immediately to the nominee.

One person can replace the committee if the grievant and respondent agree to this change and if there is agreement on whom the one person will be. This person will comply with the requirements of the committee role, time limits and report writing.

Anti-Discrimination Laws

Where complaints and appeals relate to discrimination issues, reference to the Director is required.

Grievant to whom these guidelines apply will, in some circumstances, have rights of complaint against the respondent under anti-discrimination laws. Reporting a complaint and/or appeal will not deprive a person of the right of complaint to these external agencies and grievant will be informed of the existence of external rights.

Confidentiality

Confidentiality is an important aspect in assisting in the resolution of a complaint. A grievant and the respondent of a complaint have the right to expect that staff involved in complaint management will maintain a high level of confidentiality about all aspects of the complaint. This expectation of confidentiality also extends to both grievant and respondent.

Breaches of confidentiality, careless or otherwise, by people involved in complaints management, including the grievant and respondent, may be the subject of disciplinary action by the nominee.

Documentation

Documentation collected by committees will be retained in accordance with Precise Trainings record management requirements

Documents related to actions by the complaints and appeals advisors, designated officers or complaints and appeals advisory committee will not be placed on staff or student personal files unless they are part of an agreement in the complaints and appeals resolution process.

Complaints and Appeals which are Malicious and/or Lacking in Substance

Where a complaint is assessed by a complaints and appeals adviser or designated officer to be lacking in substance, the complaints and appeals adviser or designated officer may submit the complaint to another complaints and appeals adviser or designated officer for review.

Where a complaint is held by the complaint and appeal advisory committee to be lacking in substance it may recommend that the Director dismiss the complaint.

Where a complaint is considered to be false and/or malicious, the complaints and appeals advisers and designated officers must refer the complaints and appeals to another designated officer for review and if then considered false and/or malicious, it must be referred to the nominee for investigation and possible disciplinary action.

Where a complaint is considered by the majority of the complaint and appeal advisory committee to be false and/or malicious the committee must refer the matter to the Director or nominee for investigation and possible disciplinary action.

Information Availability

In order to lodge an appeal or complaint, please refer to the Appeal Against Assessment Results form (Appendix 3) or the Complaint Application Form (Appendix 2).

If the complaint is not resolved to the satisfaction of the grievant, they may lodge an appeal by making arrangements for an external independent third party to resolve the issue. A learner may contact the complaints team from ASQA on **1300 701 801**, or www.asqa.gov.au/complaints

Alternatively as of the 5th of February 2015 a National Training Complaints Hotline has been established. Through the National Training Complaints Hotline, complaints will be directed to relevant authorities connecting learners with the most appropriate organisations to assist them. A learner may contact the National Training Complaints Hotline on **13 38 73**, or email skilling@education.gov.au.