

# HRD - Complaints and appeals policy and procedure

## Complaints and appeals policy

### Compliance

#### Standards for RTOs 2015, Standard 6

### Purpose/explanation

This policy and procedure describes the process by which course participants and learners, and clients may have problems addressed effectively, efficiently, professionally and confidentially.

Note: where training and assessment is provided at a client's site as a customised program, this policy and procedure document must be read in conjunction with relevant client corporate policies and procedures. In instances of a conflict between policies and procedures, enterprise policies are to take precedence.

### Related documents

- *HRD–Access, equity and conduct policy*
- *HRD–RPL/RCC policy and procedure*
- Continuous improvement report (Parts A and B)
- 'Hazard, accident and incident report'
- 'Complaint, grievance and appeal form'
- Complaints and grievances register

### Scope

This policy and procedure applies to all persons enrolled with or seeking enrolment with HRD Integrated Services for the delivery of training and assessment services. It also applies to those employed by or contracted to HRD Integrated Services for the delivery of training, conduct of assessments, administrative duties and/or provision of support services.

### Responsible parties

The Director, HRD Integrated Services, is responsible for the control and issue of this procedure.

### Definitions

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| Appeal            | An appeal arises from dissatisfaction with an assessment decision or complaint resolution. <ul style="list-style-type: none"> <li>▪ a formal appeal is made in writing to a staff member of HRD Integrated Services.</li> <li>▪ an informal appeal may be raised verbally with a staff member of HRD Integrated Services.</li> </ul> |
| Appeals committee | The appeals committee will comprise an odd number of at least three of the following people: <ul style="list-style-type: none"> <li>▪ a trainer/assessor with expertise in the area concerned</li> <li>▪ a learner enrolled in the area concerned</li> </ul>   |

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|                         | <ul style="list-style-type: none"> <li>▪ the Director HRD Integrated Services</li> <li>▪ a representative of the contracted training provider (if relevant)</li> <li>▪ a representative of the learner's employer.</li> </ul> <p>Committee members must not be a person subject to appeal and/or must not have been involved in the conduct of the original formal complaint resolution process.</p>   |
| Case                    | Case is a specific occurrence or matter requiring discussion, decision, or investigation as a result of a stated complaint, appeal or incident.  |
| Client                  | The client is the employer of a learner. Training is conducted on behalf of the client; the learner is a participant in that training.   |
| Complainant             | The complainant is the person making the complaint, who may be a learner, a client employer, a contractor or HRD Integrated Services staff member who has cause for dissatisfaction with a HRD service.  |
| Complaint               | <p>A <b>complaint</b> maybe:</p> <ul style="list-style-type: none"> <li>▪ an expression of dissatisfaction with the procedures, outcomes or the quality of service provided by HRD Integrated Services (or its partner provider) in relation to the following: <ul style="list-style-type: none"> <li>– training or assessment enrolment and induction</li> <li>– training or assessment delivery</li> <li>– an assessment decision, including recognition of prior learning and recognition of current competency</li> <li>– issuing of results, certificates and/or statements of attainment</li> <li>– matters relating to privacy and confidentiality</li> </ul> </li> <li>▪ an expression of dissatisfaction with behaviour or action of another which has an unreasonable negative impact on the learner</li> <li>▪ related to other issues such as discrimination, sexual harassment, training facilities or amenities, etc.</li> <li>▪ any other activities associated with the delivery of training and assessment services.</li> </ul> <p>A <b>formal complaint</b> must be made in writing to HRD Integrated Services.</p> <p>An <b>informal complaint</b> is when an issue is raised verbally with a HRD Integrated Services staff member.</p> |
| Independent third party | <p>An independent third party is an organisation, body or person identified and agreed to by all parties at the time, who is impartial and has the skills necessary to mediate in complaints resolution. This person may be:</p> <ul style="list-style-type: none"> <li>▪ an external person who is familiar with the Standards for RTOs 2015 and VET system</li> <li>▪ a person with experience in mediating complaints resolution processes.</li> </ul>  |
| Learner                 | The student, apprentice or trainee who participates in training or a training and assessment event.  |

## POLICY

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HRD Integrated Services is committed to providing an environment in which complaints, grievances and appeals are responded to in an effective, efficient, professional, transparent and confidential manner.

The HRD Integrated Services *Complaint and appeals policy and procedure* is located on the HRD website. Employees, contractors and learners are advised where to view the *Complaint and appeals policy and procedure*.

A complaint must be lodged within 30 days of dissatisfaction arising or a grievance occurring; or an unsatisfactory formal or informal resolution; or an assessment decision being made.

HRD Integrated Services will:

- make a written record of any complaint or request for an appeal
- provide written acknowledgement of a complaint

and will make every reasonable effort to:

- initiate a resolution process within 10 working days of receiving notice of a complaint or appeal
- arrive at a resolution within a further 10 working days.

If appropriate, a continuous improvement process may be initiated to prevent similar complaints in the future.

Any complaint or appeal relating to HRD services not covered by this procedure must be referred to the Director, HRD Integrated Services. An appeal external to HRD will be referred to the employer and/or respective human resources department for resolution.

## PROCEDURE

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The following procedure only applies where the case involves a staff member/contractor/partner provider of HRD Integrated Services or involves learners enrolled with HRD.

This procedure is not relevant if the case is work-related and is between two or more persons employed by a company other than HRD Integrated Services. HRD will refer such instances to the employer for resolution.

### Stating a case

HRD encourages all persons with an issue, grievance, complaint or appeal to seek resolution by initiating any of the following:

- informal resolution through verbal or written discussion with the other party (relevant trainer, assessor, learner, administrator or coordinator; or other staff member).
- from the outset, or if informal resolution has been attempted without success, the matter can be formalised and submitted in writing to the Director, HRD Integrated Services
- requesting formal resolution by an independent third party.

This is when the formal HRD complaints resolution process commences.

A complaint or appeal may be withdrawn at any time.

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All matters relating to a case are to be recorded in writing and the person(s) provided with a written statement of the outcomes, including reasons for the decision.

Written records should be signed and dated by all parties involved. Documents are to be filed in the relevant job file, learner evidence folder or HR file as appropriate.

A register of complaints, grievances and appeals is to be kept that identifies the individual involved, a brief description of the complaint, grievance or appeal and an indication of the outcome.

### Resolution process

Each person will be provided with a fair and reasonable opportunity to present their case at each stage of the resolution process. Throughout the appeal or complaint resolution process, a complainant/appellant may be accompanied by a support person.

#### Informal resolution

Each case should first be informally investigated and/or addressed informally in consultation with the parties concerned. An impartial mediator can be involved if necessary or if requested.

Each party reserves the right to refuse an informal resolution if it is considered that insufficient impartiality exists to arrive at a fair and equitable resolution.

#### Formal resolution

Every person must be given the option to raise a complaint or appeal formally. A formal complaint or appeal must be in writing to the Director, HRD Integrated Services and signed by the complainant/appellant.

The Director, HRD Integrated Services will recommend how the complaint or appeal may be best addressed.

To resolve a formal complaint, the Director may:

- review the case and recommend a solution/resolution
- convene a meeting of the parties with a view to reaching a resolution
- refer the case to an appeals committee
- refer the case to an external mediator.

To resolve an appeal the Director may:

- request and review copies of all correspondence relating to the case including delegating responsibility for gathering evidence to an investigating officer
- consult individually with the parties involved to discuss and resolve the case
- convene a meeting of the parties concerned to allow each to present their case and respond to the other party with a view to reaching a resolution
- refer the matter to an independent third party, whose decision will be final
- convene the appeals committee, whose decision will be final.

### Appeals committee

The Appeals Committee may be convened to:

- hear a formal complaint

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- review a decision made by the Director, HRD Integrated Services in relation to a complaint
- review an assessment decision.

The Appeals Committee must be provided with all relevant information to allow it to reach a fair and impartial decision. The role of the Appeals Committee is to review an existing case, it will not ordinarily receive new information or evidence.

- The Committee will review the information presented to the original decision maker and consider whether the decision reached was reasonable in all the circumstances of the complaint.
- The Appeals Committee may call the parties to the dispute before it to present their case.
- Where the appellant wishes to present new information, the Appeals Committee may determine to:
  - accept the new evidence and refer the case back to the Director, HRD Integrated Services for reconsideration and review of the original decision
  - not accept the new evidence.
- The Committee will, by majority, make a written recommendation as to whether the original decision was fair and reasonable. The Appeals Committee may make a determination on the case or make recommendations to the Director.

### Notification of outcome

The Director, HRD Integrated Services, will make every reasonable effort to notify relevant parties of the outcome of the case, including reasons for the decision, within 10 working days of the decision being made.

All correspondence, noted and evidence must be archived in the relevant job file, learner evidence folder or HR file.