

1. PURPOSE OF POLICY/PROCEDURE

To provide a framework to ensure all complaints, appeals and compliments are received, acknowledged, recorded, and resolved (where applicable) in a way that contributes to a supportive, collaborative and transparent environment according to regulatory requirements outlined in the Standards for Registered Training Organisations 2015 and relevant State Government funding contracts.

2. SCOPE

This policy applies to all workers within genU Training involved in receiving, recording and handling complaints, appeals and compliments.

3. POLICY / BACKGROUND

3.1 Complaints and Appeals

In accordance with Standard 6 of the Standards for Registered Training Organisations 2015 and Principle 6 of the Skills First Quality Charter, genU Training ensures complaints and appeals are recorded, acknowledged and handled fairly, efficiently and effectively.

genU Training provides a process whereby complaints may be made in relation to the conduct of:-

- GenU Training, its trainers, assessors or other staff
- a third party providing services on behalf of genU Training, its trainers, assessors or other staff, or
- another learner of genU Training.

(Standards for Registered Training Organisations (SRTOs 2015), Standard 6, Clause 6.1)

genU Training also provides learners with an appeals process which enables them to request a review of a decision made by genU Training, including (but not limited to) assessment decisions, decisions relating to applications for Credit Transfers or RPL, decisions resulting from reports of general or academic misconduct and refund requests. *(Standards for Registered Training Organisations (SRTOs 2015), Standard 6, Clause 6.2)*

genU Training ensures that:-

- When dealing with complaints and appeals the principles of natural justice and procedural fairness are always adopted by:-
 - Informing those involved of the allegations,
 - Providing those involved with the opportunity to present their side of the matter, and
 - Managing complaints and appeals in a fair and unbiased manner
- A copy of this policy and procedure is publicly available on the genU Training website, and summarised in the Learner Handbook (also available on www.genutraining.org.au).
- Its process/procedure for lodging a complaint or appeal is clearly outlined and available to learners at all times.
- Complaints and appeals are always acknowledged in writing.
- Complaints and appeals are finalised in a timely manner and any delays are avoided. If at any stage it appears that a formal complaint or appeal will take more than 60 days in total to finalise (including the review process), parties will be notified in writing and informed of the reasons for the expected delay.

- Learners have the opportunity to have their complaint or appeal reviewed by an independent party.
(Standards for Registered Training Organisations (SRTOs 2015), Standard 6, Clause 6.3)

The 2018-19 Standard VET Funding Contract, *Skills First Program*, also requires the publication of genU Training's complaints and appeals process on its website. In accordance with this contract, genU Training will also respond to and co-operate with any complaints handling mechanism or process established by the Department of Education and Training.

3.2 Compliments

genU Training will provide mechanisms for stakeholders to make compliments. All compliments will be recorded and shared with relevant staff.

4. PROCEDURE

4.1 Informing Learners of Their Rights

All learners will be provided with information about the complaints, appeals and compliments process before entering into an agreement to enrol with genU Training. They will be provided with a printed copy of the Learner Handbook (which summarises these processes), and are required to acknowledge that they have read and understood this document upon accepting their enrolment offer. Learners are also directed to the electronic version of genU Training's Complaints, Appeals and Compliments Policy and Procedure as well as genU Training's Complaints and Appeals Form located on www.genutraining.org.au during the pre-enrolment process and again during course induction.

If a complaint, or concern regarding a decision made by genU Training, is raised verbally with a genU Training staff member, the learner should be directed to the abovementioned documents and offered assistance with understanding and carrying out any of the steps within the complaints and appeals process.

4.2 Complaints and Appeals Process

4.2.1 Informal Complaint / Appeal Stage

Learners are encouraged to raise any concerns/issues in an informal manner with their Trainer, Coordinator and/or any other relevant genU Training staff member as soon as they arise. If a learner disagrees with a decision that has been made by genU Training they should raise their concerns verbally with the decision maker.

If appropriate, an informal meeting may be arranged to allow sufficient opportunity to discuss the concern/issue and if possible reach a resolution promptly.

If the concern/issue is in relation to an assessment decision the Assessor shall provide the learner with further clarification of how he/she arrived at the assessment result. Where the learner has not already exhausted reassessment opportunities, arrangements may be made for a reassessment, as per genU Training's Assessment System Procedure.

If the learner is not satisfied that the concern/issue has been resolved during this informal stage or feels the issue is of a serious nature, he/she is encouraged to lodge a formal complaint or appeal.

4.2.2 Formal Complaint or Appeal Stage - Lodging a Formal Complaint/Appeal

A learner (or carer/guardian of the learner) can make a formal complaint or request an appeal by taking the following steps:-

Step 1: Obtain a Complaints and Appeals Form available via www.genutraining.org.au or by requesting a printed copy from genU Training reception, a Trainer or Coordinator.

Step 2: Complete genU Training's Complaints and Appeals Form.

Complaint – Select 'Make a formal complaint' and complete all relevant sections.

Appeal – Select either 'Appeal – Assessment Result' or 'Appeal – Other decision' and complete all relevant sections.

A formal complaint must be made within 14 business days of the event/circumstance that is the subject of the complaint (unless delayed by steps taken to resolve the issue informally). An appeal must be made within 14 business days of the learner being informed of the decision/result that they wish to appeal.

If required, the complainant/appellant can seek assistance from a genU Training staff member to complete the Complaints and Appeals Form. Alternatively the complainant/appellant may complete the form with the assistance of a support person.

Step 3: The Complaints and Appeals Form must be addressed to 'The Training Manager' and posted/delivered to the relevant genU Training site/office.

In the event that a complaint is directed towards a Training Manager or presents a conflict of interest, the Complaints and Appeals Form may be submitted to the Operations Manager or General Manager Education and Training.

4.2.3 Formal Complaint / Appeal Stage – Receiving and Recording Complaint/Appeal

On receipt the relevant Training Manager must record the complaint or appeal in the genU Training Complaints, Appeals and Compliments Register.

The Training Manager must determine whether the complaint/appeal is:-

- Of a 'critical' nature – substance of the complaint/appeal involves allegations that present a serious risk to a person or Karingal St Laurence's reputation,
- Involves an alleged criminal action,
- Contravenes Karingal St Laurence's Code of Conduct, policies, procedures and/or work instructions,
- Highlights an 'incident', or
- Involves an accusation against another person.

If any of the above points apply, the Training Manager must take the appropriate steps as detailed in Karingal St Laurence's Compliments and Complaints Procedure.

The Training Manager must acknowledge that the complaint/appeal has been received in writing (email or letter) to the complainant/appellant within 3 business days. The Training Manager must also notify all relevant parties of the allegation (where applicable).

4.2.4 Formal Complaint / Appeal Stage – Investigation and Determination of Outcome

In order to gather all relevant information, the complainant/appellant, relevant genU Training staff member(s) and other parties (where applicable), will be interviewed separately by the Training Manager. If the complainant/appellant agrees, and it is considered both appropriate and beneficial, a meeting may also be arranged for all parties to discuss the complaint/appeal.

The complainant/appellant may arrange for a support person to accompany them during any meetings/interviews held during the formal complaints/appeals stage.

In the case of an appeal against an assessment decision, the Training Manager may appoint a 2nd Assessor to carry out a reassessment. Costs associated with this reassessment will be met by genU Training. *Please Note:* An assessment task can only be reassessed once by a different assessor (a 3rd Assessor will not be appointed).

The Training Manager must inform the complainant/appellant in writing of a decision/outcome within 14 calendar days of the formal complaint/appeal being received. Where a delay occurs, the Training Manager must advise the complainant/appellant in writing of the reasons for the delay, and provide regular written progress updates until a decision is reached.

4.2.5 Internal Review

If the complainant/appellant is dissatisfied with the decision/outcome arising from a formal complaint or appeal they can request an 'internal review' by completing a new Complaints and Appeals Form and selecting 'request internal review of formal complaint/appeal outcome'. The form must be submitted to the General Manager Education & Training within 14 calendar days of being informed of the complaint/appeal outcome.

The General Manager Education & Training will acknowledge a request for an internal review in writing (email or letter) to the complainant/appellant within 3 business days.

The General Manager Education & Training will appoint a complaints/appeals panel, consisting of at least two senior genU Training Managers, to conduct a thorough review of the outcome determined during the formal complaint or appeal stage.

In most cases the General Manager Education & Training and an Operations Manager will form the panel. Where the complaint or appeal is considered to be of a more serious nature the panel may consist of the General Manager Education & Training and the Executive Director.

Parties will be interviewed separately, each having the opportunity to present their case before the panel. The complainant/appellant may wish to bring a support person to any meetings/appointments held during the internal review.

In the case of an appeal of an assessment result, if a 2nd assessor was engaged during the formal appeal stage, the purpose of an internal review will not be to make another determination as to what the assessment result should be, but rather to consider whether the correct process was followed.

The complainant/appellant will be informed of the outcome of the internal review (in writing) within 14 calendar days of the General Manager Education and Training receiving the Complaints and Appeals Form. If a delay occurs the complainant/appellant will be notified in

writing of the reasons, and provided with regular written updates until a decision is reached.

4.2.6 External Review of Appeal

If the complainant/appellant is unsatisfied with the outcome of an internal review, they may request that the appeal be reviewed by an independent party. A request for an external review must be lodged in writing to the General Manager Education & Training within 5 calendar days of the complainant/appellant being informed of the internal review outcome.

The General Manager Education & Training or Executive Director shall acknowledge the request in writing within 3 business days and appoint a third party who is independent of both genU Training and the complainant/appellant, such as a mediator provided by the Australian Mediation Association. The cost of the initial session will be paid by genU Training. All further costs incurred through mediation will be payable by the complainant/appellant. *Please note:* ASQA will not act as an independent third party.

The process for the external review will be determined by the independent third party. On receipt of the outcome, genU Training must inform the complainant/appellant in writing and implement the decision immediately.

4.3 Grievances affecting on-the-job trainees and learners on work placements

Where a trainee, or learner on work placement, has a grievance with an employer, he/she is encouraged to attempt to resolve the issue through informal discussions with the employer. If the issue is not resolved, the trainee/learner should inform the relevant Coordinator who will contact the employer to discuss the matter with a view to achieving a resolution.

The Coordinator may arrange a meeting between the parties and/or suggest that the matter be dealt with through the employer's internal policies and procedures. If the issue is still not resolved and there is a direct impact on learning outcomes, the Coordinator should consult with the relevant Training Manager to identify alternative options for addressing the issue.

If the learner/trainee is not satisfied that the issue has been dealt with appropriately and/or a solution is not reached, he/she may raise a formal complaint through the process outlined above.

4.4 Finalising Complaints and Appeals

The relevant manager must complete remaining sections of the Complaints and Appeals Form and record outcomes/decisions (including internal and external review outcomes) in genU Training's Complaints, Appeals and Compliments Register.

All documentation relating to a complaint or appeal must be retained, including:-

- genU Training Complaints and Appeals Form
- Written acknowledgement of complaint or appeal
- Written reports of decisions/outcomes reached
- Correspondence to and from complainant/appellant
- Meeting details and notes / meeting minutes
- Proposed activities for resolutions
- Any signed agreements made

Please see Karingal St Laurence's Compliments and Complaints Procedure for further detail regarding information that must be maintained in relation to complaints/appeals.



The abovementioned records will be held in a secure Complaints and Appeals folder in the genU Training management drive.

4.5 Receiving and Recording Compliments

genU Training staff in receipt of compliments (written or verbal) must forward details of the compliment to their Training Manager who will record these in the genU Training Complaints, Appeals and Compliments Register. All compliments should be responded to verbally or in writing within 3 calendar days of receipt.

Training Managers will share this feedback with their teams at staff meetings and supervision sessions. Compliments should also be forwarded to the relevant staff member/s where possible in acknowledgement of their efforts.

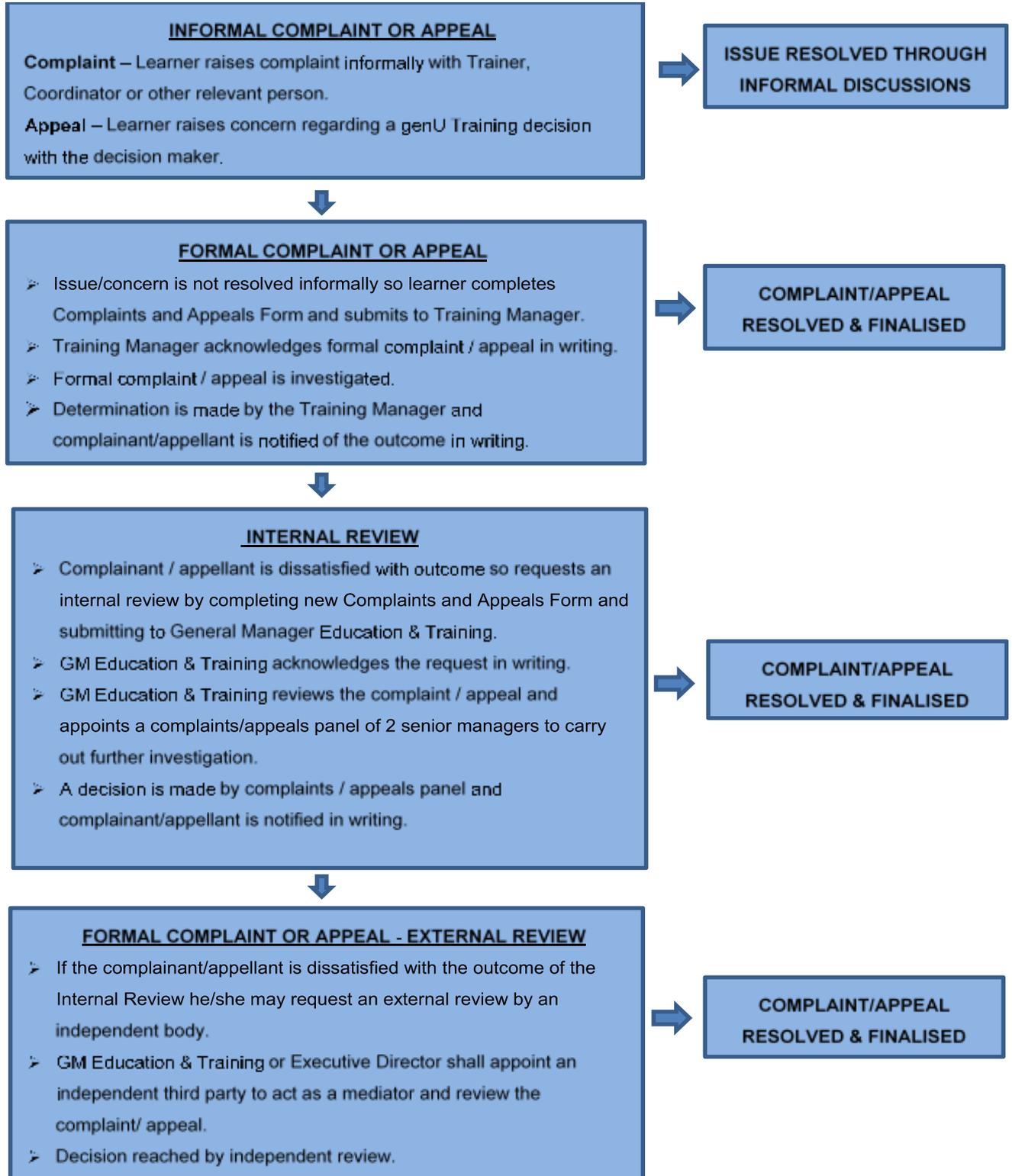
4.6 Continuous Improvement Arising From Complaints, Appeals and Compliments

Any potential improvement to training strategies, learning materials, assessments or other systems/processes which arise from complaints, appeals or compliments are to be lodged in Karingal St Laurence's continuous improvement portal by relevant genU Training staff.

All formal appeals and complaints, along with compliments received, will be raised and discussed at monthly genU Training management meetings. Details will be analysed in order to identify common factors, actions required and opportunities for improvements to genU Training's overall operations. Suggested improvements will be entered into the continuous improvement portal. See genU Training's Continuous Improvement Procedure for further detail.

Complaints data is also reported monthly to the Karingal St Laurence's Executive Team, as per the Karingal St Laurence's Compliments and Complaints Procedure.

5. FLOWCHART – COMPLAINTS AND APPEALS



6. RELATED DOCUMENTS

Parent Policy

- genU Karingal St Laurence Complaints and Appeals Foundational Policy and Procedure

Other Related Policies and Procedures

- genU Training Learner Handbook
- genU Training Complaints and Appeals Form
- genU Training Assessment System Procedure
- genU Training Continuous Improvement Procedure

7. LEGISLATION & RELATED REFERENCES

Regulations and Contracts

- Standards for Registered Training Organisations (SRTOs 2015)
- 2018-19 Standard VET Funding Contract, *Skills First* Program
- Skills First Quality Charter

Commonwealth legislation:

- National Vocational Education and Training Regulator Act 2011
- Acts and Instruments (Framework Reform) Act 2015
- Work Health and Safety Act 2011
- Australian Human Rights Commission Act 1986
- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Disability Standards for Education 2005
- Racial Discrimination Act 1975
- Racial Hatred Act 1995
- Sex Discrimination Act 1984
- Privacy Act 1988 and National Privacy Principles (2001)
- Fair Work Act 2009
- Skilling Australia's Workforce Act 2005
- Copyright Act 1968
- Competition and Consumer Act 2010

Victorian legislation:

- Education and Training Reform Act 2006
- Occupational Health and Safety Act 2004
- Accident Compensation (Occupational Health and Safety) Act 1996
- Workplace Injury Rehabilitation and Compensation Act 2013
- Disability Act 2006
- Working With Children Act 2005

8. DEFINITIONS

Term	Definition
Appeal	A request by a learner for a decision made by genU Training to be reconsidered, including decisions about assessment. An appeal may be based on concerns about the fairness and/or accuracy of a decision
Complaint	An expression of dissatisfaction with a genU Training action or service by a learner (or a carer or guardian of a learner).
Compliment	An expression of praise or regard for service received.
Learner	For the purpose of this Policy and Procedure, 'learners' will include all current, prospective and previous learners of genU Training.