

## 1.1.0000 COMPLAINTS AND APPEALS POLICY AND PROCEDURE

### 1. Purpose

The purpose of this procedure is to outline the steps for handling complaints and appeals received from learners, employees, third parties and stakeholders of PEER. This will ensure that PEER complies with the Standards for RTOs 2015 and The National Standards for Group Training Organisations 2017,

### 2. Policy Statement

This policy and procedure aims to satisfy PEER's obligation to manage complaints and appeals in a transparent manner which enables students, employees, third-party partners and stakeholders to be informed of, and to understand their rights and obligations and PEER's responsibilities in relation to complaints and appeals.

PEER is committed:

- to providing an environment in which complaints and appeals are responded to promptly, with minimum distress and maximum protection to all parties
- to ethical and responsible management, and a visible, accessible and fair complaints and appeals process
- viewing the complaints and appeals process as an opportunity to review and improve policies and practices at PEER to form part of our continuous improvement cycle
- adopting an ethical and professional approach , whilst respecting privacy and confidentiality where possible

### 3. Definitions

Competent: The consistent application of knowledge and skill to the standard of performance required in the workplace.

Competency-Based Assessment: is the process of gathering evidence and making judgments about whether competency has been achieved against performance criteria and critical evidence requirements specified within the Units of Competence within Training Packages.

Complaint: A grievance, resentment, or displeasure about a decision, service or product

Confidentiality: The process of ensuring the privacy of both parties involved in the complaint is protected as much as is legally possible.

Defamation: the making of false statements about another person or organisation which is turn could damage their reputation. This could be verbal or written.

GTO: Group Training Organisation

Mediator: A person employed to assist parties in their dispute whilst staying impartial to all parties.

National Standards for Group Training Organisations 2017: minimum standards for the group training sector to ensure consistent, high quality services for apprentices, trainees and host employers\_

Natural Justice: principles, procedures, or treatment felt instinctively to be morally right and fair.

Not Competent (NC): Signifies the person being assessed has not yet demonstrated competence against one or more of the requirements detailed in the unit/s of competence. The person must have attempted or been provided with the opportunity to complete ALL of the assessment tasks for the unit to be deemed "NC".

Re-assessment: Refers to providing the student with another attempt at demonstrating competence.

RPL: Recognition of Prior Learning (Refer to Recognition Policy)

Stakeholders: a person with an interest in an organisation

Standards for RTOs 2015: means the regulatory standards for training providers as set by The Council of Australian Governments' (COAG) Industry and Skills Council for endorsing vocational education and training (VET) standards.

Third-Party Partners: means a provider that has a memorandum of understanding with PEER to deliver training and/or assessment services on PEER's behalf.

#### 4. Policy Principles

- principles of natural justice and procedural fairness are followed at every stage of the complaint and appeal process by allowing anyone subject to a decision by PEER, or anyone who has allegations made against them, to a right of reply before a decision is made
- the decision maker in the process is independent of the decision being reviewed
- each complainant lodging an appeal may be accompanied and/or assisted by a support person throughout the process
- complaints and appeals are handled in the strictest of confidence and records are secured in accordance with PEER's Record Management Policy and the Australian Privacy Principles
- all complaints, appeals and outcomes are documented in the Complaints and Appeals Register, with outcomes used to inform continuous improvement activities
- if a complainant raises a concern but is not willing to proceed with the complaint they are advised that because of the requirements of procedural fairness, in most circumstances no further action can be taken by PEER
- appeals of assessment outcomes are to be lodged within 28 days of when the assessment outcome is informed to the learner
- investigations into academic misconduct will be handled in accordance with the complaints and appeals procedure and will follow the principles of natural justice and procedural fairness

#### 5. Responsibilities

All parties involved in a complaint or appeal have the responsibility to ensure they abide by the following:

Students, Employees, Stakeholders:

- be familiar with the Complaints and Appeals Policy
- only make genuine and accurate complaints or appeals
- provide formal complaints in writing using the appropriate form

#### PEER staff:

- ensure confidentiality
- act within the constraints of legal obligations to disclose any information
- ensure as much as practicable that no victimisation of complainants, witnesses, or any other parties involved in the complaints and appeals process

#### PEER Management (in addition to staff):

- ensure accessibility of the compliant resolution policy and procedure to all staff, students and stakeholders
- to treat all complaints seriously and investigate as required
- to follow the principles of natural justice
- to ensure feedback mechanisms are available to all
- handle complaints in a respectful manner, staying objective, collect facts and ensure confidentiality of all parties
- refer the complaint to the CEO if the complaint cannot be resolved at this level

#### CEO:

- provide staff with the opportunities for necessary training in regards to handling complaints and appeals within organisational processes
- respond to any complaint that cannot be handled by PEER management
- refer complainants to relevant governing bodies and third parties as required

## **6. Complaints and Appeals Procedure - Informal**

It is expected that prior to initiating a formal complaint and appeal process, the parties involved will attempt to resolve concerns directly wherever possible.

It is expected that all parties will participate in good faith in resolving concerns so that PEER maintains a respectful workplace and learning environment.

Students, employees, third-party partners and stakeholders are encouraged to raise concerns directly with their trainer, team leader or person representing PEER, particularly where the concerns are adversely affecting the workplace or learning environment.

- RTO clients – raise the matter by talking to your trainer in the first instance or the appropriate administration staff member
- GTO clients – raise the matter by talking to your allocated talent coach or the team, talent coaching
- External Stakeholders – raise the matter by talking to appropriate PEER staff member
- Finance/ Accounts – raise the matter by talking to the team leader, finance

If the complaint is directed towards a third-party partner of PEER, we encourage our clients to lodge a complaint through PEER's complaint procedure.

General feedback about PEER can be sent via email to [reception@peer.com.au](mailto:reception@peer.com.au)

## 7. Complaints and Appeals Procedure - Formal

### Stage 1 – Lodging a formal complaint or appeal

Where the parties involved are unable to successfully resolve the concern directly, then a formal complaint or appeal may be lodged with PEER using the Complaints and Appeals Form. A copy of the form is provided to the complainant, and it records the following information:

- complainant's full name, address, phone/email address
- details of the concern raised by the complainant
- reasons outlining the escalation to a formal process
- if the complaint relates to another party, that party's full name and position

PEER acknowledges receipt of all complaints and appeals in writing within 5 business days, recording it on the Complaints and Appeals Register. Where PEER considers more than 60 calendar days are required to process and finalise the complaint or appeal, PEER will inform the complainant in writing, outlining the reasons why.

### Stage 2 – Investigation of formal complaint or appeal

The complaint will be investigated thoroughly and the complainant may be contacted for further information if required. PEER will endeavour to seek information from all parties listed in the complaint in a timely manner.

If a complaint cannot be investigated by the PEER (for whatever reason), PEER will inform the complainant at this point and refer them to the most appropriate body.

### Stage 3 – Determination of outcome

Where PEER determines it has the capacity to make a decision in the complaint, PEER will inform the complainant of the outcome in writing within 60 days.

Decisions or outcomes of the complaint or appeals process that resolve the complaint or appeal and find in the favour of the party are implemented immediately and are recorded in the complaints and appeals register.

Where PEER is unable to make a determination or the complainant is dissatisfied with the outcome, the complainant can appeal and request a review of the decision from a third party. Appeals or requests for review of decisions are to be lodged in writing within 28 days of the decision or outcome.

### Stage 4 - Internal Review of Determination

Requests for appeal or review of decisions are referred to the appropriate PEER Executive Director who will identify and assign an internal review officer within PEER, but independent of the decision.

PEER will acknowledge receipt of the request for internal review in writing, outlining the anticipated review period and the designated review officer.

The review officer will make a determination and advise the complainant of the decision or outcome in writing. Decisions or outcomes of appeal or review process that find in the favour of the complainant are implemented immediately and are recorded in the complaints and appeals register.

### Stage 5 – Independent Third Party Review of Determination

Where the complainant is dissatisfied with the outcome of the internal review they can appeal and request a review of the decision from an independent external third party and must be lodged within 28 days.

Requests for appeal or review of decisions are referred to an independent third party or external mediator, determined by the Chief Executive Officer.

PEER will acknowledge receipt of the request for independent third party review in writing, outlining the anticipated review period and the independent review officer. At this stage, PEER will disclose all costs associated with the third party review, as all parties may be liable for costs. This is not a free service.

The independent review officer will make a determination and inform PEER who will advise the complainant in writing. Decisions or outcomes of the appeal or review process that find in the favour of the appellant are implemented immediately and are recorded in the complaints and appeals register.

At this stage, there is no further basis for a complaint or appeal to be heard. ASQA is not able to act as the independent third party for reviewing complaints.

## 8. Supporting Organisations

The following organisations may be able to assist you further in your complaint if you are not satisfied by PEER's final determination.

<p><b>WorkReady</b> Ph: 1800 506 266 Web: <a href="http://www.skills.sa.gov.au/">http://www.skills.sa.gov.au/</a> Email: <a href="mailto:dsdworkready@sa.gov.au">dsdworkready@sa.gov.au</a></p>	<p><b>The Office of the Training Advocate</b> Ph: 1800 006 488 Web: <a href="http://www.trainingadvocate.sa.gov.au/">http://www.trainingadvocate.sa.gov.au/</a> Email: <a href="mailto:trainingadvocate@sa.gov.au">trainingadvocate@sa.gov.au</a></p>
<p><b>Australian Skills Quality Authority (ASQA)</b> Ph: 1300 701 801 Web: <a href="https://www.asqa.gov.au/">https://www.asqa.gov.au/</a></p>	<p><b>National Training Complaints Hotline</b> Ph: 13 38 73 Web: <a href="https://www.education.gov.au/NTCH">https://www.education.gov.au/NTCH</a> Email: <a href="mailto:NTCH@education.gov.au">NTCH@education.gov.au</a></p>
<p><b>Traineeship and Apprenticeship Services (TAS)</b> Ph: 1800 673 097 Web: <a href="http://www.skills.sa.gov.au/contact-us/regulation-and-contract-management">http://www.skills.sa.gov.au/contact-us/regulation-and-contract-management</a> Email: <a href="mailto:dsd.tas@sa.gov.au">dsd.tas@sa.gov.au</a></p>	<p><b>Office of the Australian Information Commissioner (OIAIC)</b> Ph: 1300 363 992 Web: <a href="https://www.oaic.gov.au/">https://www.oaic.gov.au/</a> Email: <a href="mailto:enquiries@oaic.gov.au">enquiries@oaic.gov.au</a></p>

## 9. Associated Documents

Complaints and Appeals Register

Complaints and Appeals Form

## 14. Document Review

The document will be reviewed every year from the date of endorsement or as circumstance require.

Date	Description of Amendment	Prepared by	Authorised by
15/02/2011	Supersedes – 502 –Grievance Policy	A Humphries	M Boyce
02/01/2013	Update OHS to WHS – new legislation	A Johnstone	M Boyce
10/15	Supersedes Grievance Policy 02/01/2013	V Heading	M Boyce
15/09/2017	New format, new name and new formal procedure	J. Ryan	J. Ryan
02/07/2018	Version 2: Third party reference added to definitions and complaint procedure for third-party clarified.	J.Ryan	M.Watters