



## Complaints and Appeals Policy

### 1. Purpose

Tiwi Island Training Employment Board (TITEB) is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (SRTOs 2015).

As such, TITEB is required to have a policy and processes in place to manage and respond to complaints, grievances, allegations or appeals from individuals and organisations that have dealings with TITEB.

TITEB will manage and respond to allegations against the organisation, its staff, third parties providing services on its behalf and its students in a professional and timely manner within the principles of natural justice and procedural fairness.

### 2. Policy Statement

TITEB acknowledges the clients' right to lodge a complaint and or appeal when they are dissatisfied with the training and /or assessment services and experiences that they have been provided by TITEB.

TITEB will ensure that clients have access to a fair and equitable process for expressing complaints, and that TITEB will manage the complaint with fairness and equity.

In doing so, TITEB:

- has a written a process in place for collecting and managing complaints in a constructive and timely manner;
- ensures that these processes are communicated to all staff, third party partners and clients;
- ensures that all necessary documentation and resources are in place to enable clients to submit a complaint;
- ensures that each complaint and its outcome is recorded in writing; and
- ensures that customer complaints and their outcomes are fed into continuous improvement initiatives.

### 3. Definitions

The following words and expressions have the following specific meaning in relation to this Complaints and Appeals Policy and associated Procedures and Forms.

**Appeal** – a process for requesting a review of an official decision made or an appeal against a decision made about an assessment outcome, a failure to meet a satisfactory course progress and or the quality of course delivery.

**Assessment** - is the process of collecting evidence and making judgements on whether competency has been achieved, to confirm that an individual can perform to the standard required in the workplace, as specified in a training package or VET accredited course.

**Complainant / Appellant** – refers to the person who has lodged the complaint or appeal.

**Complaint** – is a formal expression of dissatisfaction about an action, a proposed action, or a failure to act in a proper, responsible and timely manner.

**Independent Decision Maker** – is a person investigating the complaint or appeal who is not directly related to the matter. This person will either be the Manager of the RTO, GTO Manager, Human Resources Manager, Chief Executive Officer or any independent person nominated by the Chief Executive Officer.

**Parties** – refers to a complainant and respondent.



**Principles of Natural Justice –** General procedural fairness in the handling of a grievance that involves all the following elements:

- The right to a fair hearing;
- The right to attend hearings with a friend or support person, if required;
- The opportunity for all parties involved to be heard;
- The complainant not determining the outcome, but may be a party to it;
- The right to a decision maker who is independent of the decision being reviewed;
- A final decision that is based solely on the relevant evidence;
- The right to an independent third party to review the complaint or appeal.

**Respondent** – the person, department, or organisation to whom the complaint or appeal is lodged.

**Third party** - any party that provides services on behalf of TITEB but does not include a contract of employment between TITEB and its employee.

#### **4. Policy Principles**

TITEB will ensure that fairness applies to complaints and appeals management which includes:

- All parties have the right to be heard and all evidence will be considered.
- Matters that are not relevant to the complaint or appeal will not be considered.
- Allegations that are deemed by TITEB to be frivolous or vexatious will not be considered.
- The decision maker will not be biased and will be independent to the complaint received.

The complaints and appeals process will ensure that:

- All clients have the right to express a concern or problem and/or lodge a complaint if they are dissatisfied with the training and assessment services that they have been provided (including through a third party) or the behaviour of another learner.
- The complainant will have access to a process for resolving complaints.
- All formal complaints will be acknowledged in writing and recorded on the Complaints and Appeals Register.
- Victimisation of complainants, respondents, or anyone one else involved in the complaint or appeal resolution process will not be tolerated.
- Complaints and appeals will be dealt with in a timely manner, with the intent of finalising as soon as possible and the parties will be updated regularly on the progress of the matter.
- The rights of the complainant and respondent will be acknowledged and protected throughout the complaint resolution process.
- If the complaint will take more than 60 calendar days to finalise TITEB will inform the complainant / appellant in writing providing the reasons why more than 60 calendar days are required. The complainant / appellant will also be provided with regular updates on the progress of the complaint / appeal.
- Final decisions will be made by the Chief Executive Officer (CEO) or an independent party to the complaint.

Where a party advises TITEB of their intent to lodge a formal complaint or appeal, TITEB will attempt to resolve the matter in the first instance via discussion, negotiation, and agreement,

#### **5. Types of Complaints and Appeals**

A complaint or appeal may include allegations involving the conduct of:

- TITEB, its trainers, assessors or other staff, or



- A third-party providing services on behalf of TITEB, its trainers, assessors, or other staff;
- A learner of TITEB.
- The appeal of an assessment decision. These may include:
  - The judgement as to whether competency has been achieved and demonstrated was made incorrectly.
  - The judgement was not made in accordance with the Assessment Plan.
  - Alleged bias of the assessor.
  - Alleged lack of competence of the assessor.
  - Alleged wrong information from the assessor regarding the assessment process;
  - Alleged inappropriate assessment process for the particular competency;
  - Faulty or inappropriate equipment; and/or;
  - Inappropriate conditions.
  - An appeal of a decision following a formal complaint.

## 6. TITEB Responsibilities

The Chief Executive Officer of TITEB is the Complaints Resolution Officer. The Chief Executive Officer may delegate responsibility for the investigation or resolution of the complaint or appeal if necessary.

Details concerning the scope of the Complaints and Appeals Policy are contained within the Student Handbook and TITEB website.

## 7. Process

### Complaints

If a client has a complaint, they are encouraged to speak immediately with the trainer/assessor or RTO Manager to resolve the issue. If they are not satisfied that the issue has been resolved, they will be asked to complete a **Complaints and Appeals Form**. TITEB will then investigate the complaint / appeal and advise the outcome.

If the complainant is not satisfied with the outcome of a complaint investigation, they may write to the Chief Executive Officer using the **Complaints and Appeals Form**, setting out in detail the issue of concern.

### Complaints Process

All complaints shall follow the below process:

- Complaints are to be made in writing to the RTO Manager within 7 calendar days of the incident using the **Complaints and Appeals Form**.
- A submitted **Complaints and Appeals Form** will constitute a formal complaint from the student / client. Further detail of the complaint can be provided verbally.
- The Chief Executive Officer (CEO) must be informed of receipt of all complaints immediately.
- The CEO may delegate responsibility for the investigation and resolution of the complaint.
- In the case of a complaint, the CEO will initiate a transparent, participative investigation to identify the issues.
- Complaints, where possible, are to be resolved within 14 calendar days of the initial application.
- In all cases the conclusion will be assessed by the Chief Executive Officer TITEB.
- The Client will be advised in writing of the outcome of their complaint, within seven (7) days of resolution.



- If the outcome is not to the satisfaction of the Client, they may seek an appointment with the CEO.
- If the client is not satisfied with the decision, they have the option to seek outside assistance to pursue the complaint.

If the complainant is not satisfied with the outcome, they may write to the Chief Executive Officer, setting out in detail the issue of concern. This may lead to occasions where an industry-training representative may be invited to act as an objective party in order to negotiate a satisfactory resolution.

### **Appeals Process**

All appeals shall follow the below process:

- Appeals are to be made in writing to the Chief Executive Officer of TITEB within 7 calendar days of notification of the assessment decision using the **Complaints and Appeals Form**.
- A submitted **Complaints and Appeals Form** will constitute a formal appeal from the appellant. Further detail may be provided by the appellant verbally.
- The Chief Executive Officer of TITEB may delegate responsibility for the investigation and resolution of the appeal, as appropriate.
- Appeals, where possible, are to be resolved within 28 days of the initial application.
- If the appeal will take more than 28 calendar days to finalise TITEB will inform the appellant in writing providing the reasons why more than 28 calendar days are required. The appellant will also be provided with regular updates on the progress of the complaint / appeal.
- In all cases the conclusion will be endorsed by the Chief Executive Officer of TITEB.
- The appellant will be advised in writing of the outcome of their appeal, within seven (7) days of the resolution.
- If the outcome is not to the satisfaction of the appellant, they may seek an appointment with the Chief Executive Officer TITEB.
- If the appellant is not satisfied with the decision, they have the option to seek outside assistance to pursue the appeal.

### **8. Records Management**

Records of all complaints and their outcomes are maintained securely.

Records of complaints are to include:

- How the complaint was dealt with.
- The outcome of the complaint.
- The timeframes for resolution of the complaint.
- The potential causes of the complaint.
- The steps taken to resolve the complaint.