

COMPLAINTS AND APPEALS

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Preamble

This policy will provide guidelines and procedures to ensure ETAS (WA) Pty Ltd and any and all of its subsidiaries (referred to as ETAS Group) continues to meet the requirements of the National Vocational Education and Training – Standards for Registered Training Organisations 2015 in respect to Complaints and Appeals.

Purpose and Policy Statement

This policy is to manage and respond to allegations involving the conduct of:

- a) the ETAS Group’s trainers, assessors or other staff;
- b) a third party providing services on the behalf of ETAS Group, its trainers, assessors, or other staff; or
- c) a learner of the ETAS Group, and

To manage requests for a review of decisions, including assessment decisions, made by ETAS Group or a third party providing services on ETAS Group’s behalf.

Scope

Complaints and appeals against decisions of ETAS Group may be made by staff, students or external entities and as such this policy applies to all stakeholders.

This policy aims to ensure that:

- any appeals and complaints are resolved in a constructive manner;
- students feel satisfied that there is a process in place to deal with any appeals or complaints and that any appeals or complaints are handled satisfactorily;
- an environment of fairness and trust is maintained;
- the root causes of any complaints are identified and addressed to allow for continuous improvement and to avoid recurrence of the complaint.

References and Legislation

- National Vocational Education and Training Regulator Act 2011
 - Standards for Registered Training Organisations 2015
 - Standard Two: The operations of the RTO are quality assured
 - Clause 2.2 b
 - Standard Five: Each learner is properly informed and protected
 - Clause 5.2 d
 - Standard Six: Complaints and Appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively
 - Clauses 6.1 - 6.6
- Equal Opportunity Act 1984
- Disability Discrimination Act 1992

Related Documents

- ETAS Group Continuous Improvement Policy and Procedure
- ETAS Group Complaint / Appeal Form
- ETAS Group Complaint and Appeal Register
- ETAS Group Access and Equity Policy
- ETAS Group Legislative Compliance Policy and Procedure
- ETAS Group Student Support Policy and Procedure

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Definitions

- Complaint means a grievance in relation to dissatisfaction with procedures or quality of service provided by ETAS Group in relation to any internal policy or procedure such as enrolment, quality of training or assessment, issues relating to discrimination, sexual harassment, amenities, resources or staff members
- Appeal means a process whereby a decision has been made by ETAS Group (or its staff) in which a student or staff member are unhappy and they would like the decision to be reviewed. An appeal of a decision could relate to assessment outcomes, deferral, suspension, cancellation or any other decision that has been made which affects the appellant . An appeal refers to a dispute or request to reconsider any decision made by ETAS Group, regardless of the context
- Appellant means the person who has made an appeal against an ETAS Group decision
- Complainant means a person who has made a complaint to ETAS Group

General Policy Information

As a result of the delivery of training and assessment services offered by ETAS Group, it is acknowledged that issues, concerns or complaints may arise that need resolution. All stakeholders of ETAS Group training and assessment services have the right to lodge an appeal or complaint if they are dissatisfied with the services provided, the purpose of this Complaints and Appeals Policy is to offer transparency and fairness to all stakeholders in this process. Before instituting an appeal or making a complaint, where reasonable it is preferred that the person or people concerned attempt resolution through discussion.

Complaints and appeals may be lodged anonymously, and can be made on behalf of a student by friends, family or other organisations. In the event that they are provided, details of the person appealing or making any complaints will be kept confidential. They will not intentionally be communicated to other students or people outside the organisation except in the case of government agencies and departments requesting the information or performing an audit.

There will be no charge for making a complaint or lodging an appeal.

A complaint should:

- Clearly outline the circumstances resulting in dissatisfaction with the training and assessment services provided;
- Indicate whether the complainant wishes to be involved in further dialogue regarding the complaint;
- Confirm whether the complainant would like to be informed about actions taken or decisions made as a result of their complaint; and
- (Where possible) indicate any outcome/s sought.

Valid grounds for submitting an appeal may include, but are not limited to the following claims in relation to decisions made:

- Incorrect advice from any person making a decision pertaining to training and assessment services within ETAS Group;
- Incorrect advice from the assessor regarding the assessment process;
- Bias of the assessor;
- The proficiency of the trainer and/or assessor;
- Any perceived discrimination;

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- Inappropriate assessment process for the competency being assessed; and/or
- Faulty or inappropriate equipment or resources

An appeal should:

- Clearly state the grounds on which the appeal is based;
- Indicate the outcome sought;
- Be signed by the applicant; and
- Include, wherever possible, any evidence available to support the claim.

Complaints and appeals will be viewed as a constructive contribution to continuous improvement of ETAS Group’s operations. Where the appeal or complaint results in discovery of a weakness in ETAS Group’s operations, policies and procedures should change as a result.

The Appeals and Complaints policy will be made known to individuals through electronic dissemination on the ETAS Group website and pre-enrolment information. It is the Chief Operations Officer’s responsibility to ensure that this happens. New students and staff will be reminded of this policy during orientation, and a summary of this policy will be freely available in the Student and Staff Handbook.

Principles of fairness will be exercised throughout the complaint/appeals process:

- There will be no discrimination as a result of making a complaint;
- Complaints and appeal processes will be transparent, equitable, objective and unbiased;
- The principles of natural justice and procedural fairness will be upheld at all times;
- The process will be accessible to all; thus, all staff need to be aware that people with limited English proficiency, special needs etc., may need extra assistance with the complaints/appeals process.

This policy does not remove a student’s right to take further action under Australia’s consumer protection laws.

Procedure and Flowchart

Timeframes

- Complaints can be made verbally, or in writing at any stage.
- Appeals against assessment decisions must be submitted in writing within **28 working days** of the date of notification about the assessment decision in question.
- ETAS Group will notify the individual, in writing, that their appeal or complaint has been received within **10 working days**
- ETAS Group will endeavour to close all complaints and/or appeals within **20 working days** from receipt of the complaint/appeal
- In the unlikely event that is it deemed more than **60 calendar days** are required to process and finalise a complaint or appeal, ETAS Group will;
 - o Inform the complainant / appellant in writing, including reasons why more than 60 calendar days are required, and
 - o Will regularly update the complainant / appellant on the progress

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Taking things further

In the case of an individual who makes a complaint not being satisfied with the outcome, they can appeal to an outside organisation, such as:

Training Accreditation Council

Level 9, 20 Walters Drive, Osborne Park, WA 6017

Telephone: 9441 1910

Complaints: tacomplaints@des.wa.gov.au

If the complaint or appeal involves an alleged contravention of the Disability Standards for Education (<http://education.gov.au/disability-standards-education>), the matter can be taken to the Human Rights and Equal Opportunities Commission (HREOC):

HREOC

GPO Box 5218

Sydney NSW 2001

www.hreoc.gov.au and click on 'Complaints/Lodge a complaint'

Staff members not satisfied with the outcome of a complaint may be able to use other channels, such as their union if they are a member.

The **National Training Complaints Hotline** is a joint initiative between the Commonwealth, state and territory governments.

Anyone with a complaint or query about the training sector now has one number to call, so they can report a complaint and have it referred to the right authority for consideration.

Consumers can register a complaint with the National Training Complaints Hotline by:

Phone: 13 38 73 (please select option 3), Monday–Friday, 8am to 6pm nationally.

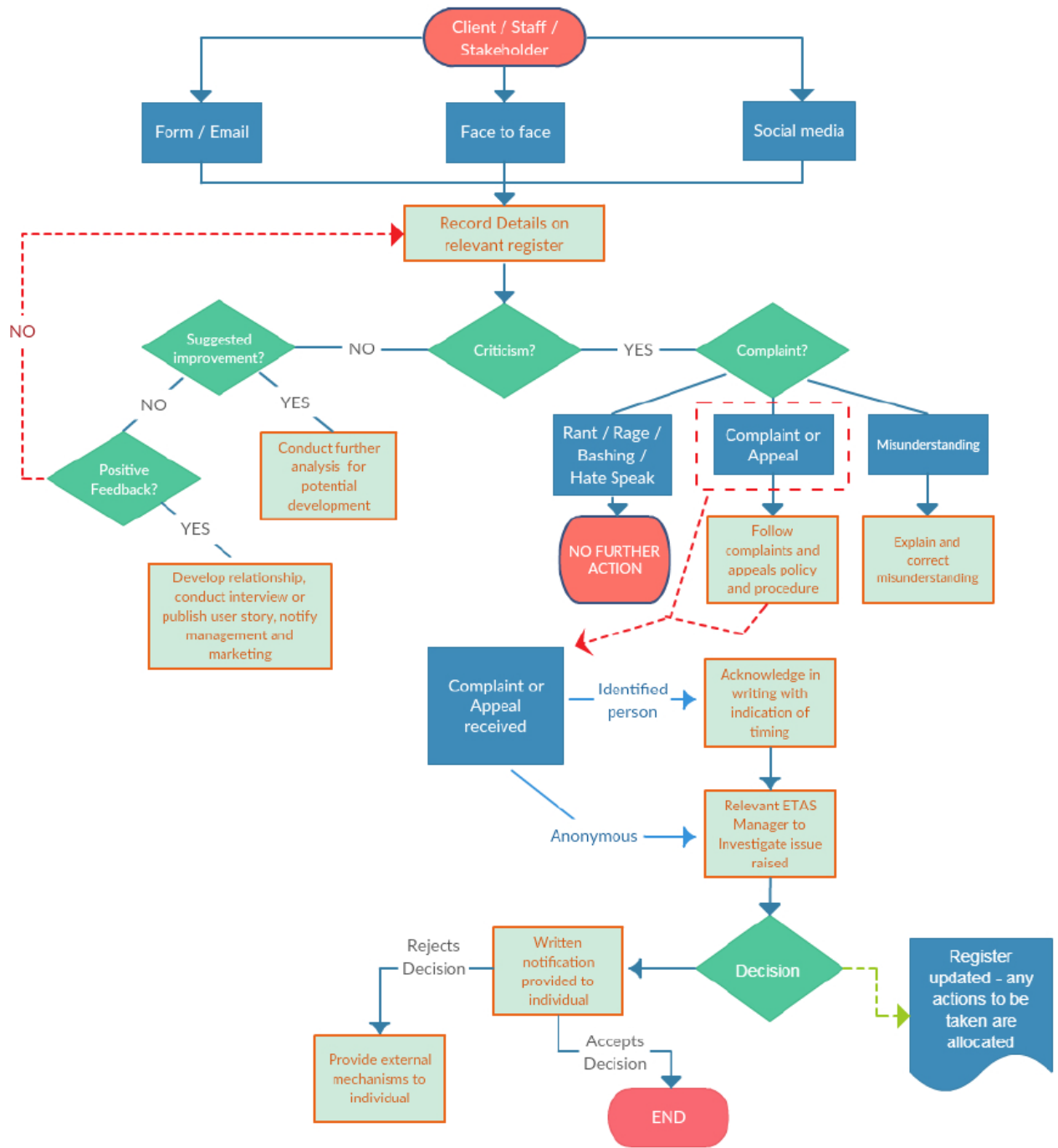
Email: skilling@education.gov.au

Please note that your call will be directed to Skilling Australia which covers many vocational education and training matters. For concerns and complaints regarding vocational education and training please select option 3.

The National Training Complaints Hotline uses the services of the Translating and Interpreting Service and National Relay Service.

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Flowchart



Relationship to the continuous improvement process


Often improvements will be identified as an outcome of either a complaint or appeal. These are to be linked to the continuous improvement system by raising a continuous improvement report for the complaint or appeal outcome, which denotes actions and deliverables to be addressed.

Breaches of Policy

Any person who is found to have breached this policy or the legislation to which this policy applies will be disciplined and may be subject to further criminal prosecution.

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Confirmed current as at: 17/03/2017

Signed: 

Name: [Greg Smith](#)

Positon: [Chief Operations Officer](#)

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