Complaints and Appeals Policy
Contents
Appeals and Complaints Policy and Procedure ................................................................. 3
What this policy and procedure covers. .............................................................................. 3
Appeals and complaints policy ......................................................................................... 3
Appeals and complaints procedure ................................................................................... 4
Continuous Improvement of this policy and procedure...................................................... 6
Appeals and Complaints Policy and Procedure

Changes to this document may also affect: Access and Equity Policy, Appeals/Complaints Form, Appeal/Complaint Register (NovaCore web form) and marketing material.

What this policy and procedure covers.
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.

Appeals and complaints policy
Complaints and appeals against decisions of ETAS Group may be made by staff or students.

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.

Before instituting an appeal or making a complaint, where reasonable it is preferred that the person or people concerned attempt resolution through discussion.

Any complaints involving allegations of discrimination, harassment or victimisation will be taken particularly seriously, and could lead to expulsion (if a student) or dismissal (if an employee).

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.

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.

Complaints and appeals may be lodged anonymously, and can be made on behalf of a student by friends, family or other organisations.

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

The Appeals and Complaints policy will be made known to prospective students through the marketing material. It is the Managing Director’s (MD) 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 Handbook and the Staff Policy and Procedure Manual.

Any document relating to a complaint or appeal should be kept in a secure location to prevent unauthorised access. Please see Record Keeping and Data Management Policy.
Appeals other than appeals against assessment decisions can be made up to one year after the decision being appealed against, or later at the discretion of the MD (assessment appeals have a different time frame, as specified in the Assessment Policy). Records must be kept to allow sufficient investigation for appeal purposes during this period of time.

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.

ETAS Group’s dispute resolution processes do not circumscribe the student’s right to pursue other legal remedies.

**Appeals and complaints procedure**

Before a student makes an appeal or complaint, where appropriate the student concerned should discuss the matter with their trainer/assessor, or the MD, as appropriate. If it is a staff member making the complaint or appeal, the matter should be discussed with the staff member’s manager or the MD, where reasonable to do so.

If the matter is not resolved through initial discussions, the preferred way to make a formal complaint or lodge an appeal is by completing and lodging an Appeal/Complaint Form 1. This can be obtained from the ETAS Group website. However, complaints and appeals may also be lodged by email, telephone or in person.

The Form 1 should be handed or sent to the Administration Officer to be delivered to the MD at the earliest possible opportunity. To preserve confidentiality, it may be delivered in a sealed envelope clearly marked “To the Managing Director ETAS Group—Urgent and Confidential”.

The matter is entered into the Appeal/Complaint Register. The purpose of this register is to:

- make it easier to check whether there is a pattern to the complaints and appeals, or
- facilitate continuous improvement and auditing of complaints and appeals handling.

The complainant/appellant is sent written acknowledgement of receipt of the complaint/appeal within ten working days of the date of the complaint/appeal (Appeal/Complaint Form 2), except in the case of anonymous complaints. This written acknowledgement will also state a time period in which it is expected the matter will be considered.

Where it is considered more than 60 calendar days are required to process and finalise the complaint or appeal, ETAS Group will:

- inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
- regularly update the complainant or appellant on the progress of the matter.
The MD is responsible for dealing with complaints relating to all matters (though this may change at the MD’s discretion depending on the nature of the complaint). Other staff members may be consulted where appropriate and where this can be done without apparent bias.

Complaint/appeal handling may also involve meeting(s) with the person making the complaint/appeal in order to gather more information or to negotiate a solution. The person making the complaint is entitled to bring another party to those discussions.

The matter may be considered at the next Management Meeting. Any part of a complaint/appeal that involves appealing against an assessment decision should follow the section of the Assessment Policy dealing with appeals.

The person making the appeal/complaint will be informed about the outcome in writing within the time period mentioned in the written acknowledgement of receipt of the complaint/appeal. The written information (Appeal/Complaint Form 3) should clearly state the outcome and the reasons for it, and may be supplemented with a discussion with the complainant/appellant. It will also contain information about how to appeal against the decision.

An independent arbiter may be engaged if requested by the person making the complaint/appeal, who should be informed that the unsuccessful party to the appeal or complaint bears any cost of the independent arbiter. Either party will have opportunity to veto the choice of arbiter if lack of independence is suspected.

The Appeal/Complaint Register entry is updated to show the outcome, as well as any further appeal.

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

**Training Accreditation Council**
Level 9, 20 Walters Drive, Osborne Park, WA 6017
Telephone: 9441 1910
Complaints: taccomplaints@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 ETAS Group will:

- securely maintain records of all complaints and appeals and their outcomes; and
- where potential causes of complaints and appeals are identified take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.
Continuous Improvement of this policy and procedure

This policy will be reviewed at Management Meetings whenever a suggestion to do so is made, otherwise annually.

Continuous improvement may include data from:

- Client satisfaction survey (AQIS)
- Informal observations and comments from staff, especially during the complaints and appeals process itself.
- Feedback from students regarding the complaints and appeals process, e.g. on Appeals/Complaints Forms.
- Complaints and Appeals register
- Employee Feedback Form

Records of continuous improvement will include:

- Archived survey forms and summaries thereof
- Minutes of meetings where continuous improvement is discussed
- Version change information
- Archived previous versions of this document