

EXTRACT FROM POLICIES & PROCEDURES PAGE 21

COMPLAINTS AND APPEALS POLICY & PROCEDURE

1. POLICY

- 1.1 Intrain Assessor has a complaints policy to manage and respond to allegations involving the conduct of:
 - a) Intrain Assessor, its trainers, assessors or other staff
 - b) a third-party providing services on behalf of Intrain Assessor, its trainers, assessors or other staff or
 - c) a learner of Intrain Assessor.
- 1.2 If a client has a complaint that they wish to raise with Intrain Assessor they are encouraged to do so through the Complaints and Appeals procedure. Clients are also encouraged to appeal any Intrain Assessor decision if they feel they have valid grounds via the Appeals process as per this policy. This includes assessment and RPL decisions.
- 1.3 Clients may lodge informal and formal complaints. Clients may also access Intrain Assessor internal and the external appeals process.
- 1.4 Intrain Assessor has a procedure for informal/ formal complaints and internal and external appeals processing/ handling.
- 1.5 All complaints and appeals lodged will be used for continuous improvement purposes.
- 1.6 The CEO is responsible for implementing this policy and reviewing its effectiveness in compliance with regulatory guidelines.
- 1.7 This policy will be implemented in compliance with the requirements of the NVR Standards for registered training organisation 2015 Clauses 6.1, 6.2, 6.3, 6.4, 6.5, 6.6
- 1.8 This policy and procedure applies to all INTRAIN ASSESSOR clients and staff.
- 1.9 Clients right to access Australian consumer protection law other legal remedies is not affected by this policy and procedure.
- 1.10 All clients are provided information on Intrain Assessor Complaints and appeals policy and procedure pre and post enrolment.
- 1.11 Intrain Assessor encourages all parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation.
- 1.12 Clients may be accompanied and assisted by a representative at any time.
- 1.13 Clients' enrolments are maintained whilst an internal complaint or appeal is in progress and the outcome has not been determined.
- 1.14 If there is any matter arising from a client complaint or appeal that is a systemic issue which requires improvement action this will be reported to Intrain Assessor management meeting as part of the continuous improvement process.
- 1.15 The client will incur no cost during the complaints and appeals process unless they seek external representation.
- 1.16 Complaints and appeals are taken seriously by Intrain Assessor and action is commenced within 5 days of receipt of a complaint or appeal. Intrain Assessor act upon the outcome of any complaint found to be substantiated. Appeals must be lodged within 20 working days of the decision of a complaint process or assessment result.
- 1.17 Clients are provided the opportunity to lodge their complaint or appeal in writing.
- 1.18 The following procedure outlines how clients will have their complaints and appeals processed.

PROCEDURE

2. INFORMAL COMPLAINT PROCESS – GENERAL COMPLAINTS

- 2.1 Clients are encouraged to approach any member of Intrain Assessor staff and make an informal complaint about any issue relating to their training.
- 2.2 Where possible staff members utilise advice, discussions, and general mediation in relation to the issue/ complaint. Staff members try and resolve the issue informally.
- 2.3 Any staff member can be involved in this informal process to resolve issues.
- 2.4 Staff members refer clients to the Intrain Assessor Human Resources Department if they feel they cannot, or it is not appropriate for them to try and resolve the complaint/ issue. The Intrain Assessor Human Resources Department may seek advice from or delegate the handling of the complaint to academic, welfare personnel or the CEO..
- 2.5 Staff may arrange a future meeting with the client if further investigation is required.
- 2.6 The outcome of the investigation is communicated to the client within an agreed timescale.
- 2.8 The outcome of the informal complaint should be communicated to the client within 5 working days of lodgment.
- 2.9 Clients who are not satisfied with the outcome of the informal process are encouraged to lodge a formal complaint.
- 2.10 All staff members should log informal complaints and outcomes in the complaints & appeals register for continuous improvement purposes.

3. FORMAL PROCESS - GENERAL COMPLAINTS

- 3.1 Clients are encouraged to make a formal complaint about any issue relating to their studies at Intrain Assessor.
- 3.2 If dissatisfied with the outcome of the informal complaints process, clients should complete the Complaints & Appeals form .
- 3.3 Clients should lodge formal complaints using the Complaints & Appeals form located in the Client information handbook and Intrain Assessor website or available from 322 Wagga Rd, Lavington, NSW, 2641
- 3.4 Complaints & Appeals forms are to be submitted to: Intrain Assessor Human Resources Department via e-mail to info@intrain.com.au or submitted to the Intrain Assessor 322 Wagga Rd, Lavington, NSW, 2641
- 3.6 Intrain Assessor processes the complaint/ appeal within 15 working days of lodgment.
- 3.7 If in the event more than 60 calendar days is required to finalise a complaint or an appeal, Intrain Assessor will inform the complainant or appellant in writing and include the reasons as to why the 60 calendar days are required. Intrain Assessor will also provide regular updates to the complainant or appellant as to the progress of the complaint or appeal.
- 3.8 Intrain Assessor gives clients every opportunity to present their case during this process and try to resolve the issue to the satisfaction of the client where possible.
- 3.9 The Intrain Assessor Human Resources Department will investigate the complaint and liaise with appropriate staff if necessary to ensure all the facts are considered prior to making any decision.
- 3.10 If appropriate the Intrain Assessor Human Resources Department may seek advice from internal/ external Welfare Support services and/ or involve welfare support personnel in the handling of the complaint.
- 3.11 If appropriate the Intrain Assessor Human Resources Department may seek advice from Academic staff and/ or involve Academic staff in the handling of the complaint.
- 3.12 If appropriate the Intrain Assessor Human Resources Department may implement Intrain Assessor' Critical Incident policy if they believe the issue meets the criteria to be deemed so.

- 3.13 The Intrain Assessor Human Resources Department may delegate the handling of the complaint to an appropriate staff member, Director or solicitor if appropriate.
- 3.14 The Intrain Assessor Human Resources Department may arrange a meeting with the client during the investigation process if appropriate.
- 3.15 If a meeting is initiated the Intrain Assessor Human Resources Department and at least one other appropriate member of staff, Director or solicitor will attend the meeting and review the evidence in coming to a decision.
- 3.16 Meeting minutes will be taken and made available to all parties.
- 3.17 Clients' have the right to seek advice from and be represented by external parties at any time during the complaints and appeals process. The cost of this will be borne by the client.
- 3.18 At the meeting the client has the opportunity to submit and discuss the grounds/ evidence for their complaint.
- 3.20 Intrain Assessor staff clarifies evidence/ information to ensure they fully understand all aspects of the issue.
- 3.21 On reviewing the evidence staff attempts to negotiate a resolution to the issue/ complaint if appropriate.
- 3.22 The Intrain Assessor Human Resources Department notifies the client in writing of Intrain Assessor decision within 3 working days of the decision being made. This will include reasons for the decision.
- 3.23 Clients are notified of their right to appeal any decision within 20 working days of receiving notification if they are not satisfied with the outcome of the process. They are also notified how to access the process.
- 3.24 All formal complaints and outcomes are recorded in the Complaints and Appeals Register. If appropriate the continuous improvement register will be updated.
- 3.25 If a client's complaint is substantiated through this process the Intrain Assessor Human Resources Department (or delegate) will take immediate corrective action.
- 3.26 All relevant documentation relating to the complaint is stored in the client's file.
- 3.27 The internal appeals procedure is outlined below.

4. INTERNAL APPEALS PROCESS – GENERAL APPEALS

- 4.1 If clients are not satisfied with a Intrain Assessor decision they may appeal by accessing the appeals process.
- 4.2 The client will not incur costs when accessing the internal appeals process unless they seek representation.
- 4.3 General appeals may be made in relation to the following areas:
- 4.4 The outcome of a formal complaint
- 4.5 The outcome of action being brought against the client for breaching the code of conduct
- 4.6 Clients must have reasonable grounds for an appeal and include all supporting evidence with the Complaints & Appeals form.
- 4.8 The CEO/Intrain Assessor Human Resources Department is not able to assist clients in establishing if they have reasonable grounds for an appeal.
- 4.9 Clients' have the right to seek advice from and be represented by external parties at any time during the appeals process. The cost of this will be borne by the client.

- 4.10 If the appeal is in relation to the Intrain Assessor Human Resources Department decision, a Director or solicitor will deal with the process.
- 4.11 If the appeal is lodged as a result of the outcome of a complaint, the staff members who dealt with the complaint will not handle the appeal.
- 4.12 Clients must lodge an appeal within 20 working days of being notified by Intrain Assessor of any decision they wish to appeal.
- 4.13 Clients must lodge appeals using the Complaints & Appeals form located in the client information handbook and or available enquiries@intrain.com.au
- 4.14 Complaints & Appeals forms are to be submitted to: Intrain Assessor Human Resources Department or via e-mail to info@intrain.com.au or submitted to Intrain Assessor 322 Wagga Rd, Lavington, NSW, 2641
- 4.15 The appeals process will commence within 3 working days of lodgment and the outcome communicated to the client within 20 working days of lodgment. On receiving an appeal, Intrain Assessor will arrange a meeting to take place and inform the client in writing.
- 4.16 The client and representative (if requested), representative from Intrain Assessor Human Resources Department and two other appropriate members of staff will attend the meeting.
- 4.17 Staff handling the appeal provides clients every opportunity to present their case during this process and try to resolve the issue to the satisfaction of the client where possible.
- 4.18 Intrain Assessor considers all the evidence and liaise with appropriate staff if necessary to ensure all the facts are considered prior to making any decision.
- 4.19 If appropriate Intrain Assessor staff may seek advice from internal/ external welfare support services and/ or academic staff.
- 4.20 If appropriate Intrain Assessor staff may implement Intrain Assessor Critical Incident policy if they believe the issue meets the criteria to be deemed so.
- 4.21 Intrain Assessor representatives will clarify evidence/ information to ensure they fully understand all aspects of the issue.
- 4.22 The evidence will be reviewed in an impartial manner in coming to a decision.
- 4.23 Minutes of the meeting will be taken including the outcome of the appeal. This will also include the reasons for the decision. The minutes will be signed by all present.
- 4.24 Intrain Assessor staff discusses the reasons for the decision with the appellant.
- 4.25 If the outcome is in favour of the client Intrain Assessor will immediately commence corrective/ improvement action.
- 4.26 Clients are posted written confirmation of the outcome the next business day. The letter details the reasons for the decision and informs the client of their right to access the external appeals process within 20 working days of receipt of the letter (if appropriate). Information on how to access this process is also provided.
- 4.27 The complaints and appeals register is updated. The continuous improvement register may also be updated.
- 4.28 All evidence will be placed in the client's file.
- 4.29 There are no further avenues within Intrain Assessor for complaints or appeals after the internal appeals process has been completed, however an external appeals process is available to clients.
- 4.30 Details of the external appeals process and how clients may access it are outlined below.
- 4.31 Clients may also seek to pursue a legal route if they feel unsatisfied with the outcome. Costs of any legal action incurred by the client are to be covered by the client.

5. INTERNAL APPEALS PROCESS – ASSESSMENTS

- 5.1 The client will not incur costs when accessing the internal appeals process unless they seek representation.
- 5.2 If a client feels they have been unfairly assessed or there are circumstances that impacted their performance they may appeal an assessment decision.
- 5.3 Clients should approach their assessor in this case outlining the reasons for their appeal.
- 5.4 If the assessor feels there are reasonable grounds for the appeal, he/ she may decide to re-assess the client.
- 5.5 The assessor should document this process along with the outcome in the complaints and appeals register. All supporting documentation should also be placed in the client's file.
- 5.6 If the assessor decides to refuse the client an opportunity for re-assessment, the client may lodge a formal appeal by submitting a complaints and appeal form. The client must provide reasons for the appeal along with any supporting evidence.
- 5.7 Complaints & Appeals forms are to be submitted to: Intrain Assessor Human Resources Department or via e-mail to info@intrain.com.au or submitted to the Intrain Assessor 322 Wagga Rd, Lavington, NSW, 2641
- 5.9 The staff member reviews all the supporting documentation and discusses the situation with the assessor and client. A decision will be made after all the evidence has been considered.
- 5.10 If the Intrain Assessor Human Resources Department, Director, solicitor or other staff member handling the process decides that the clients appeal be upheld the following will apply.
- 5.11 The assessment in question will be marked by a different trainer (or by a trainer from another RTO if appropriate and feasible) and the outcome communicated to the client.
- 5.12 The assessor should document this process along with the outcome in the complaints and appeals register. All supporting documentation should also be placed in the clients file.
- 5.13 The client will be awarded the grade that gives them the most favourable outcome between the two submissions.
- 5.14 If the clients appeal is refused, they will be sent written notification of the outcome within two working days of the decision being made. This will also include reasons and details for the decision. The letter will also inform the client of their right to access the external appeals process and how to do so.
- 5.15 Clients can only appeal an assessment decision once.
- 5.16 If clients are dissatisfied with the outcome of the internal appeals process, they may access the external appeals process. Details of this procedure and how to access it are outlined below.
- 5.17 Clients may also seek to pursue a legal route if they feel unsatisfied with the outcome. Costs of any legal action incurred by the client are to be covered by the client.

6. EXTERNAL APPEALS PROCESS

- 6.1 External appeals may only be lodged if a client thinks Intrain Assessor has not followed this Complaints and Appeals policy and procedure.
- 6.2 Clients may access the external appeals process with ASQA at <http://www.asqa.gov.au/complaints/making-a-complaint.html>
- 6.3 Clients must lodge external appeals using the Complaints & Appeals form located in the Client information handbook or available from Intrain Assessor 322 Wagga Rd, Lavington, NSW, 2641 or enquiries@intrain.com.au
- 6.4 Complaints & Appeals forms are to be submitted to: Intrain Assessor Human Resources Department via email to info@intrain.com.au or submitted to Intrain Assessor 322 Wagga Rd, Lavington, NSW, 2641

- 6.5 Intrain Assessor will forward all external appeals to Mike Eden Solicitor @ mike@edenlawyers.com.au *within two working days of lodgment.*
- 6.6 ASQA at <http://www.asqa.gov.au/complaints/making-a-complaint.html> will advise the client that in general, the purpose of the external appeals process is to determine whether Intrain Assessor has followed its internal complaints and appeals policy and procedure.
- 6.7 ASQA at <http://www.asqa.gov.au/complaints/making-a-complaint.html> will not review the evidence or make a decision in place of the one made by Intrain Assessor.
- 6.8 Clients will not incur costs in accessing the external appeals process unless they seek external representation. 6.9 All documentation is placed in the clients file.
- 6.10 Mike Eden Solicitor @ mike@edenlawyers.com.au will provide a written statement of the outcome including reasons and details for the decision to the appellant and Intrain Assessor at the completion of the external appeals process.
- 6.11 If the outcome of the external appeals process results in a decision favoring the client, Intrain Assessor will immediately implement any corrective action, decision or measures required as indicated in the written response provided by the external appeals body. The client will be advised as to the course of action taken by Intrain Assessor as per Mike Eden Solicitor @ mike@edenlawyers.com.au advice.
- 6.12 The client will be contacted within 24 hours of receiving notification from Mike Eden Solicitor @ mike@edenlawyers.com.au of the decision.
- 6.13 The client may access and receive the outcome of only one external appeals process.
- 6.14 If in the event more than 60 calendar days is required to finalise a complaint or an appeal. Refer to point 3.7.

FURTHER INFORMATION

Intrain Assessor Complaints and Appeals policy and procedure in no way effects the clients right to access consumer affairs legislation and legal representation.

Clients also have the right to contact the VET regulator if they are dissatisfied with the complaints and appeals process and lodge a complaint against Intrain Assessor.

NATIONAL VET REGULATOR

Australian Skills Quality Authority

Web: www.asqa.gov.au

Email: enquiries@asqa.gov.au

Phone: 1300 701 801

DOCUMENTS TO BE EMPLOYED WHEN IMPLEMENTING THIS POLICY AND PROCEDURE:

- Client information handbook
- Complaints and appeals form
- Complaints and appeals register
- Continuous improvement policy and procedure
- Continuous improvement register