

COMPLAINTS AND APPEALS POLICY AND PROCEDURE

0 DEFINITIONS

Appeal: claim for a review of competency outcome using independent judges or a claim against a non-academic decision

Assessment Appeal: initial claim for a review of competency outcome

Client: an external customer who notionally pays for the work New first Pty Ltd performs

Complaint: any aspect of involvement with New first Pty Ltd that causes resentment that results in a documented complaint usually caused by a breakdown in the processes used within New first Pty Ltd .

Customer: a person that benefits from their involvement with New first Pty Ltd; internal customers are staff members who rely on performance by other staff members. External customers are those who are outside the organisation and derive benefits from our work

Staff Member: an individual who may be employed or contracted by New first Pty Ltd to support the operation of New first Pty Ltd or to deliver or assess its courses

Third Party Training Arrangements: New first Pty Ltd has written agreements (third party training agreements) in place with a number of organisations who can train and assess approved courses under the auspices of New first Pty Ltd. These organisations are termed New first Pty Ltd Training Partners. Where possible, a New first Pty Ltd Training Partner will note on their website that they have a training arrangement in place with New first Pty Ltd

New first Pty Ltd will ensure that all New first Pty Ltd Training Partners follow the same RTO guidelines. Wherever New first Pty Ltd is noted, it will refer to both New first Pty Ltd and to the New first Pty Ltd Training Partner

1 COMPLAINTS

- 1.1 New first Pty Ltd /New first Pty Ltd Training Partner will adhere to the [National Complaints Code](#) to respond to complaints about vocational education and the organisation itself. This may include:
 - The RTO
 - RTO Staff: its trainers, assessors or other staff
 - Learners of New first Pty Ltd /New first Pty Ltd Training Partner
 - New first Pty Ltd Training Partner or a Third Party providing services on New first Pty Ltd 's behalf, its trainers, assessors or other staff
- 1.2 New first Pty Ltd 's Complaints and Appeals Policy will be publicly available, including the Complaints Form ([F004](#)), the Appeals Form ([F005](#)) and the Assessment Appeals Form ([F019](#))
- 1.3 Where verbal complaints are received, they can be discussed with the trainer or person involved and preferably resolved
- 1.4 If there is a need to formalise the issue or to define the outcome, then the complaint is documented on a Complaints Form ([F004](#)) and submitted to the General Manager by the complainer. Complaint will be recorded on the Complaint and Appeal Register ([R003](#))

- 1.5 The complaint will be acknowledged in writing within 7 days to the person raising the complaint
- 1.6 Complaints cannot be anonymous because this is considered unfair as ongoing discussion cannot take place to resolve the issue between all parties
- 1.7 New first Pty Ltd will ensure the principles of natural justice and procedural fairness is adopted at every stage of the complaint and if required the appeal process. In the interests of transparency, the matter will be discussed with all parties involved
- 1.8 Information submitted to a trainer or any staff member is treated with respect and taken as an opportunity to improvement the organisation's practices and Management System. Privacy requirements and learner/ individual rights are maintained
- 1.9 Written Learner and Staff complaints, irrespective of the nature of the complaint, are advised to the Chief Executive Officer by the General Manager
- 1.10 Complaints either by Learners or Staff members lodged via a Complaints Form ([F004](#)) that have been found to be true and requiring system changes, are then recorded onto an Improvement Request ([F010](#)) by the General Manager for processing as required under Clause 2
- 1.11 Complaints must be investigated fairly and objectively by the General Manager or Chief Executive Officer in consultation with the Learner/complainant and all other stakeholders
- 1.12 Where a meeting is required via skype, telephone or in person, the complainant has the right to bring a support person to be present (someone to assist or speak for them) with them to the meeting as well as to assist during the complaint and appeals process. New first Pty Ltd will record notes of the meeting/s and copies will be provided to the complainant.
- 1.13 Details of the investigation are given in writing to the complainant stating the outcomes and reasons for the decisions made. The close out of the improvement request is noted on the Register of Continuous Improvement ([R007](#)). The subject of the complaint will then be then monitored for an appropriate period to confirm that the changes have been made successfully
- 1.14 A copy of the all documentation, in particular the complaint and the outcome, is placed in the electronic Complaints and Appeals folder. If involving a learner, a copy will also be placed in the learner's file
- 1.15 Privacy requirements and Learner/complainant rights are maintained. New first Pty Ltd will securely maintain records of all complaints and appeals and their outcomes
- 1.16 Where more than 60 days are required to process, and finalise the complaint, New first Pty Ltd will inform the complainant in writing why more than 60 days are required and will provide regular progress updates
- 1.17 The issue may result in a change being made to the policies and procedures manual, the staff handbook and the learner handbook as these are the mechanisms of control. Documents will be changed and all stakeholders will be kept in the loop until the final; documented change has been completed.
- 1.18 Where the resolution requires a documented change to policies and procedures, the General Manager notifies the Chief Executive Officer of the change to ensure that the procedure for document change as listed in the "Version Control Policy and Procedure" ([P008](#)) is followed with the appropriate records made
- 1.19 The complaints process will be subject to internal audit and to annual review

2 APPEALS FOLLOWING COMPLAINTS or ASSESSMENT APPEAL

- 2.1 When the complaint is not resolved to the satisfaction of the complainant, they may lodge the complaint with an independent body. The Appeal will be recorded on the Complaint and Appeal Register ([R003](#)). The appeal will be acknowledged in writing to all relevant parties.
- If the appeal is not received within 7 working days of the complainant receiving the decision regarding the outcome of the complaint, the matter will be considered closed
- 2.2 The complainant can select their own independent mediator
- 2.3 The cost (if applicable) of independent mediation is borne by the losing party
- 2.4 If a Learner chooses to access independent mediation, then New first Pty Ltd shall maintain the Learner's enrolment until such time as the complaint/appeals process is resolved.
- 2.5 The person or body which hears the external complaint or appeal must be independent of, and external to, the registered provider. In order to be considered independent and external, the person or body would generally:
- Be separated in structure from both parties involved in the complaints and appeals process
 - Have no personal or professional interest in the outcome of the complaints or appeals process
 - To have no influence on the policy setting of the provider
 - Be financially and administratively independent of the provider; and
 - Not have the same directors or managers as the provider.
- 2.6 When reviewing their external complaints/appeals handling process, a provider should ensure it is confident of its impartiality and that its procedures are fair and open.
- 2.7 If the complaints procedures listed in Clause 1 does not resolve the matter, or if the alleged offender is an active respondent to the appeal, then the complainant formally approaches the General Manager using the Appeals Form ([F005](#)) to request this appeals process be triggered
- 2.8 The General Manager will organise a meeting with the independent mediation agent, the Chief Executive Officer and the complainant
- 2.9 The General Manager assembles the following information or documents:
- (a) Past Learner record;
 - (b) Attendance registers;
 - (c) Assessment tools and assessment data; and
 - (d) Any other supporting documents.
- 2.10 Where more than 60 days are required to process and finalise the appeal, New first Pty Ltd will inform the appellant in writing why more than 60 days are required and will provide regular progress updates
- 2.11 The matter is then referred to the independent mediator to whom the appellant may deliver their own version of the problem with a support person be present
- 2.12 The independent mediator then considers the issues raised and will attempt to resolve the appeal to the satisfaction of the appellant

- 2.13 If this internal (or any external) complaint handling or appeal process results in a decision that supports the Learner, then the decision/corrective and preventive action shall be implemented
- 2.14 Complaints either by Learners or Staff members lodged via an Appeals Form ([F005](#)) that have been found to be true and requiring system changes, are then recorded onto an Improvement Request ([F010](#)) by the General Manager for processing
- 2.15 The submission and the final outcome of the appeal is recorded and communicated to all parties in writing, including the Chief Executive Officer. The communication must contain the outcome of the appeal and the reasons for the decisions made.
- 2.16 A copy of the all documentation and communication, in particular the appeal and the outcome, is placed in the electronic Complaints and Appeals folder. If involving a learner, a copy will also be placed in the learner's file
- 2.17 No further appeal mechanism exists beyond this point in the appeals process

3 ASSESSMENT APPEALS

Scope

For Learner's who wish to appeal against a final decision of an assessment:

- To not award a qualification on the grounds that:
 - The Learner had been unsuccessful in all attempts to complete assessments to the required standard within the respective timeframe
 - The Learner had not completed or submitted all necessary assessment requirements for awarding purposes and the trainer/assessor and/or administrative staff have not been able to contact the Learner concerned after repeated attempts to finalise the matter
- 3.1 The Learner should verbally discuss the issue with their trainer/assessor to see if it can be resolved
- 3.2 If no resolution is reached, the Learner has the right to lodge an appeal against an assessment decision if they feel that the assessment decision is incorrect and/or they feel they were unfairly treated during an assessment and they have grounds for an appeal
- 3.3 Learners can lodge their formal assessment appeal by completing and submitting Assessment Appeals Form ([F019](#)) and including all supporting evidence that relates to the assessment appeal. To be lodged to New first Pty Ltd within 30 calendar days of the assessment result
- 3.4 All assessment appeal steps will follow the same process as per clauses 1 and 2. Note that the Assessment Appeals Form ([F019](#)) is used instead of the Complaint Form as noted in the steps of clause 1