

# Grievances, Complaints and Appeals Policy and Procedures

## 1. PURPOSE

NECA Training is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (RTOs) 2015. As such, NECA Training is required to have a policy and processes in place to afford a forum where issues or inadequacies regarding the business and decisions of the RTO can be raised and resolved.

This Grievances, Complaints and Appeals Policy assists NECA Training provide and maintain training and assessment services that are fair and reasonable through providing staff, contractors and students with clear guidelines for how Grievances, Complaints and Appeals are to be registered, acknowledged and addressed in a fair, efficient and effective manner.

## 2. SCOPE

2.1 For NECA Training employee grievances, the NECA NSW Employee Grievance Policy is to be used.

2.2 For all other grievances, complaints and appeals, this Policy is to be followed.

## 3. POLICY

NECA Training acknowledges that staff, contractors and students have the right to voice a grievance, lodge a complaint or appeal a decision in regard to NECA Training.

NECA Training will ensure that staff, contractors and students have access to a fair and equitable process for lodging a grievance or complaint in regard to NECA Training and/or appealing a decision made by NECA Training.

NECA Training will ensure that it:

- communicates the grievances, complaints and appeals policy and process to all staff, contractors and students;
- has procedures in place for recording, addressing and resolving grievances, complaints and appeals in a constructive and timely manner;
- treats all grievances, complaints and appeals seriously and deals with all grievances, complaints and appeals promptly, impartially, sensitively and confidentially;
- ensures staff, contractors and students are given the opportunity to formally present their case;
- utilises outcomes of grievances, complaints and appeals lodged to review and improve its business practices.

## 4. PRINCIPLES

### 4.1 Underpinning Principles

- a) Staff, contractors and students have the right to voice a grievance, lodge a complaint or appeal a decision in regard to NECA Training.

- b) The principles of natural justice and procedural fairness will be adopted at every stage of the process.
- c) This Policy will be made publicly available via the NECA Training website.
- d) NECA Training will address any grievance, complaint or appeal as soon as it emerges.
- e) All appeals will be handled 'In-Confidence' and will not affect or bias the progress of the participant in terms of any current or future training or the staff member/contractor in terms of their engagement with NECA Training.
- f) In the first instance, every grievance, complaint and appeal will be considered by the NECA Training Operations Manager who will acknowledge the matter in writing and seek to resolve the matter as soon as practicable.
- g) The resolution procedure is based on the understanding that no action will be taken without consulting the complainant and respondent, using a process of discussion, cooperation and conciliation.
- h) The resolution procedure emphasises mediation and education while acknowledging that, in some instances, formal procedures and disciplinary action may be required.
- i) The rights of the complainant and respondent will be acknowledged and protected throughout the grievance/complaint/appeal resolution process, including the conduct of separate interviews where required.
- j) In the interest of confidentiality, the number of people involved in the resolution process will be kept to a minimum.
- k) If the Operations Manager is unable to resolve the grievance, complaint or appeal to the satisfaction of the staff member/contractor/student, the staff member/contractor/student may request that the matter be referred to the NECA Training General Manager.
- l) If the NECA Training General Manager fails to resolve the grievance/complaint/appeal or the complainant is not satisfied with the outcome of the grievance/complaint/appeals process, the matter may be referred to an independent third party for review, at the request of the complainant. All costs incurred for the third party review will be advised to the complainant and will be the responsibility of the complainant.
- m) If the grievance/complaint/appeal will take in excess of 60 calendar days to finalise NECA Training will inform the complainant in writing providing the reasons why more than 60 calendar days are required. The complainant will also be provided with regular updates on the progress of the complaint.
- n) Victimisation of complainants, respondents or anyone else involved in the grievance/complaint/appeal resolution process will not be tolerated.

## 5. RESPONSIBILITIES

### 5.1 Management Responsibilities

The Operations Manager of NECA Training is the appointed Grievance, Complaints and Appeals Resolution Officer. The Operations Manager may delegate responsibility for the resolution of a grievance, complaint or appeal if necessary. Should the Operations Manager believe that they are not an appropriate person to address a registered grievance, complaint or appeal, they will refer the matter to the

NECA Training General Manager. The NECA Training General Manager may refer the matter to the NECA Training Board of Directors or an external independent party for review and/or action.

The NECA Training Operations Manager is responsible for ensuring that all staff and clients are aware of this policy.

The NECA Training General Manager and Operations Manager are to ensure staff act in accordance with this policy and all clients are made aware of their rights and responsibilities pursuant to this policy.

## **5.2 NECA Training Staff, Contractor and Client Responsibilities**

NECA Training staff, contractors and clients have the responsibility to acknowledge their rights and responsibilities pursuant to this policy and act in accordance with this policy.

## **6. RECORDS MANAGEMENT**

All documentation regarding items relevant to this Policy shall be maintained in accordance with the NECA Training Records Management Policy (See Records Management Policy).

## **7. CONTINUOUS IMPROVEMENT**

All registered grievances, complaints and appeals shall be monitored by the NECA Training General Manager and Operations Manager and areas for improvement identified and acted upon. (See Continuous Improvement Policy).

To assist this process:

- a. All staff are given fair and reasonable opportunity to participate in relevant decision making processes and the allocation of resources and services as required to fulfil their duties and responsibilities in light of the necessary improvement.
- b. All clients are given fair and reasonable opportunity to attend, complete and provide feedback on the quality and relevance of their training and assessment experience.

## **8. PROCEDURES**

### **8.1 Appeals Procedure**

All appeals shall be managed in accordance with the following procedure:

- a) If a client wishes to Appeal a NECA Training decision, they are encouraged to speak immediately with the relevant NECA Training Trainer/Assessor to resolve the issue. If the client is not satisfied that the issue has been resolved, the NECA Training Trainer/Assessor will invite them to lodge a formal Appeal.
- b) Appeals are to be made in writing within 7 calendar days of the decision.
- c) A submitted Appeals Form will constitute a formal appeal from the appellant.
- d) The NECA Training Operations Manager shall be informed of receipt of any appeal immediately upon lodgement.
- e) The NECA Training Operations Manager may delegate responsibility for the resolution of the appeal, as appropriate.

- f) Appeals will be processed in accordance with the Appeals Procedure Checklist (refer below)
- g) Wherever possible, Appeals are to be resolved within 28 days of lodgement.
- h) In all cases, the agreed resolution will be endorsed by the General Manager, NECA Training.
- i) The appellant will be advised in writing of the outcome of their appeal, within seven (7) days of the resolution.
- j) If the outcome is not to the satisfaction of the appellant, they may seek an appointment with the General Manager, NECA Training.
- k) After meeting with the General Manager, NECA Training, if the appellant is still not satisfied with the decision, they have the right to seek outside assistance to pursue the appeal.

## **8.2 Grievances & Complaints Procedure**

All grievances and complaints shall be managed in accordance with the following procedure:

- a) If a person has a grievance/complaint, they are encouraged to speak immediately with the relevant NECA Training Staff member to resolve the issue. If the complainant is not satisfied that the issue has been resolved, the NECA Training Staff member will invite them to lodge a formal complaint via completing a Complaints Form.
- b) Grievances/Complaints are to be made in writing within 7 calendar days of the incident.
- c) A submitted Complaints Form will constitute a formal complaint.
- d) The NECA Training Operations Manager shall be informed of all formal complaints immediately upon lodgement.
- e) The NECA Training Operations Manager may delegate responsibility for the resolution of the complaint.
- f) In the case of a complaint, the NECA Training Operations Manager will initiate a transparent, participative investigation to identify the issues.
- g) Complaints will be processed in accordance with the Complaints Procedure Checklist detailed below.
- h) Complaints, where possible, are to be resolved within 14 calendar days of lodgement.
- i) In all cases, the final resolution will be assessed by the General Manager, NECA Training.
- j) The complainant will be advised in writing of the outcome of their complaint within seven (7) days of resolution.
- k) If the outcome is not to the satisfaction of the complainant, they may seek an appointment with the General Manager, NECA Training.
- l) After meeting with the General Manager, NECA Training, if the complainant is still not satisfied with the decision they have the right to seek outside assistance to pursue the complaint.

## 9. PROCEDURES CHECKLISTS

### 9.1 Appeals Procedure

Appeals Procedure		
STEP 1 – Initial Review of Appeal		
No.	Who	Actions
1.1	Client	a) If the client is unhappy with an assessment decision, they should first seek to discuss the decision and options with the Trainer/Assessor to determine and fully understand the reasons for the decision.
1.2	Trainer/Assessor	a) With a view to resolving the matter, discuss the decision with the client, give specific feedback on their performance, identify areas requiring improvement, and provide available options to the client such as further training and/or assessment.
1.3	Trainer/Assessor	a) If the matter is successfully resolved, complete the “ <b>Appeals Lodgement Form</b> ” and submit to Admin for processing. b) If the matter is not resolved, advise the client of their right to appeal the decision referring them to this Appeals policy and provide the client with access to the <b>Appeals Lodgement Form</b> .
1.4	Admin	a) Enter details of Appeal into Student Management system (SMS) b) Enter details of Appeal into <b>Appeals Register</b> . c) File “ <b>Appeals Lodgement Form</b> ” (if appeal resolved) onto Client file. d) Advise Operations Manager of the Appeal
STEP 2 – Lodgement of Appeal		
No.	Who	Actions
2.1	Client	a) Lodges an appeal in writing using the “ <b>Appeals Lodgement form</b> ” within seven (7) days of the date of the decision. b) The <b>Appeals lodgement form</b> must clearly state the grounds for appeal and should include sufficient evidence to support the claim.
2.2	Admin	a) Enter details of Appeal into Student Management system (SMS) b) Enter details of Appeal into <b>Appeals Register</b> . c) Note actions on “ <b>Appeals Lodgement Form</b> ”. d) Print and commence “ <b>Appeals Progress Form</b> ”. e) Provide all documentation to the Operations Manager for action.
2.3	Operations Manager	a) On receipt of the <b>Appeals Lodgement Form</b> and <b>Appeals Progress Form</b> , acknowledge receipt of the claim, in writing, to the appellant within two working days, via email, letter or fax. b) Keep all documentation in the Appeals file, which will remain in place until the appeal is resolved. After which time all appeal documentation will be transferred to the Client’s file.
STEP 3 – Processing the Appeal		
No.	Who	Actions
3.1	Operations Manager Or General Manager Or Independent Assessor	a) Depending on the severity of the Appeal, within five working days, the Operations Manager will review the appeal and make a determination or refer the matter to the General Manager. The General Manager may refer the Appeal to an independent Assessor. b) The Appeal review will include: a. A review of the Appeals Forms and supporting evidence. b. A review of all assessment documentation and processes

# Appeals Procedure

		<p>undertaken.</p> <ul style="list-style-type: none"> <li>c. An interview with the appellant to allow them the opportunity to formally state their case.</li> <li>d. An interview with the Assessor.</li> </ul> <p>c) The Operations Manager or General Manager will advise the appellant in writing of the outcome. Where the matter has been referred to an Independent Assessor, the Assessor will advise the General Manager of the outcome and the General Manager will advise the appellant.</p>
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## STEP 4 – Conduct Re-Assessment in the event of the Appeal being successful

No.	Who	Actions
4.1	<b>Operations Manager</b>	<ul style="list-style-type: none"> <li>a) Arrange for the appellant to be re-assessed and inform the appellant of the details regarding the re-assessment, in writing, in accordance with assessment processes.</li> <li>b) Place a copy of the re-assessment correspondence on the Client file.</li> <li>c) If the appellant is dissatisfied with the result or the process of the appeal, the appellant may lodge a complaint with an External Arbitrator.</li> <li>d) If the appellant refuses to be reassessed, the progression of the appeal to the External Arbitrator is at the discretion of the Appellant.</li> </ul>
4.2	<b>Independent Assessor</b>	<ul style="list-style-type: none"> <li>a) The appellant has the option to nominate an independent observer to be present during the re-assessment.</li> <li>b) Conduct the re-assessment.</li> <li>c) Determine the assessment outcome against the competencies.</li> <li>d) Complete all relevant assessment documentation, (in accordance with the <b>Assessment policy</b>) notifying the appellant and the General Manager of the outcome, in writing</li> </ul>

## STEP 5 – Finalising the Appeal

No.	Who	Actions
5.1	<b>Operations Manager/General Manager</b>	<ul style="list-style-type: none"> <li>a) Supply the appellant with the appeals outcome in writing within 2 working days of the agreed resolution.</li> </ul>
5.2	<b>Operations Manager/General Manager</b>	<ul style="list-style-type: none"> <li>a) If the appeal is upheld, and if NECA Training is satisfied with the outcome:               <ul style="list-style-type: none"> <li>i. Finalise the appeals documentation.</li> <li>ii. Complete documentation for the issuance of a Statement of Attainment or qualifications (as appropriate).</li> <li>iii. Close the appeals file and provide the file to Admin.</li> </ul> </li> <li>b) If the appeal is upheld and if NECA Training is NOT satisfied with the outcome, progress with Appeal with the External Arbitrator.</li> <li>c) Note actions on <b>“Appeals Progress Form”</b>.</li> </ul>
5.3	<b>Operations Manager/General Manager</b>	<ul style="list-style-type: none"> <li>a) If the Appeal is rejected, notify the appellant in writing that the original decision/judgement is to stand.</li> <li>b) Client continues to progress through the usual Assessment process.</li> <li>c) Note actions on <b>“Appeals Progress Form”</b>.</li> </ul>
5.4	<b>Operations Manager/General Manager</b>	<ul style="list-style-type: none"> <li>a) If client is dissatisfied with outcome, advise the client of their right to further progress the appeal through an External Arbitrator.</li> <li>b) Note actions on <b>“Appeals Progress Form”</b>.</li> </ul>
5.5	<b>Admin</b>	<ul style="list-style-type: none"> <li>a) Enter details of Appeal outcome into Student Management system (SMS)</li> <li>b) Enter details of Appeal outcome into <b>Appeals Register</b>.</li> <li>c) Note actions on and complete the <b>“Appeals Progress Form”</b>.</li> <li>d) Place all documentation from Appeals file onto Client file.</li> </ul>

# Appeals Procedure

5.6	<b>Operations Manager/General Manager</b>	a) Ensure that the assessment tools, policy and procedures relating to any upheld Appeal are reviewed and progressed through continuous improvement processes, as appropriate
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## STEP 6 – Referral to External Arbitrator

No.	Who	Actions
6.1	<b>Operations Manager/General Manager or Client</b>	a) If NECA Training is not satisfied with the outcome of an appeal, contact and engage the External Arbitrator for a review of the Appeal, providing all relevant documentation. b) Cooperate with External Arbitrator for a review of the Appeal.
6.2	<b>External Arbitrator</b>	a) Review, investigate and mediate the complaint with all relevant parties and make a ruling. b) NECA Training will abide by any resolutions as recommended by the External Arbitrator.
6.3	<b>Operations Manager/General Manager</b>	a) If the Appeal is Upheld, go to Step 5.2
6.4	<b>Operations Manager/General Manager</b>	a) If the Appeal is rejected, notify the appellant in writing that the original decision/judgement is to stand. b) Client continues to progress through the usual Assessment process. c) Go to Step 5.3.

## 9.2 Grievance/Complaints Procedure

Grievance/Complaints Procedure		
STEP 1 – Initial Review of Complaint		
No.	Who	Actions
1.1	Client	b) Raises the concern with NECA Training staff.
1.2	Staff	b) Attempt to resolve the grievance/complaint immediately.
1.3	Staff	c) If the matter is successfully resolved, complete the “ <b>Complaints Lodgement Form</b> ” and submit to Admin for processing. d) If the matter is not resolved, advise client of their right to make a formal complaint referring them to this Grievance, Appeals and Complaints policy. e) Provide client with access to the “ <b>Complaints Lodgement Form</b> ”.
1.4	Admin	e) Enter details of Complaint into Student Management system (SMS) f) Enter details of Complaint into <b>Complaints Register</b> . g) Note actions on “ <b>Complaints Lodgement Form</b> ”. h) Notify Operations Manager of the resolved Complaint. i) File “ <b>Complaints Lodgement Form</b> ” (if appeal resolved) onto Client file.
STEP 2 – Lodgement of Complaint		
No.	Who	Actions
2.1	Client	c) Lodges a complaint in writing using the “ <b>Complaints Lodgement form</b> ”. d) Submits within seven (7) days of the date of the issue occurring.
2.2	Admin	f) Enter details of complaint into Student Management system (SMS) g) Enter details of complaint into <b>Complaints Register</b> . h) Note actions on “ <b>Complaints Lodgement Form</b> ”. i) Print and commence “ <b>Complaints Progress Form</b> ”. j) Provide all documentation to Operations Manager for action.
2.3	Operations Manager	c) On receipt of the complaint documentation, acknowledge receipt of the claim, in writing, to the complainant within two (2) working days, this may be via email, letter or fax. d) Keep all documentation in a Complaints file, which will remain in place until the complaint is resolved. After which time all complaints documentation will be placed on the Client file.
STEP 3 – Processing the Complaint		
No.	Who	Actions
3.1	Operations Manager	d) Implement appropriate resolution techniques to resolve the issue promptly to the mutual satisfaction of all parties. e) Within 2 (two) working days of receipt of the original formal complaint, inform any respondent(s) in writing, that a complaint has been received.
3.2	Operations Manager	b) Review, investigate and mediate with view to resolving the complaint within seven (7) days. Actions which may be taken include, but are not limited to: i. Discussing the facts of the complaint with the complainant. ii. Where appropriate and applicable, discuss the complaint with the respondent giving details of the complaint whilst giving cause to procedural fairness. iii. Interview all parties individually, including any witnesses. iv. Conduct interviews privately and confidentially v. Where applicable, report the outcome of the meeting with the



# Grievance/Complaints Procedure

		respondent to the complainant. vi. Seek preferred outcome from each of the parties.
3.3	<b>Operations Manager</b>	a) Determine a resolution to the complaint, within NECA Training policies. b) Advise all parties of the outcome of the complaint in writing, within five (5) working days.
3.4	<b>Operations Manager</b>	a) Confirm all parties are satisfied with the outcome of the complaint. b) If client is dissatisfied with outcome, advise the client of their right to further progress the complaint through the NECA Training General Manager and/or an External Arbitrator. c) Note actions on <b>“Complaints Progress Form”</b> .
3.5	<b>General Manager</b>	a) Follow Steps 3.1 to 3.4 b) If client is dissatisfied with the outcome, advise the client of their right to further progress the complaint through an External Arbitrator (refer Step 5). c) Note actions on <b>“Complaints Progress Form”</b> .

## STEP 4 – Finalising the Complaint

No.	Who	Actions
4.1	<b>Operations Manager</b>	b) Complete all necessary documentation including the <b>“Complaints Progress form”</b> , noting actions and outcomes of the complaints resolution process. c) Place all documentation in the client’s file and provide to admin for completion. d) Implement agreed actions and /or administrative arrangements. e) Monitor the learning environment to ensure that the behaviour/incident does not re-occur.
4.2	<b>Admin</b>	e) Enter details of complaint outcome into Student Management system (SMS) f) Enter details of complaint outcome into <b>Complaints Register</b> . g) Note actions on and complete the <b>“Complaints Progress Form”</b> . h) Place all documentation from complaint file onto Client file.
4.3	<b>Operations Manager</b>	b) Ensure that the issue, policy and procedures relating to any substantiated complaint are reviewed and progressed through continuous improvement processes, as appropriate

## STEP 5 – Referral to External Arbitrator

No.	Who	Actions
5.1	<b>General Manager or Client</b>	c) If NECA Training is not happy with the outcome contact and engage an External Arbitrator to review the complaint, providing all relevant documentation. d) Cooperate with External Arbitrator to review the complaint.
5.2	<b>General Manager or External Arbitrator</b>	c) Review, investigate and mediate the complaint with all relevant parties and make a ruling. d) Prepare a formal written report on the investigation, providing a copy to both the Operations Manager and complainant. e) NECA Training will abide by any resolutions as recommended by the External Arbitrator.
5.3	<b>General Manager</b>	b) If the complaint is upheld, go to Step 4.1.
5.4	<b>General Manager</b>	d) If the complaint is rejected notify the complainant in writing that the original decision is to stand. e) Go to Step 4.1.