

11.0 Grievance, Complaints & Appeals Policy

Purpose

The purpose of this policy & procedure is to ensure that AGA adheres to the requirements of the National Standards for Group Training Organisations, AQTF Essential Conditions and Standards for Continuing Registration, Standards for Registered Training Organisations, VRQA Guidelines for Vocational Education and Training and Standard VET Funding Contract Skills First Program.

The purpose of this policy is to set out the approach adopted by AGA to ensure that grievances raised by AGA employees, apprentices, trainees, students, host employers, clients, contractors and consultants, are managed in a fair, timely and confidential manner. This policy will also apply to any matters raised under our Customer Services Charter. All matters dealt with under this policy will be recorded in the AGA Grievance, Complaints & Appeals Register and any process changes emanating from the complaints resolution will be incorporated in to AGA's continuous improvement process. AGA's policies provide an avenue for most grievances to be addressed. However, we are aware that in some cases alternative measures need to be explored because of individuals and the merits of each case. AGA's policy is to acknowledge the need to address each case on its merits.

It is AGA's policy to encourage parties to approach a grievance with an open view and to attempt to resolve problems through discussion and conciliation.

Where a grievance cannot be resolved through discussion and conciliation, AGA acknowledges the need for an appropriate, external and independent agent to mediate between the parties.

Definition

Compliant - A complaint is defined as:

- a written expression of dissatisfaction with or concern relating to the activities of a AGA;
- lodged by a complainant or their representative; and
- relating to a specific episode, occurrence or failure that is viewed as having resulted in an impact on any individual or group.

For the purposes of this policy, a grievance is defined as any type of problem, concern, dispute, unfair treatment and/or complaint related to work and/or training or the work/training environment which cannot be resolved through normal day to day communication. All grievances need to be handled promptly and with transparency.

Appeal means a request for a decision made by AGA to be reviewed. An appeal may be where a client of AGA, or other interested party, may dispute a decision made by AGA. The decision made by AGA may be an assessment decision or may be about any other aspect of the AGA's operations.

Principles

AGA will manage complaints according to the principles of:

Objectivity and fairness:

Complaints are dealt with in an equitable, objective and unbiased manner and with regard to fairness and timeliness;

Access and transparency:

Information about how and where to complain is well publicised and easily accessible to all stakeholders;

Responsiveness:

Complaints are acknowledged in a timely manner, addressed promptly and according to order of urgency, and the complainant is informed of the process. The complainant will be notified as soon as possible, to acknowledge their complaint has been received and the expected timelines to resolve the complaint or grievance. The complainant must be updated through each step of the process;

Confidentiality and privacy:

AGA is bound by laws that protect your privacy concerning the collection, use and disclosure of your personal information. Complaints are treated confidentially and the identity of complainants kept confidential to the extent possible where requested, except where the law otherwise provides. In handling complaints, AGA will comply with the requirements of relevant privacy legislation including recording, storage & access by authorised personnel as stated in the AGA Privacy Policy;

Commitment:

AGA is committed to effective complaints handling and values feedback through complaints; and

Quality improvement:

Effective complaints handling will improve the quality of services enabling poor performance to be identified and resolved quickly, and highlighting further scope through AGA's Continuous Improvement policy, procedure & process. Where a complaint identifies any systematic issues, AGA will take action to address these issues across the training system more broadly.

Impartiality:

Where a grievance is raised, it will be treated seriously. In some circumstances it will be necessary to investigate a grievance in which case AGA will do so in a confidential and impartial manner. This may mean that the person or persons whose actions are complained about, and any witnesses will be interviewed. No findings will be made in relation to the grievance until the investigation is complete.

Sensitivity:

If people come forward with a complaint, they will be treated fairly. All people handling the grievance must be sensitive to the needs of those directly involved, and also to others who may be indirectly affected by the grievance. If a grievance involves a complaint against a person, that person will have an opportunity to provide their side of the story. That person may also bring an appropriate support person.

Policy

The keys features of this Policy are:-

Nature of complaints and appeals

- AGA will respond to all Complaints made in relation to any of AGA's services and activities such as but not limited to:
 - the application and enrolment process
 - marketing information
 - the quality of training and assessment provided
 - training and assessment matters, including student progress, student support and assessment requirements
 - the way someone has been treated
 - the actions of another student
 - conduct or performance of staff member
 - conduct or performance of an apprentice/trainee
 - conduct or performance of a host employer
 - services provided by AGA
- An appeal is a request for a decision made by AGA to be reviewed. Decisions may have been about:
 - course enrolment
 - refund assessments
 - response to a complaint
 - assessment outcomes / results
 - other general decisions made by AGA

Principles of resolution

- AGA is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, AGA ensures that complaints and appeals:
 - Are responded to in a professional, consistent and transparent manner.
 - Are responded to promptly, fairly, objectively, with sensitivity and confidentiality.
 - Are able to be made at no cost to the individual.
 - Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.
- AGA will inform all persons or parties involved in any allegations made as well as providing them with an opportunity to present their side of the matter.
- There are no charges to submit, a complaint or appeal to AGA, or to seek information or advice about doing so.
- Nothing in this policy and procedure limits the rights of an individual to take action under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.

Making a complaint of appeal

- Complaints about a particular incident should be made as soon as possible after the incident occurring and appeals must be made within fifteen (15) calendar days of the original decision being made.

- Complaints and appeals should be made in writing using the Grievance Complaints and Appeals Form available on AGA's website, or other written format and sent to AGA's head office at 192, High Street, Northcote, Victoria, 3070 attention to the Chief Executive Officer.
- When making a complaint or appeal, provide as much information as possible to enable AGA to investigate and determine an appropriate solution. This should include:
 - The issue you are complaining about or the decision you are appealing – describe what happened and how it affected you.
 - Any evidence you have to support your complaint or appeal.
 - Details about the steps you have already taken to resolve the issue.
 - Suggestions about how the matter might be resolved.

Timeframes for resolution

- The complaint or appeal will be acknowledged in writing within 24 hours or one business day.
- Any minor complaint will be dealt immediately where possible.
- In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated on the progress of the matter until such a time that the matter is resolved.
- All Complaints and appeals will be finalised as soon as practicable or at least within 15 calendar days unless there is a significant reason for the matter to take longer.

Resolution of complaints and appeals

- Some or all members of the management team of AGA will be involved in resolving complaints and appeals as outlined in the procedures.
- Where a complaint or appeal involves another individual or organisation, they will be given the opportunity to respond to any allegations made.
- Where a third party delivering Services on behalf of AGA is involved, they will also be included in the process of resolving the complaint or appeal.
- Each party involved in the complaint or appeal may have a support person of their choice present at meetings scheduled to resolve the issue.
- In the case of an assessment appeal, an assessor who is independent from the original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task. The complainant or appellant will be advised in writing of the outcome of the process and the reasons for the findings made.
- AGA will maintain the student's enrolment, if enrolled in the RTO while the complaints and appeals process is ongoing.

Independent Parties

- AGA acknowledges the need for an appropriate independent party to be appointed to review a matter where this is requested by the complainant or appellant and the internal processes have failed to resolve the matter. Costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by AGA.
 - The independent party recommended by AGA where the training contract is at a risk is Victorian Registration & Qualifications Authority (VRQA), however complainants and appellants are able to use their own external party at their own cost.
 - Domestic students may also access the external complaint avenues indicated below free of charge.
 - AGA will provide complete cooperation with the external mediator investigating the complaint/appeal and will be bound by the recommendations arising out of this process.
 - The CEO will ensure that any recommendations made are implemented within twenty (20) days of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation, and any recommendations being actioned by AGA.

External complaint avenues

- Complaints can also be made via the following avenues:

- National Training Complaints Hotline:

The National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency/authority/jurisdiction to assist with their complaint. Consumers can register a complaint with the National Training Complaints Hotline by:

- Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally.
- Email: ntch@education.gov.au

- Victorian Registration & Qualifications Authority:

Clients (apprentices, trainees, employers) can register a complaint by:

- Phone: 03 9637 2806
- Completing the online form at <https://www.vrqa.vic.gov.au/StateRegister/Public.aspx/LodgeComplaint>
- Mail at - Manager, Complaints Unit
VRQA, GPO Box 2317
Melbourne VIC 3001

- Victorian Human Rights and Equal Opportunity Commission

Victorian Human Rights and Equal Opportunity Commission works to resolve complaints about discrimination, sexual harassment and racial and religious vilification.

- Lines are open 9am – 5pm Monday to Friday, or submit your complaint online at <https://www.surveygizmo.com/s3/1132135/Online-Complaint-Form>
- Phone: 1300 891 848
- Email: complaints@veohrc.vic.gov.au

- Fair Work Ombudsman

Fair Work Ombudsman works to resolve complaints about Australian workplace laws

Lines are open 9am – 5pm Monday to Friday, or submit your complaint online at

<https://www.surveygizmo.com/s3/1132135/Online-Complaint-Form>

- Phone: 1300 799 675
- Email: complaints@fwc.gov.au
- The Director, Client Services, Fair Work Commission, GPO Box 1994, Melbourne, VIC, 3001

Records of complaints and appeals

AGA will maintain a record of all complaints and appeals and their outcomes and reasons for the outcomes on the Complaints and Appeals Register, which will be securely stored according to the Privacy Policy and Procedures.

Publication

This policy and procedure will be referred to in the relevant Marketing materials, Induction Pack and available on AGA's website.

Procedure

If a person wishes to make a formal complaint, they will be asked to provide the following information, using the AGA Grievance, Complaints & Appeals form, required for the investigation process:

- a description of the incident(s), decision or behaviour in question
- the time and date of the incident(s)
- the names of any witnesses
- what are they seeking/suggesting as an outcome

An investigator will be appointed to deal with the complaint and the investigation will seek to gather all relevant information. Once the investigation has been completed, relevant input received and all involved parties have had ample opportunity to respond, a determination will be made and an appropriate course of action will be communicated to all parties concerned.

Appeal Process

If any party is not satisfied with the outcome, an appeal may be lodged either internally with the C.E.O. or externally with the appropriate agency.

Responsible Persons

All Managers

Reference Documents

- Grievance, complaints & appeals policy
- Grievance, complaints & appeals form
- Grievance, complaints & appeals Register
- Grievance, complaints & appeals flowchart
- Customer Service Charter
- Apprentice/Trainee Induction Guide
- Student Handbook
- AGA Web-site
- AGA Continuous Improvement Policy & Procedure
- Investigation Notes, Report & Statement forms

Policy Approved by: CEO

Distributed to: All sites via Intranet (<https://intranet.intowork.com.au>)