

## COMPLAINTS & APPEALS

### POLICY

This policy and procedure helps ensure complaints and appeals are heard and actioned effectively, in accordance with SNR 6.1 of the Standards for NVR Registered Training Organisations, and the National VET Regulator (NVR).

All complaints and appeals received by Arbtrack will be viewed as an opportunity for improvement. Despite all efforts of Arbtrack to provide satisfactory services to candidates, complaints may occasionally arise that require formal resolution. Candidates have the opportunity to have any issues relating to a substantiated complaint or appeal resolved and resolutions reached that attempt to satisfy all parties involved. The complaints and appeals process will be at no cost to the candidate, unless the complaint escalates to a third party.

### PROCEDURE

Complaints will be handled fairly and justly and in a consistent manner, and with the understanding that complainants should not be disadvantaged by the complaint process. Complaints against staff will be directed to the CEO and all correspondence and assessments will be confidential.

Clients will be kept informed of the progress of their complaint and of the final resolution. Complainants will be advised of avenues for further review of their complaint, if not satisfied with the initial resolution.

#### Responsiveness

Ensuring that complaints are met in a timely and effective manner is a major factor in ensuring satisfactory outcomes. Conversely, complaints which are inadequately assessed, or where responses are set in a spirit of urgency are unlikely to be adequate. Accordingly, Arbtrack will implement standard response times and procedures for dealing with complaints, which will be assessed regularly to ensure that staff and clients are satisfied with the time frames set and that sufficient time for quality outcomes has been set.

The CEO shall make a decision on the complaint within **five working days** and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint.

#### General Complaints

Any person may submit a formal complaint to Arbtrack with the reasonable expectation that complaints will be treated with integrity and privacy. There is no cost for the complaints process unless it is referred to a third party.

A candidate wishing to submit complaint or appeal can do so by writing to the CEO within **ten working days** of the issue/problem occurring and providing as many details as possible, including:

- Submission date of complaint
- Name of complainant
- Nature of complaint
- Date of the event which lead to the complaint
- Attachments (if applicable)

It is the CEO's responsibility to respond to the complaint. Once a formal complaint is received it is to be entered into the 'Complaints and Appeals Register'. The information to be contained and updated within the register is as follows:

- Submission date of complaint
- Name of complainant
- Details of course
- Description of complaint / appeal
- Determined resolution and
- Date of resolution

A complainant may be assisted or accompanied by a support person regardless of the nature of the complaint throughout the process at all times.

The CEO shall make a decision on the complaint within **five working days** and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint.

Once a decision has been reached the CEO shall inform all parties involved in writing. Within the notification of the outcome of the formal complaint the learners shall also be notified that they have the right of appeal. To appeal a decision Arbtrack must receive, in writing, grounds of the appeal. Learners are referred to the appeals procedure below.

The CEO shall ensure that Arbtrack will act immediately on any substantiated complaint. If the internal or any external complaint handling or appeal process results in a decision that supports the learner, Arbtrack must immediately implement any decision and/or corrective and preventative action that is required, and advise the learner of the outcome.

Copies of all documentation, outcomes and further action required will be placed into the Complaints and Appeals Register.

### Appealing a Decision

All learners have the right to appeal decisions made by Arbtrack. The areas in which a candidate may appeal a decision may include:

- Assessments conducted
- Deferral, suspension, or cancellation decisions made in relation to the candidate's enrolment
- Any other conclusion / decision that is made after a complaint has been dealt with by Arbtrack in the first instance.

To commence the appeals process the candidate is to provide a summary in writing of the grounds the appeal is based upon to the CEO **within ten working days** of the appeal notification. The reason the candidate feels the decision is unfair needs to be clearly explained. The candidate can seek the assistance of the Business Manager in selecting words that clearly articulate their reasons for appeal.

The CEO organises a meeting with all parties involved regarding the appeal and attempt to seek resolution where appropriate.

The process for all formally lodged appeals will begin within five working days of the appeal being lodged. The CEO shall ensure that Arbtrack acts on any substantiated appeal. Where an appeal has been lodged it will be defined into one of the following categories and the appropriate procedures followed:

### General Appeals

The appeal shall be lodged to the Business Manager who shall ensure the details of the appeal are added to the 'Complaints and Appeals Register'.

The CEO shall be notified and shall seek details regarding the initial documentation of the complaint and shall make a decision based on the grounds of the appeal.

The candidate shall be notified in writing of the outcome with reasons for the decisions, and the 'complaints and appeals register' updated. The candidate shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The candidate is required to notify Arbtrack if they wish to proceed with the external appeals process.

### Assessment Appeals

Where a candidate wishes to appeal an assessment they are required to notify their assessor in the first instance. Where appropriate the assessor may decide to re-assess the candidate to ensure a fair and equitable decision is gained. It is important to read the Assessor Guide, the Assessment and the Training & Assessment Strategy for each course for the exact requirements regarding re-assessments.

If the candidate is unsatisfied at the outcome of the re-assessment, they can formally lodge an appeal in writing within **ten working days** to the CEO who notifies the Training Manager to provide details from the assessor involved and any other relevant parties. A decision shall be made regarding the appeal within **five working days** either indicating the assessment decision stands or details of a possible re-assessment by another assessor appointed by the CEO.

The candidate shall be notified in writing of the outcome with reasons for the decision by the CEO, and the 'Complaints and Appeals Register' updated. The candidate shall also be provided the option of using the external appeals process (see page 3) if they are not satisfied with the outcome. The candidate is required to notify Arbtrack in writing if they wish to proceed with the external appeals process within **ten working days**.

### External Appeals

If a candidate is still dissatisfied with the decision of Arbtrack, they may wish to refer the matter to an external independent / third party mediator. Appeals can relate to assessment decisions but they can also relate to other decisions, such as a decision to exclude a candidate from a program. Candidates and associated clients should be encouraged to resolve complaints and appeals through the complaint mechanisms. If they are not satisfied with the outcomes of these processes they should be referred to the state or territory registering body. In Victoria this is the Disputes Settlement Centre of Victoria.

Where a decision or outcome is in favour of the candidate, Arbtrack shall follow the required action and recommendation from the third party mediator to satisfy the candidate's appeal as soon as practicable.