

Complaints and Appeals Policy

Essential Skills Training and Recruitment (ESTR) is committed to providing students, staff and stakeholders the best possible environment in which to study or work. ESTR understands that on occasion, there may be instances of dissatisfaction and acknowledges that the cause(s) must be addressed and rectified in a constructive and timely manner.

The ESTR Leadership team is committed to ensuring a procedurally fair complaints and appeals process following the principles of natural justice. This includes ensuring all complaints and appeals are;

- responded to in a consistent, transparent and fair manner, free from bias
- responded to promptly, objectively, with sensitivity and confidentiality
- used as an opportunity to improve, by identifying potential causes of the complaint and taking actions to prevent or reduce the likelihood of re-occurrence.

Definitions

Complaint A complaint is any expression of dissatisfaction with ESTR's operations.

Appeal An appeal is where a decision made by ESTR is disputed. The decision may be an assessment decision or may be about any other aspect of the ESTR's operations.

Complaints and Appeals Procedures

- ESTR will respond to allegations involving the conduct of;
 - ESTR, its trainers, assessors and other staff
 - Any third-party providing services on ESTR's behalf
 - Any student or client of ESTR.
- Complaints may be made in relation to any of ESTR's operations which can include, but is not limited to;
 - The Enrolment Application (Pre-Training Review) and enrolment process
 - Marketing information
 - The quality of the training and assessment provided
 - Training and assessment circumstances such as student support and assessment requirements etc.
 - The way someone has been treated
 - The actions of another staff member, student or stakeholder
- It is expected that prior to submitting a formal complaint, the parties involved will attempt to resolve concerns directly wherever possible. It is expected that many concerns will be resolved in the first instance.
- All complaints and appeals will be reported to the CEO who will work with the ESTR Leadership Team (if needed) and the complainant or appellant to resolve the issue.
- The complainant(s) will be contacted **within 7 days** of receipt of the complaint or appeal.

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- All complaints and appeals will be finalised **as soon as practicable** or at least **within 30 calendar days** unless there is a significant reason the investigation will take longer. Where ESTR considers more than 60 calendar days is required to finalise the complaint or appeal the complainant or appellant will be advised in writing of the reasons and regularly updated on the progress of the matter until the matter is resolved.
- All complainants have the right to appeal a decision made by ESTR where reasonable grounds can be established.
- Any student dissatisfied with an assessment decision has the opportunity to submit an appeal. **Assessment appeals** will only be considered **within 14 days** of the assessment decision.
- All complaints, appeals and their outcomes will be recorded on the [CI-DB-003 Complaints and Appeals Register](#). Paper records of complaints and appeals will be securely stored in the complaints and appeals folder in the CEO'S office.

Making a complaint

- Complaints should be made in writing using the [CI-FRM-001 Complaint Form](#) or other written format. The complainant should provide as much detail as possible to enable a procedurally fair investigation.
- Complaints should be sent to;
CEO, Essential Skills Training and Recruitment, PO Box 984 HAMILTON NSW 2304, or
emailed to leisa@essentialskills.com.au

Complaint investigation and resolution

- On receiving a complaint the CEO will;
 - Contact the complainant to acknowledge and discuss the nature of the complaint
 - Acknowledge the complaint in writing
 - Assess the complexity of the complaint
 - Investigate the complaint. Where a complaint involves another person or organisation, they will be given the opportunity to respond to any allegations made as part of the investigation process
 - Decide on the appropriate cause of action to satisfy the complainant's grievance
 - Advise the complainant of the proposed solution and the procedures concerning the complainant's right to appeal the proposed solution.
- The CEO will document the complaint and the proposed resolution using the [CI-FRM-001a Complaints Report](#)
- Resolution may be by any of the following:
 - No further action
 - Written/verbal apology
 - Refund of any money paid
 - Provision of the same course at no cost

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- Provision of the same course with another provider at no cost
- In the event that the above process fails to resolve the issue or the complainant is dissatisfied, the complainant can submit an appeal.

Appealing a decision

- Appeals can include, but is not limited to;
 - An assessment decision
 - Decisions made about a student's enrolment e.g. deferral, suspension or cancellation
 - Any other decision that is made after a complaint has been dealt with by ESTR.
- If a student is dissatisfied with an assessment decision the student, in the first instance, should contact the assessor directly in an attempt to understand the decision before making a written appeal.
- Appeals should be made in writing **within 14 days** of the decision or outcome using the [CI-FRM-002 Appeals Form](#). The reason(s) the complainant feels the decision is unfair must be clearly explained. Students and clients can contact ESTR reception on (02) 4961 0016 or info@essentialskills.com.au and request the appeal form be sent to them.

Appeals investigation and resolution

- Once a written appeal is received the CEO will;
 - Contact the appellant and acknowledge the appeal in writing **within 7 days** of receipt of the appeal.
 - Review the appeal with the ESTR Leadership Team and work with the appellant to try to further resolve the issue.
- An appeal can be resolved by any of the following means;
 - No further action by ESTR
 - Reassessment by another assessor
 - Another registered provider will be asked to arbitrate and reassess if necessary
 - The complainant can request an independent party investigate (at their expense) or make a complaint with ASQA.
- The CEO will document the appeals process on the [CI-FRM-002a Appeals Report](#).

Independent review of determination

- In the event that the above processes fail to resolve the issue or the complainant is dissatisfied with the outcome, the complainant can;
 - Request an independent party investigate. Costs associated with independent parties to review a matter must be covered by the complainant unless the decision to include an independent party was made by Essential Skills Training and Recruitment.

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- Lodge a complaint with our RTO's registering body: Australian Quality Skills Authority (ASQA). Note, ASQA is not able to act as the independent party for reviewing complaints and the complainant must have followed ESTR's complaints process (outlined above) before making a complaint about ESTR to ASQA .
<https://www.asqa.gov.au/complaints>
- Once the independent party makes a determination the appellant will be advised of the decision or outcome in writing. Decisions or outcomes of the appeal or review process that find in the favour of the appellant will be implemented immediately.

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CEO Signature: Leisa Harrison

Review Date: March 2021

Compliance References

- Standards for Registered Training Organisations (RTOs) 2015 (Standard 6)
- Training Services NSW Smart and Skilled Terms & Conditions & Operation Guidelines
- Privacy Act 1988
- Privacy and Protection of Personal Information Act 1998.
- Victoria Skills First VET Funding Contract Program Specifications