

Grievance, Complaints and Appeals

This policy relates to the Standards for RTOs 2015: 6.1,6.2,6.3, 6.4,6.5

Grievance, Complaints and Appeals Policy

NJL believes that any person / entity that has a grievance, complaint or appeal against the RTO, its trainers, assessors, other staff, one of its third parties or learners has the right to raise the complaint or appeal and expect that every effort will be made to resolve it in a timely way, in accordance with this policy and without prejudice or fear of reprisal or victimisation.

NJL has an appeals policy to manage the review of its decisions, including assessment decisions, made by the RTO or a third-party providing services on its behalf. The review will be managed by an independent person or panel.

A grievance or complaint can be defined as a learner, staff member or any third party's expression of dissatisfaction with any aspect of NJL's services and activities, such as:

- The enrolment or induction process;
- The quality of education provided;
- Academic matters, including learner progress, assessment, curriculum and awards in a VET course of study;
- Handling of personal information and access to personal records;
- The way someone has been treated.

The Grievance, Complaints and Appeals Policy of NJL shall ensure that all complaints are dealt with in a constructive and timely, fair, unbiased and equitable manner that apply the principles of natural justice and procedural fairness. During all stages of this procedure NJL will take all steps to ensure that:

- The complainant will not be victimised or discriminated against;
- The complainant has an opportunity to formally present their case and each party to the grievance may be accompanied and assisted by a support person at any relevant meetings;
- A full explanation in writing for decisions and actions taken as part of the process will be provided if so, requested by the grievant;
- Where the internal or external complaint or grievance handling or appeal process results in a decision that supports the grievant or appellant, NJL will immediately implement any decision and/or corrective and preventative action required and advises the grievant/appellant of the outcome;
- At all meetings, the complainant / grievant may have a support person present. If the learner is under the age of 18, the parent or guardian must also be present.

NJL will inform all parties of the allegations and encourage the parties to approach the complaint or appeal with an open mind and to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, NJL may use appropriate external and independent mediation between the parties. The parties will be given the opportunity to formally present their case to the independent mediator.

Learners are made aware of this policy and procedure in the Learner Handbook and staff and third parties are made aware via professional development along with inclusion in the Policy and Procedure Manual and publicly on NJL’s website.

Leaner Grievance, Complaints and Appeals Procedures

The complaints and appeals policy and procedure and applicable form is made available to all students, potential students, and clients by directly contacting the RTO, through the RTOs website, and within the student information handbook.

Instruction (including key points)	Responsibility	Timeline
General Complaints		
<p>In the first instance of a grievance or appeal, the following steps are to be followed:</p>		
<p>Before issues become a formal complaint, learners/stakeholders/staff/third parties are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned.</p>		
<p>Any learner, potential learner, or third party may submit a formal complaint to NJL with the reasonable expectation that all complaints will be treated with integrity and privacy. Complainants have the right to access advice and support from independent external agencies / persons at any point of the complaint and appeals process. Use of external services will be at the complainant’s costs unless authorised by the CEO.</p>		
<p>Any person wishing to submit a formal complaint or appeal can do so verbally by contacting an NJL staff member, by completing the Complaints and Appeals Form (Form 31), or submitting it in writing in any form. The complaints form can be gained by contacting Learner RTO Administration, or through the RTO website or Leaner Handbook. If a learner does not wish to complete the Form an RTO staff member can do so on their behalf. All formally submitted complaints (verbal or in writing) or appeals are submitted to the CEO.</p>		
<p>Once a formal complaint is received it is to be entered into the ‘Complaints and Appeals Register’ which is monitored by the CEO regularly. The information to be contained and updated within the register is as follows:</p> <ul style="list-style-type: none"> • Submission date of complaint • Name of complainant • Description of complaint / appeal • Determined Resolution • Date of Resolution 	<p>CEO or designated personnel</p>	

<p>When a complaint is received, the CEO or designated personnel will acknowledge, in writing, receipt of the complaint within 5 working days.</p>	<p>CEO or designated personnel</p>	<p>Within 5 working days</p>
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The CEO or designated will provide details of the complaint to all persons identified in the complaint, and any persons directly affected by the complaint.

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

<p>The CEO shall then refer the matter to the appropriate staff to resolve or make a decision on the complaint within 10 working days and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint. In the unlikely event that the complaint is not finalised within 60 calendar days, the RTO shall ensure that the complainant shall be provided reasons for the delay and will be regularly kept informed and updated of the progress of the matter.</p>	<p>CEO or designated personnel</p>	<p>Within 10 working days</p>
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<p>Once a decision has been reached the CEO or designated person shall be required to inform all parties involved of any decisions or outcomes that are concluded in writing. Within the notification of the outcome of the formal complaint the complainant shall also be notified that they have the right of appeal. To appeal a decision the RTO must receive, in writing, grounds of the appeal. Complainants are referred to the appeals procedure.</p>	<p>CEO or designated personnel</p>	<p>Within 60 Calendar days</p>
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If the internal or any external complaint handling or appeal process results in a decision that supports the complainant, the registered provider must immediately implement any decision and/or corrective and preventative action that is required and advise the complainant of the outcome.

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

Appealing a Decision

<p>All complainants have the right to appeal decisions made by NJL where reasonable grounds can be established.</p>	<p>CEO or designated personnel</p>	<p>Within 10 working days</p>
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To activate the appeals, process the complainant is to complete a Complaints and Appeals Form (Form 31) which is to include a summary of the grounds the appeal is based upon. The reason the complainant feels the decision is unfair is to be clearly explained and help and support with this process can be gained from Student Administration Department.
The process for all formally lodged appeals will begin within 10 working days of the appeal being lodged.

The CEO or designated personnel shall ensure that NJL 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

Where a complainant has appealed a decision or outcome of a formal complaint, they are required to notify NJL in writing within 10 working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal.

Within 10
working days

The appeal shall be lodged through Student Administration and they 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 complainant shall be notified in writing of the outcome with reasons for the decisions, and the Complaints and Appeals Register updated. The complainant shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The complainant is required to notify NJL if they wish to proceed with the external appeals process.

Assessment appeals

Learner

Within 7 working
days

Where a learner wishes to appeal an assessment, they are required to notify their Trainer & Assessor in the first instance within 7 working days. Where appropriate the Trainer & Assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The Trainer & Assessor shall complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.

If this is still not to the learner's satisfaction, the student shall formally lodge an appeal by submitting a written letter outlining their reasons for the appeal. They shall lodge this with student administrations department and the appeal shall be entered into the Complaints and Appeals Register.

The CEO shall be notified and shall seek details from the Trainer & Assessor involved and any other relevant parties. A decision shall be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a third party. The third party shall be another Trainer & Assessor appointed by NJL.

The learner shall be notified in writing of the outcome with reasons for the decision, and the Complaints and Appeals Register updated. The learner shall also be provided the option of activating the external appeals process if they are dissatisfied with the outcome. The learner is required to notify NJL if they wish to proceed with the external appeals process

External Appeals and Further Information:

In addition to the above internal processes, if learners enrolled with NJL are still dissatisfied with the decision of the RTO, they may wish to seek legal advice or submit an application with an external dispute resolution process by a relevant body appointed for this purpose (See below for contact details).

CEO or designated personnel

Where the RTO is informed that the learner has accessed external appeals processes:

- The RTO will maintain a learner's enrolment until the external appeal process is finalized;
- The RTO will comply with the findings of the external appeals process;
- Where a decision or outcome is in favor of the complainant NJL shall follow the required action and recommendation from the relevant external appeals organisation to satisfy the students grievance as soon as practicable.

The decision of the independent mediator is final and any further action the student wishes to take is outside the RTOs policies and procedures. The student shall be referred to the appropriate government agencies and this information can be gained from the CEO.

All records and correspondence in relation to an external appeal shall be maintained with the initial complaint and internal appeal documentation within the complaints and appeals register and the student file for a minimum of 5 years.

Queensland Dispute Resolution Centers is a free dispute resolution and mediation service or NJL may use the services of Menzies Mediation who are an Accredited National Mediator. It is then up to the mediator, the appellant and NJL to resolve the grievance.

<http://www.menziesmediation.com.au/index.html>.

Should any costs be involved they will be shared equally between the appellant and National Joblink.

Further information

If, after the RTO's internal complaints and appeals processes have been completed, and learners still believe the RTO is breaching or has breached its legal requirements, they can submit a complaint to the following external agencies:

In relation to consumer protection issues, these may be referred to the Office of Fair Trading.

In relation to training and assessment issues, these may be submitted to ASQA by completing the online complaint form:

<https://rms.asqa.gov.au/registration/newcomplaint.aspx><https://www.asqa.gov.au/complaints/getting-started-making-complaint-about-training-provider>

(ASQA website: www.asqa.gov.au),