

COMPLAINTS AND APPEALS

1. Preliminary Information

Intent

The Civil Contractors Federation SA Branch (CCF SA) is committed to providing its learners, staff and stakeholders with a fair and equitable environment in which to study and work by ensuring that complaints and appeals are managed transparently at all times.

Purpose

The purpose of this document is to clarify how:

- to lodge a complaint involving the conduct of CCF SA, its trainers, assessors or other employees, a third party providing services on CCF SA's behalf, its trainers, assessors or other employees, or a learner of CCF SA;
- to appeal or request a review of decisions, including assessment decisions, made by CCF SA or a third party providing services on CCF SA's behalf;
- complaints and appeals will be handled.

Scope

This document is applicable to all CCF SA employees and contractors, learners and third parties providing services on CCF SA's behalf.

CCF SA (RTO: 45621) represents the trading names of:

- Civil Train South Australia
- TrainSA
- Mining Train
- Civil Train NT
- Civil Train Western Australia

Definitions

Accountable Officer is the staff member appointed by CCF SA to conduct training and assessment expertise and advice. This person must:

- Hold a Certificate IV in Training and Assessment, or higher related qualification;
- Have a minimum of 5 years of industry experience in the Vocational Education and Training (VET) sector

Appeal means a request for the review of a decision in regards to:

- Assessment process and decision
- Learner progress and academic progress decision
- Any disputed decision e.g. regarding administrative decision or refund decision.

Appellant means a CCF SA learner, contractor or third party who lodged an appeal.

Complainant means a CCF SA learner, contractor or third party that lodged a complaint.

Complaint means a dissatisfaction or concern relating (but not limited) to:

- Course advice and enrolment
- Suspension/cancellation of enrolment
- Program delivery
- Marketing and promotional activity
- Personal safety
- Customer service and administration
- Issue of results, certificate, statement of attainment
- Learning resources
- Fees and charges
- Equity and access, discrimination, harassment and bullying.

2. Procedures Guiding Principles

The following principles will be followed at every stage of the complaint and appeal process:

Confidentiality:

Only the people directly involved in making or investigating a complaint will have access to information about the complaint.

Natural Justice and Procedural Fairness:

- CCF SA staff will inform the complainant or party lodging the appeal of the CCF SA's policy and procedures for handling complaints and appeals.
- All parties will be provided with equal opportunity for discussion.
- No assumptions will be made and no action will be taken until all relevant information has been collected and considered.
- Each complainant or party lodging an appeal may be accompanied and/or assisted by a support person throughout the process and will be treated in a fair and equitable manner at all times;
- Use of support person by the complainant or appellant is at the complainant or appellant's cost;
- If the complaint or appeal process involves a learner under 18 years old, the staff member must advise the Accountable Officer immediately.
- No action will be taken against anyone for lodging a complaint or appeal or assisting someone to lodge or manage a complaint or appeal.
- No action will be taken against anyone for complying with Mandated Notification requirements.
- Management will take all necessary steps to ensure that victimisation does not occur against anyone who lodges or is involved in a complaint.
- Any person who has an allegation made against them as part of a complaint or appeal, will have the right to reply.

Transparency and Timing:

- All complaints and appeals will be dealt with as quickly and transparently as possible.
- All complaints, appeals and outcomes are documented in the CCF SA Complaints and Appeals Register and included in the learner's file by the RTO Admin Manager.

3. Informal Procedure

Prior to initiating a formal complaint and appeal process, involved CCF SA staff, learners and third parties are expected to:

- raise their concern and/or request verbally or in writing; and
- resolve their concern directly through non-formal attempts, including but not limited to advice, discussions and general mediation.

Learners are expected to discuss their concern with their trainer/assessor.

If the matter cannot be resolved directly by the parties involved, the formal complaint or appeal procedure will take place.

4. Formal Procedure

Stage One- Lodgement

A formal complaint or appeal may be lodged by completing and submitting a **Complaints and Appeals Report Form Report (Form 113008)**. The complainant or appellant must provide as much detail as possible and send the completed and signed form to:

Western Australia

Operations Manager – Civil Train Western Australia
kgrant@ccfsa.com.au

Northern Territory

Operations Manager – Civil Train NT
mhopkins@ccfsa.com.au

South Australia

RTO Manager
vpowell@ccfsa.com.au

The Complaints and Appeals Form Report can be sent to the complainant or appellant on request. The form can be submitted in person, it can be completed over the phone by a CCF SA representative on the complainant's behalf, or completed electronically and submitted by email to respective State/Territory Manager's email address.

The respective State/Territory Manager will acknowledge, in writing, receipt of the complaint or appeal as soon as practicable (but no longer than two working days) and indicate the anticipated review period (up to 20 working days).

If CCF SA considers more than 20 working days are required to process and finalise the complaint or appeal, the respective State/Territory Manager will:

- Inform the complainant or appellant in writing, including the reasons why more than 20 working days are required, and
- Regularly update the complainant or appellant on the progress of the matter.

Stage Two - Investigation

The respective State/Territory Manager will notify all learning and program delivery related complaints and appeals to the Accountable Officer (or the Director – Global Learning and Future Directions if there is a conflict of interest), who will conduct an investigation.

The respective State/Territory Manager (or the Director – Global Learning and Future Directions if there is a conflict of interest) will investigate all other complaints.

As part of the investigation, the respective State/Territory Manager or Accountable Officer may interview the individuals involved in the complaint or appeal. Where a complaint is made against an individual (i.e. staff member or learner), that person will be fully informed of the allegations made against them and be provided with a right to reply. Learners and staff members have the right to be accompanied or represented by a third person such as a family member, friend, counsellor or professional support person.

Confidentiality must be maintained at all times. Only identified senior staff have access to the Complaints and Appeals Register.

Where an appeal against an assessment decision has been lodged, the Accountable Officer will seek details from the assessor, and meet with both the assessor and the appellant.

A complainant has the right to withdraw their complaint at any time (in writing).

Stage Three - Determination

Upon conclusion of the investigation, the respective State/Territory Manager and/or Accountable Officer will make a determination indicating a proposed resolution.

In case of appeal, the Accountable Officer will determine if:

- the appellant should be reassessed by an alternate assessor;
- the original decision is correct and will stand;
- an adjustment to the original decision is warranted.

The respective State/Territory Manager and/or Accountable Officer will communicate in writing the proposed resolution to all the parties involved in the complaint or appeal process within 20 working days of the formal complaint or appeal receipt.

If the complainant or appellant is satisfied with the outcome, they will be requested to confirm in writing to agree to the resolution, which will be recorded in the CCF SA Complaints and Appeals Register.

Failure by the complainant or appellant to respond within 5 working days will be taken as acceptance of the outcome.

Stage Four – Internal Review of the Determination

If the complainant or appellant remains dissatisfied with the process or the determination, they can appeal and request a review of the decision from the Director – Global Learning and Future Directions or, where there is a conflict of interest, the Chief Executive Officer (CEO).

The Director – Global Learning and Future Directions (or the CEO) will review all complaint/appeal documentation/information and notify their decision in writing within 5 working days of receipt of referral.

An appeal against, or request to review a decision/determination must be made within 30 days of the notification of the original decision.

Stage Five – External Review of the Determination

If the complainant or appellant is not satisfied with the outcome of the internal review, they may request that the matter is reviewed via an external dispute resolution process, by an external mediator. For this purpose CCF SA uses the services of:

Mediation Australia
<http://www.mediationaustralia.net.au/>
08 8379 2910

Mediation Australia offers mediation services nationally.

The engagement of an external mediator will incur a fee, where if brought by the complaint, will be the liability of the complainant.

If, after CCF SA's internal complaints and appeals processes have been exhausted, the complainant or appellant is still not satisfied with the determination of the external mediator, they may submit a complaint to ASQA by completing the online complaint form: <https://asqanet.asqa.gov.au>

ASQA is not able to act as the independent third party for reviewing complaints.

The complainant or appellant will need to provide evidence to ASQA that they have completed the CCF SA complaints and appeals processes before submitting a complaint to ASQA. In exceptional circumstances ASQA may consider a learner's complaint without this evidence.

Australian Skills Quality Authority

Tel: 1300 701 801

Website: <https://www.asqa.gov.au>