

Complaints & Appeals Policy & Procedure

Aim of this policy

Regional Skills Training (RST) is committed to maintaining a workplace that encourages trust, respect and cooperation between all people. It is recognised, however, that on occasions, issues or inappropriate behaviours may occur and that a Complaints and Appeals process is required to resolve complaints or concerns.

RST aims to ensure all Complaints and Appeals are recorded, acknowledged and dealt with fairly, transparently and in a timely manner in accordance with natural justice principles and RST's policies.

Scope of this policy

This Policy applies to all RST Staff, Students and visitors and includes:

- > A complaint about a service or information, behaviour, act or omission that they feel is unfair, discriminatory or unjustified.
- > An appeal by a Student about an assessment decision including the reliability and the fairness of an assessment.

Policy

The following are the key principles of the RST Complaints and Appeals policy:

- > **Availability** – This Complaints and Appeals policy and the associated procedure and forms will be publicly available.
- > **Impartiality** – If a complaint and/or appeal is made, it will be investigated in a fair and impartial manner. No judgements or assumptions will be made and no action will be taken until the investigation is complete. If a complaint is made against an employee, their rights will be protected and they will be given an opportunity to respond to the complaint.
- > **Confidentiality** – Any information regarding a complaint/appeal will be treated as confidential and in accordance with the RST confidentiality policy.
- > **Victimisation** – RST will ensure that any person raising a concern, a witness, an individual providing information or a support person will not be victimised or given any detrimental action. Such behaviour would be regarded as serious misconduct and may result in disciplinary action.
- > **Timeliness** – Each complaint and/or appeal will be dealt with immediately and finalised within as short a time period as possible. Every attempt will be made to ensure that all complaints are finalised within two weeks.

Raising a concern

A person who has a concern or grievance about another person's behaviour, are encouraged, if they are comfortable to do so, to approach the other person and raise their concern in good faith directly with that person. If the issue can be resolved in a respectful, constructive and reasonable way and both parties are satisfied with the result, that will be the end of the matter.

If the person does not feel comfortable raising a concern with another person, or, if they have and the outcome was not satisfactory, then the concern should be raised as follows:

STUDENT OR STAKEHOLDER COMPLAINTS

A Student or relevant Stakeholder who wishes to raise an informal concern, may discuss the matter verbally, through text or email with an RST staff member. This includes their Trainer, Student Services Officer (SSO), Program Manager or the CEO.

If unhappy with the resolution of an informal concern, the Student or Stakeholder may formalise a complaint by submitting the Complaint or Appeal Form to ceo@rst.edu.au.

STUDENT APPEAL OF ASSESSMENT DECISION

A Student requesting reconsideration of an unfavourable decision or finding during training and/or assessment can apply for an appeal of this decision.

Before requesting an appeal, Students are encouraged to discuss the decision either verbally, through text or email with an RST staff member. This includes the Trainer and Assessor, Student Services Officer (SSO), Program Manager or the CEO.

If unhappy with the decision after discussions, the Student may formalise a request for an appeal by submitting the Complaint and Appeals Form to ceo@rst.edu.au.

- > An appeal must be made in writing within 20 business days of notification of an RST decision. If extenuating circumstances delay a timely appeal application, the CEO can accept or decline an application beyond 20 days at their discretion.
- > If requested by RST, the Requestor will be required to supply further information, evidence or documentation to support their request to appeal in a reasonable timeframe.

STAFF COMPLAINTS

If an RST Staff member wishes to make a complaint, they are encouraged to discuss this with their manager in the first instance. If unhappy with the resolution of an informal complaint, Staff can raise a formal complaint by submitting the Complaint and Appeals Form to the HR Officer or CEO.

Complaints and Appeals Procedure

Once a formal complaint/appeal is received in writing by RST, the following process will be followed until an appropriate resolution is reached;

- > Acknowledgement of the complaint will be made to the Complainant/Appellant in writing, within two business days.
- > The CEO or other external third party who is independent to the matter, will undertake an investigation and recommend appropriate action. The investigation will be conducted through a confidential process of:
 - > Ascertaining the substance of the concern to determine what issues require investigation
 - > Obtaining information from any relevant source
 - > Taking any other necessary steps to obtain relevant facts
 - > Seeking a response to the concern from the person whose alleged conduct gave rise to the grievance
 - > Taking action to resolve the issue and/or make recommendations to the CEO to eliminate or mitigate the likelihood of reoccurrence
 - > Documenting how the investigation was conducted, facts, conclusions and recommendations.
- > If the complaint and/or appeal concerns a Staff member, the staff member will be informed and provided an opportunity to respond.
- > In the case of a Student appealing an assessment decision, a review of assessment/s by a suitably qualified person, other than the original assessor will be arranged.
- > Appropriate actions will be enacted in a timely manner to resolve concerns raised in the complaint/appeal. Options which may be considered for resolution include:
 - > Reissue of the result of the assessment (either upholding the original decision or revising the decision)
 - > Ongoing monitoring by a manager
 - > Counselling, training or education
 - > An apology
 - > Mediation where both parties agree
 - > Formal disciplinary processes.

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- > The Complainant/Appellant will be informed of the outcome in writing within five business days of the outcome of the investigation.

RST endeavours to respond to complaints and appeals in a timely manner, and in most cases the investigation will be finalised within 60 business days of submission. If this is not the case, the Complainant/Appellant will be notified in writing with a revised timeline for resolution and kept updated of this progress.

Upon a resolution being reached, the Complainant/Appellant and the CEO will sign the completion on the Complaints and Appeals Form, which is then filed securely by RST.

Unresolved Complaints

If a resolution to the complaint/appeal cannot be reached, the CEO will organise a review by an independent mediator provided by the Australian Mediation Association.

The mediator can either be a single person or a panel, depending on the nature of the complaint/appeal.

All parties will agree to abide by the outcomes and recommendation of the independent mediator.

The costs of one mediation session up to two hours will be borne by RST. The cost of any further mediation that may be required will be at the cost of the Complainant or Appellant.

Support Person

Any person involved with a concern or grievance may have a support person present at any interview.

A support person's role is to provide emotional and practical support during a meeting. The support person cannot act as an advocate, or argue for the person, but they may give advice to them or answer on their behalf if the person is unable to.

Vexatious or malicious complaints

If a complaint is found to be made without genuine belief of the truth of a complaint, or with malicious intent, this will be investigated and may be subject to disciplinary action.

Third Party Notifications

Complaints involving criminal matters will be referred to the Police. Relevant reporting bodies may also be informed if required by legislation.

Continuous Improvement

All complaints will be reviewed and any requirement(s) for change to any policy, procedure or form will be completed as per the Continuous Improvement Procedure.

This includes instances where a complaint is not upheld, so that RST can put into place actions to avoid the repeat of such an appeal or complaint.

Approver Name	Signature	Date
Caroline Graham		4/1/23