

# **WESTERN ROADTRAIN DRIVER TRAINING**

## **COMPLAINTS AND APPEALS POLICY**

Document Status: Endorsed

<b>Development Date</b>	October 2014		
<b>Revision History</b>			
<b>Review Date</b>	<b>Reviewer Name</b>	<b>Review Reason</b>	<b>Outcome &amp; Changes</b>
18 May 2015	Darko Savic	New Standards	Remove references to AQTF
11 July 2016	Darko Savic	New UoC and change to scope application	No change
2 December 2016	Darko Savic	Audit finding	Include 60 day resolution period
14 December 2018	Darko Savic	Annual Review	No change required
3 December 2019	Darko Savic	Annual Review for re-reg audit	No change required

## POLICY STATEMENT

Western Roadtrain Driver Training (WRDT) seeks to provide a fair, safe and supportive environment where students can obtain nationally recognised outcomes that reduce the potential for complaints and appeals occurring. Students must be treated in a fair, courteous and respectful manner, and that all functions and activity of the RTO occurs in accordance with the various policy and procedure documents set out to facilitate this.

In the event of a complaint or appeal, the Director WRDT will ensure the matter is managed in a constructive, fair and timely manner, intended to bring a satisfactory resolution for all parties concerned, and one that abides by all related legislation, regulation, and WRDT operating guidelines.

We commit to ensuring that:

- 1 Students are aware of this policy and guidelines for addressing complaints and appeals.
- 2 Any complaint or appeal is handled professionally and confidentially.
- 3 Persons with a complaint or appeal have a clear understanding of the process involved in resolving the issue.
- 4 Persons lodging a complaint or appeal are advise of their rights and responsibilities in relation to how the matter will be addressed, actions that can be undertaken and how decisions are made.
- 5 The outcome and decisions resulting from investigation of a complaint or appeal are provided in writing, to all persons involved.
- 6 Students will not be treated unfairly as a result of being a party to a complaint or appealed a decision.
- 7 A record for all complaint or appeal matters will be made and maintained, setting out the origin of the concern, the process taken to investigate and resolve them, and the outcome.
- 8 Complaints and appeals will be used to review RTO operations and guide improvements in practice and decision making.

## Responsibilities

The Director is responsible for ensuring the compliance and implementation of this policy and for overseeing the facilitation of any complaint received.

Students are responsible for following the guidelines and procedures and complying with the intentions of this policy in lodging a complaint or appeal.

The Director undertakes to monitor the activity surrounding matters of complaints or appeals to ensure that RTO practice is improved and similar situations are unlikely to reoccur.

### GUIDELINES

1. The Director must respond as soon as practicable to any complaint or appeal being raised in relation to any aspect of WRDT business.
2. Any person who feels aggrieved is required to raise their concern/s with the Director in the first instance to ascertain if the matter can be resolved in an informal way.
3. If the issue is unable to be resolved using this approach, or if the aggrieved person genuinely feels unable to raise the matter with the Director, they may request for another person to be made available to them who they can discuss the matter with. Alternatively, they may proceed directly to the formal process set out in this policy, explaining why this action has been taken.
4. Formal complaints or appeals must be made in writing and addressed to the Director using the WRDT Complaint or Appeal Lodgement Form.
5. The Director will ensure the complaint or appeal is responded to as soon as is practicable (within 3 working days) and that it is investigated in a process that is open, fair, and complete, and the process is made known to the parties involved. An assessment appeal must be lodged **within 5 working days** of the non-compliant assessment decision being made.
6. Where the WRDT considers more than 60 calendar days are required to process and finalise the complaint or appeal it will inform the complainant or appellant in writing and provide the reasons why more than 60 calendar days are required; and it will also regularly update the complainant or appellant on the progress of the matter.
7. If the matter is unable to be resolved, it will be referred to an independent party to review and make a determination of actions to be taken. The independent party will consider the matter and provide their outcomes in writing to the aggrieved party and the Director. The independent party will be a person with knowledge of the VET sector and complaints resolution procedures. If required they may seek advice from an expert in the areas should the matter relate to content or assessment outcomes.
8. An independent party engaged to review a complaint or appeal matter will be required to declare if a conflict is present and if so excuse themselves from participating in the process.
9. If the complaint or appeal remains unresolved after review by an independent party the complainant will be advised of relevant external organisations that they may choose to contact.
10. All complaints or appeals received must be documented and open to external review, and considered for continuous improvement actions.

### PROCEDURES

The procedures that follow outline the process that must be followed in lodging, receiving and responding to a complaint or appeal. These procedures guide the process of receiving, acting upon and documenting either a complaint or appeal from a student. A complaint or appeal could relate to an action that has been taken, treatment of an individual, decisions or

judgements relating to assessment outcomes or practice or any other matter involving a student that causes them to feel that the RTO has acted improperly or unfairly.

Complaints and Appeals Management

<b>PROCESS</b>	<b>RESPONSIBILITY</b>	<b>ACTION</b>
Receiving a complaint	Director	<ul style="list-style-type: none"> <li>• Ensure that the matter is documented in writing with sufficient details to provide the basis for investigation</li> <li>• Check that contact details of the complainant are provided</li> <li>• Advise the complainant of receipt of the complaint and that they will be contacted within 3 working days</li> <li>• Log the issue in the Complaints &amp; Appeals Register</li> </ul>
Review the complaint	Director	<ul style="list-style-type: none"> <li>• Consider the details provided and determine a process for investigating the matter</li> <li>• Advise the complainant in writing of the process being applied including who is investing the matter</li> </ul>
Investigating the complaint	Director or appointed person	<ul style="list-style-type: none"> <li>• Gather information from relevant parties to establish the facts</li> <li>• Review the facts in relation to WRDT policies and procedures and any regulatory and legislative requirements to determine factors leading to the complaint / appeal</li> <li>• Discuss with relevant parties as required and decide upon a resolution strategy</li> <li>• Discuss strategy with the complainant</li> <li>• If the matter can be resolved, document outcomes including continuous improvement actions and put the resolution strategy into action</li> <li>• If the matter is unresolved (within 60 days) escalate to an independent party process for final consideration - prepare documentation for their review</li> </ul>
Escalation of the complaint - only if unresolved in previous step	Director	<ul style="list-style-type: none"> <li>• Advise complainant of escalation process</li> <li>• Appoint a suitable independent party and provide all documentation available to them - request they sign a confidentiality agreement and conflict of interest declaration</li> <li>• Provide support and assistance to the independent party as required</li> <li>• Review independent party's findings and abide by their decision</li> <li>• Act upon the decisions</li> <li>• Document outcomes including continuous improvement actions and advise all parties (complainant and respondent) of the outcome in writing</li> <li>• If matter is unresolved inform the complainant in writing of the outcome of the investigations, the final decision and advice of external options that they may access.</li> </ul>
Evaluating complaint processes	Director	<ul style="list-style-type: none"> <li>• Ensure a review all information gathered during the resolution process occurs to identify contributing factors</li> <li>• Examine and identify ways to prevent similar matters occurring in the future</li> <li>• Record all details in the Complaints &amp; Appeals Register, Continuous Improvement Register and Action Plans</li> </ul>

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## DEFINITIONS

Appeal	Action taken by a person who is dissatisfied with any decision of the RTO including an assessment decision or process which may have an adverse outcome upon the person (or is perceived to have an adverse outcome). In this context appeals relate to the students of WRDT.
Complaint	An expression of dissatisfaction with the behaviour or action of another which has an unreasonable negative impact upon the complainant. In this context complaints relate to the students of WRDT.
Complainant	Person raising a complaint
Independent party	An individual who is not involved or named as party to a matter or involved in the day to day operations of the RTO. In this context it is important to acknowledge that independent means an individual or individuals who will look at a complaint or appeal matter from a perspective of neutrality.
Parties	Those people who have a direct connection to the matter of complaint or appeal. In this context this means WRDT students or personnel as well as persons engaged by WRDT to consider a complaint or appeal, or a representative of the Training Accreditation Council or other Government Departments who has a legal right to become involved.
Respondent	Person to whom a complaint is made about, or named as a person associated with a complaint matter

## POLICY AND DOCUMENT BASE

- Standards for Registered Training Organisations 2015 (Standard 6)
- Equal Opportunity Act WA
- Freedom of Information Act WA
- WRDT Assessment Policy and Guidelines
- Fair Trading Act 2010
- Competition and Consumer Act 2010

## ASSOCIATED DOCUMENTS AND SYSTEMS

TITLE	LOCATION
Complaints & Appeals Lodgement Form	Forms and Templates Folder
Complaints & Appeals Register	Registers Folder
Continuous Improvement Register & Action Plan	Registers Folder
Confidentiality Agreement	Forms and Templates Folder
Conflict of Interest Declaration	Forms and Templates Folder

## IMPLEMENTATION

This policy is implemented through:

- Student Information Booklet
- Assessor Information Guides
- WRDT policy and procedures documents
- Continuous improvement processes - CI Register and Action Plans

This policy must be reviewed annually.