



Complaints, Appeals and Grievances Procedure

CERT-PRO-CAG-01.0

1. Outline

Purpose

To ensure the compliance of CERT Training (CERT) with the *National Standards for Registered Training Organisations (2015)* (Standards for RTOs) and safeguard procedures to appropriately manage any complaints, appeals and grievances which may arise so as to provide access, equity and fairness.

This procedure supports the following principles:

- Quality
- Fairness
- Natural justice
- Adherence to regulatory and legal obligations
- Equity
- Protection for the rights of the individual

Scope

This procedure has bearing on all CERT employees, products and services including training and assessment activities.

Application

This procedure applies to all CERT employees, sub-contractors and partners in addition to all products services and associated resources. This procedure is taken as an integral part of Engenco's system of corporate governance and should be read in conjunction with relevant Engenco policies.

This procedure applies to all student and client complaints associated with enrolments with CERT. It is the responsibility of all CERT employees and partner representatives to ensure compliance with this procedure and all associated policies and work instructions, as well as provide access to this information and relevant processes as required.

Definitions

Complaint: A complaint is the notification by or feedback from a client where there is dissatisfaction about the quality of services received or other elements from their interaction with the organisation. This may include perceived or real unfair treatment, discrimination, bullying or harassment or dissatisfaction with any product, service or decision.

Appeal: An appeal is where a client disagrees with a decision made about a matter with which that client has an interest. An appeal is the process of formally requesting reconsideration of that decision.

Grievance: A grievance is an official declaration of a complaint over something perceived to be wrong or unfair and causes undue negative impact to a person.

Natural Justice: is concerned with ensuring procedural fairness:

- Decisions and processes must be free from bias;
- All parties have the right to be heard;
- The respondent has a right to know the nature of a grievance; and
- All parties are advised of decisions and the reasoning behind such.

2. Responsibility and Accountability

General Manager

The General Manager of CERT is accountable to the Chief Executive Officer and the Board for the effective implementation and operation of this Procedure.

National Quality Manager

The National Quality Manager is responsible for the development and maintenance of this procedure in consultation with stakeholders. It is the responsibility of this position to ensure the compliance of these procedures to the principles of natural justice and Clauses 6.1 to 6.5 of the National Standards for Registered Training Organisations (2015). It is an additional responsibility of this role to ensure the compliance of the business to these procedures.

Operations Managers

Operations Managers charged with responsibility for the business operations in each division or program area are responsible for ensuring adherence to this procedure within their jurisdictions. This is including ensuring the provision of training and understanding to personnel in their areas of management in addition to managing all grievances including complaints and appeals within their jurisdiction.

Other CERT Employees

All CERT employees are responsible for ensuring their understanding of and adherence to these procedures. Additionally, all CERT employees are responsible for ensuring the correct instructions and the appropriate amount of support is provided to clients upon request.

3. Procedures

For the purpose of this document unless determined otherwise, the term 'grievance' should be interpreted as including 'complaints' and 'appeals'.

Initial Process

All clients should be encouraged to first discuss the nature of their grievance with a CERT representative verbally to establish if there is an informal means to resolve the matter. All complaints are taken seriously and are treated with equal importance. It is the responsibility of the CERT representative to either attempt to resolve the complaint according to policy and procedure or to seek additional assistance from their Operations Manager.

If an immediate resolution cannot be agreed to by both parties, it is important that the client is provided the opportunity to lodge a formal grievance.

Lodgement of Formal Grievance

The following processes are to be applied where an immediate resolution cannot be reached in the first instance.

Oral Complaint

Clients may nominate to lodge a complaint orally in person or over the phone. This may be with a CERT representative they feel comfortable with or directly to the appropriate Operations Manager. If the complaint involves the manager it is recommended that it is escalated to either the National Quality Manager or General Manager.

When a complaint is made to a CERT representative, it is a requirement that the representative collects all relevant information which must be formally recorded using the CERT Complaint Form (**CERT-FORM-012 Grievance Form (Form 12)**) and submitted to the appropriate manager.

The form must be presented to the person making the complaint for their perusal and signature.

The minimum details which must be included are:

- Nature of complaint
- Persons involved
- Dates, times and places relevant to the complaint

It is also beneficial to include the following where possible

- Indication of any expectations
- Information on how the grievance may have been avoided

Lodgement of Written Grievance

The following steps are to be followed for complaint submission of a formal grievance:

- i. Clients may elect to submit an official grievance through the completion of the **Form 12** or a formal written submission can be attached to **Form 12** with the minimum details recorded.
- ii. A 'folder' within CERT OneDrive will be established under which all documentation relevant to the matter will be stored. The Folder will be named using the following naming convention:
Surname-FirstName_YYYY-MM-DD e.g. **Bloggs-Billy-2016-06-30**
- iii. The completed **Form 12** together with any supporting documentation will then be scanned and saved into the relevant OneDrive folder, with the original document forwarded to the Manager responsible for processing the matter.
- iv. An email is also to be sent to the National Quality Manager advising that the **Form 12** has been saved to One Drive and providing a brief summary of the nature of the matter and who has been assigned for its resolution.
- v. The responsible manager will investigate the matter, conducting interviews and checks as necessary to determine the cause and other factors as well as prepare an official response to the client along with an outline of the resolution and any corrective action to be undertaken (and by whom) to resolve the matter and prevent resolution.

Associated Work Instructions

The following work instructions apply to the management and administration of grievances.

Allocation of Grievance Manager

The allocation of the appropriate manager to investigate and make a decision on the matter will be determined by the location of the client's program, the staff involved and the appropriate level of responsibility according to the CERT Organisational Structure.

Where the matter may involve the relevant Operations Manager or there is a perception of a conflict of interest, a determination of the appropriate manager responsible for addressing and resolving the matter will be made by the National Quality Manager.

It is the responsibility of any responsible manager to declare a potential conflict of interest or any matter which has potential to compromise the process.

Investigation

The responsible manager will be required to undertake an appropriate investigation with consideration for the principles of natural justice and procedural fairness. This process must include the following:

- i. Discussion of the matter with all parties;
- ii. Collection of appropriate evidence to substantiate the matter;
- iii. Interview relevant third parties where required; and
- iv. Consultation with Subject Matter Experts both internally and externally where required.

All investigations including the reasoning behind certain actions must be fully documented and retained on file for future reference.

Decision Making

All decisions made by the responsible manager are to be made based solely on evidence substantiated through investigation. All findings are to be recorded on the **Form 12** and where relevant additional documentation must be forwarded to the National Quality Manager via email marked "**HR in Confidence**".

It is the responsibility of the decision making Manager to ensure that all outcomes comply with the following:

- i. CERT Policy and Procedure
- ii. Engenco Policy and Procedure
- iii. National Standards for RTO's (2015)
- iv. State and Federal Legislation. This may include relevant consumer, contract, fair trading, safety and other legal requirements.

Notification of Outcome

Upon the approval of the recommended outcome it is the responsibility of the responsible manager to notify all parties involved with the complaint formally in writing. This may be through a formal letter on CERT letterhead to be sent via mail or electronically as an attachment in PDF format to an email.

Timeframes

Whilst every matter for investigation and response will be different, CERT requires that such issues are dealt with and resolved promptly. It is recommended that a maximum timeframe of 28 calendar days is allocated for the completion of any matter of grievance.

Where there is need for additional time to investigate and resolve the matter, the responsible manager must notify the National Quality Manager to advise of the reasons for and length of time required to finalise the matter.

Further Dissatisfaction

Where a client is still unsatisfied with the outcome of the grievance, they will be advised to appeal the outcome with the National Quality Manager in writing.

A decision will be made to either escalate the complaint further or to uphold the decision. The National Quality Manager will respond in writing advising of the decision and the reasoning for it. This will be completed within 14 calendar days.

If the decision is upheld or still not resolved to the satisfaction of the complainant, they will be provided with the appropriate contact details of either ASQA or another nominated third party.

Record Keeping

During the process of finalising a grievance of any nature original documentation is to be kept in a lockable drawer or filing cabinet in a folder marked "**CONFIDENTIAL**".

All documentation is to be scanned and saved electronically under the nominated OneDrive folder. All original documents are to be retained in a lockable cabinet or drawer for a period of six months after the completion of the process.

Following the six-month retention period, all original documents are to be securely shredded and disposed of. The electronic file will be retained indefinitely.

4. Academic Appeals

All clients are entitled to appeal any academic decision made by a CERT representative. As for any other type of grievance, the appellant will be encouraged to first discuss their appeal directly with the relevant trainer/assessor verbally.

A "**Not Yet Competent**" result from an assessment must be discussed with the client at the time it was determined. The assessor will have recorded the reasons for the result on the official assessment document and will discuss this with the client signing and dating the document.

All appeals are taken seriously with notes made about any discussions with the client. It is important that the assessor clearly provides the reasoning behind the judgement and ensure it is reflective of the evidence collected.

Where client-assessor agreement cannot be reached in terms of the decision, the trainer/assessor must refer the student to the appropriate Operations Manager for the lodgement of a formal appeal. If the appeal relates to a decision made by an Operations Manager, the National Quality Manager will refer the matter to a suitably qualified senior member of staff for judgement.

Formal Appeal

If a resolution cannot be reached in the first instance, clients will be invited to lodge a formal grievance in line with CERT's standard process.

Associated Work Instructions

The completed assessment evidence associated with the appeal will be provided to an independent assessor qualified in the subject matter.

The nominated assessor will be required to undertake the following:

- Validate the judgement provided by the original assessor;
- Compare all markings against the validated assessment marking guides;
- Confirm that the assessment has been conducted with regard to and in line with: Courseware instructions, the Training and Assessment Strategy and Training Package requirements; and
- Provide their own competency judgement based on the evidence provided.

The assessor responsible for validating the appeal is responsible for ensuring that their judgements of competency are clear and based only on the evidence provided.

Upon finalisation it is the responsibility of the delegated assessor to provide this evidence to the relevant Operations Manager. The manager will be responsible for ensuring the determined results comply with the following:

- i. CERT Policy and Procedure
- ii. Engenco Policy and Procedure
- iii. National Standards for RTO's (2015)
- iv. State and Federal Legislation. This may be inclusive of consumer, contract, fair trading, WH&S and rail safety legal requirements.
- v. Training Package and Australian Qualification Requirements
- vi. The principals of assessment and rules of evidence collection.

All outcomes, notifications and other activities will be undertaken in line with CERT's standard grievance procedures.

5. Document Control

Responsibility	Authorising Officer	Date
Initiated by	Sean Choat, National Quality Manager	6 June 2015
Authorisation	Mark Haigh, National Manger	
Approval	Kevin Pallas, Chief Executive Officer	
Implementation	Ron Edwards, Group HR & Safety Manager	

Version	Date	Description	Responsible Officer/s
1.0	6/06/2016	Initial release	Sean Choat
	13 – 22/06/2016	General moderation review by various staff.	Sean Choat, Anna McKimmon, Jennifer Goor