Grievances Complaints & Appeals Procedure

1.0 Any employee, trainee / student, subcontractor or any other party involved or in any way associated with the company has the right to lodge complaints in relation to any company employee or any of the company’s processes relating to the delivery and assessment of training packages.

The company will take all formal complaints seriously, investigate all formal complaints and institute appropriate corrective action if necessary to ensure rectification of the problem.

2.0 DEFINITIONS

- **Grievance** - Any complaint presented by an individual, or a group, based on the opinion that they are, or have been, receiving treatment that differs from the treatment received by other individuals or groups.

- **Discrimination** - is defined as:
  a) **Direct Discrimination** - any decision or action which specifically excludes a person or group of people from a benefit or opportunity, or significantly reduces their chances of obtaining it, because a personal characteristic irrelevant to the situation is applied as a barrier.
  b) **Indirect Discrimination** - attitudes and assumptions which are incorporated into rules, policies and practices, which appear to be neutral or to treat everyone equally, but may in fact disadvantage one group.

- **Complainant** - Person who lodges a grievance.

- **Respondent** - Person who it is alleged undertook the behaviour, which resulted in the grievance.

- **Grievance Procedure** - A prescribed set of actions to be followed when a grievance is presented.

3.0 Behaviours or actions, which give rise to a grievance

3.1 A grievance arises when a student cannot obtain redress through normal channels for what he/she considers to be unfair or different treatment. Such treatment may occur in classroom behaviour and interactions.

3.2 A grievance may include behaviour outlawed by the Victorian Equal Opportunity Act, the Federal Racial Discrimination Act or the Federal Sex Discrimination Act, such as discrimination on the basis of sex or marital status, or racial harassment.

4.0 Resolving a grievance

4.1 In the first instance, the student should discuss the complaint where relevant, with the course trainer.

4.2 If the grievance cannot be resolved in this way, the trainee may then raise the matter with the Operations Director.

4.3 If the trainee’s preference is for internal resolution of the complaint, the appropriate company director shall take a written record of the complaint on a Grievance/Complaint Form. It will contain:

- The nature of the complaint;
- The name of the person(s) against whom the complaint is made;
- The date the complaint is made;
4.4 The complainant will read and sign the grievance form as being a true record of the complaint.

4.5 If the complainant is not willing to name the respondent in their complaint the company has little opportunity to act on the complaint unless more than one person initiates the complaint.

4.6 In cases where complaints are made by a class (two or more students) concerning academic or teaching staff, the complainants will not be named and the Operations Director may proceed with conciliating and resolving the complaint.

5.0 Conciliation and resolution

5.1 The Operations Director will meet informally with the respondent for the purposes of:
- Outlining the grievance and naming the complainant;
- Making a written record of the respondent's reply to the complaint, which is signed and considered a true record;
- Attempting to reach an agreement with the respondent that is acceptable to the complainant;
- Attempting to ensure that there are no reprisals taken against a student who has made a complaint in good faith;
- Outlining the requirements of State and Federal Government anti-discrimination legislation or Council policy, where relevant;

5.2 If the grievance is successfully resolved to the satisfaction of the complainant the informal procedure will cease at this point.

5.3 The written record of the informal complaint will be retained for a period of twelve months in a confidential file in the Operations Directors office.

6.0 Follow-up actions

6.1 The Operations Director or their delegate will maintain regular contact with the student for a period of twelve months following successful resolution of the complaint, to ensure that satisfactory outcomes are maintained by all parties to the complaint.

7.0 Unresolved Complaints

7.1 If a grievance cannot be successfully conciliated by the Operations Director to the satisfaction of the complainant, the company will hand the matter over to an independent arbitrator such as A.C.P.E.T. or appropriate qualified consultant engaged by the company.
8.0 Complaints of discrimination - external procedures

8.1 In the case of a grievance being concerned with allegations of discrimination against the complainant on the grounds of that person's status or private life, the complainant has the right to present a complaint to the appropriate external authority.

9.0 Confidentiality

9.1 Confidentiality will be strictly observed throughout the conciliation and resolution process. Information and records related to complaints will be considered exempt documents under Freedom of Information legislation.

10.0 Record keeping and storage

10.1 The written record of the complaint will be retained for a period of twelve months in a confidential manner. Where all appeal mechanisms are exhausted or where the complaint is not sustained, written documentation of the case will be destroyed.

11.0 Appeals

11.1 Should a student feel they have been treated unfairly in regards to an assessment or any other matter they have the right to appeal the decision of the company.

11.2 The appeal must be in writing and be lodged with Operations Director within 14 days of the day on which the trainee was notified, unless special circumstances permit otherwise.

11.3 Upon submitting the Grievance Complaint & Appeals Form, students may asked for their work to be reassessed or apply for a new assessment process should they feel the original assessment process discriminated against them in any way, for example literacy problems.

11.4 Students shall be informed within 30 days of the outcome of their appeal.
Appendix A – Grievance / complaint Flow Chart

1. Student Raises Grievance with course Trainer. (Grievance Resolved)

   YES

   NO

2. Student Completes a Grievance form and sends the form to the Managing Director. (Grievance Resolved)

   YES

   NO

3. Grievance referred to alternative grievance panel (or alternative company director) (Grievance Resolved)

   YES

   NO

   Refer Grievance to independent dispute resolution arbitrator such as ACPET.

   YES

   YES

   NO

   YES

   RESOLUTION OF GREVIANCE

Note:
If the student feels uncomfortable they may raise the complaint directly with the Managing Director.

Note:
The Managing Director shall then contact the student directly (within 3 days and preferably the day the grievance is received).

Note:
Operations Director shall maintain regular contact with Student throughout the course to ensure satisfactory resolution.
Appendix A – Grievance Complaint Appeal Form

Complete this form and email or fax back to Daniels Associates Administration Office to the attention of RTO Manager.
Email: bruce@danielsassociates.com.au
Fax: (02) 4962 4465
Mail: PO Box 738, Newcastle NSW 2300

<table>
<thead>
<tr>
<th>Section (1) Your Details</th>
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<tbody>
<tr>
<td>Title</td>
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<td>Surname</td>
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<tr>
<td>Given Name(s)</td>
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<td>Address</td>
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<td>Contact Details</td>
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<td>Relationship with Daniels Associates</td>
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<tr>
<th>Section (2) Complaint Details</th>
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<tbody>
<tr>
<td>Nature of your complaint Appeal (please write as much detail as possible. Use additional pages if necessary. (Refer to section 4.3 for required details)</td>
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<td>Have you raise this matter with anyone else</td>
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<th>Section (3) Authorisation to investigate</th>
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<tr>
<td>You are required sign and date this form for the matter to be investigated</td>
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<tr>
<td>Signature:</td>
</tr>
<tr>
<td>Date:</td>
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