

## Objective

The Conservation Skills Centre provides appropriate mechanisms and services for learners to have complaints and appeals addressed efficiently and effectively. The Conservation Skills Centre will act on each substantiated complaint, concern or appeal.

We maintain a complaints and appeals policy which includes provisions that manage and respond to allegations involving the conduct of the Conservation Skills Centre, its trainers, assessors or other staff, a third party providing services on the Conservation Skills Centre's behalf, its trainers, assessors or other staff; or a learner of the Conservation Skills Centre.

## Requirement

The Conservation Skills Centre uses a systematic approach to dealing with complaints, concerns and appeals. All concerns, complaints and appeals are dealt with fairly, honestly, without bias in a professional and fully documented manner.

The procedure for handling complaints, concerns and appeals is disseminated through to students prior to and at enrolment, we follow a process to look at complaints, concerns, and appeals and deal with them in a fair and equitable manner.

## Natural Justice and Procedural Fairness

There are three basic principles that apply to the process of dealing with complaints, concerns and appeals: the hearing rule, the bias rule and the no-evidence rule

1. 'The hearing rule: The hearing rule demands that a decision maker must give an opportunity to a person whose interests may be adversely affected by their decision the opportunity to be heard'<sup>1</sup>
2. 'The bias rule: The bias rule demands that the decision maker should be disinterested and/or unbiased in the matter to be decided. Justice should not only be done but be seen to be done. If fair minded people would reasonably apprehend/suspect the decision maker has prejudged the matter, the rule is breached (often referred to as 'a reasonable apprehension of bias')'<sup>2</sup>
3. 'The no-evidence rule: The no evidence rule means, in essence, that the decision that is eventually made must be based on logical evidence (proven on the balance of probabilities - that is, the alleged behaviour is more likely to have occurred than not).

It is also important that in making decisions, administrative decision makers:

- take into account relevant considerations;
- do not take into account irrelevant considerations;
- act for a proper purpose; and
- that the decision is not unreasonable in the sense that no reasonable decision maker could have reached such a decision'.<sup>3</sup>

Once a formal receipt of complaint is received by Conservation Skills Centre, the CSC Director will contact the student within 48 hours to confirm receipt of form. The matter will be discussed by the CSC DIRECTOR and relevant staff and a written response will be provided back to student within 10 working days from receipt of Notice of Complaint form.

If the student is dissatisfied with result, they may access external appeals at little or no cost to them.

## Scope

This procedure applies to all current, prospective students, staff and third party staff providing services on the Conservation Skills Centre's behalf.

<sup>1</sup> Government of South Australia, *What is meant by Principles of Natural Justice and Procedural Fairness?* 27 February 2015, <http://www.decd.sa.gov.au/docs/documents/1/NaturalJusticeandProcedur.pdf> 1.

<sup>2</sup> Ibid 1.

<sup>3</sup> Ibid 2.

## Responsible parties

The CSC Director is responsible for the control and issue of this procedure.

CSC Director: Graeme Hickingbotham

Email: ghickingbotham@cva.org.au

Phone: 0404 828 906

## Complaints/Concerns and Appeals Mechanism

The Conservation Skills Centre ensures that all students will have access to a fair and equitable process for dealing with complaints/concerns and will provide an avenue for students to appeal against such decisions which affect the student's progress.

Every effort will be made by the Conservation Skills Centre to resolve the student's complaints or concern. To this end, the CSC Director is the person to refer formal complaints/concerns. At the time of enrolment the complaints, concerns procedure and appeals policy will be outlined to students.

Should the student believe that the complaint is of a level that is highly sensitive and does not wish to discuss with their trainer or submit complaint form to CSC Director then they are welcome to submit the 'Notice of Complaint Concern form' directly with the CEO. The CEO will meet with the student and consider the complaint following the same process as would the CSC Director listed below.

Note: in the event that the complaint is about another student and/or trainer there may be the requirements to separate both parties until the issue is reviewed and then resolved. In some cases there may be a need to contact external parties such as police or other authorities. The CSC Director and CEO will decide the seriousness of the issue.

Where complaint/concern cannot be resolved internally, the Conservation Skills Centre will provide an outside independent person to hear the appeal/case. The current independent person will be locally sourced and be acceptable to the student and the CSC.

The student is free to have one support person in attendance at the meeting(s).

Where we consider that it will take longer than 60 days to process and finalise the complaint or appeal, we will formally advise the complainant or appellant in writing and include reasons why more than 60 days are required and provide regular updates on the progress of the matter.

## Directive

- All prospective course participants will be provided with a copy of this Complaints and Appeals Policy and Procedure document
- All complaints, or appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution
- All parties will have a clear understanding of the steps involved in the complaints and appeals procedure
- Course participants will be provided with details of external authorities they may approach, if required
- All complaints and appeals will be managed fairly and equitably and as efficiently as possible
- All complaints and appeals and outcomes will be documented in writing
- The will attempt to resolve any complaints within 10 working days from receipt of notice of complaint
- The decision maker must be independent of the decision being reviewed (an assessor cannot consider an appeal on a decision they had previously made)

- The will attempt to resolve any appeal within 10 working days from receipt of notice of appeals
- All complaints and appeals will be dealt with fairly and equitably considering also the principles of natural justice and procedural fairness.

## Procedures

Course participants may raise any matters of concern relating to training delivery and assessment, the quality of the learning, course participants amenities, discrimination, sexual harassment and other issues that may arise.

This policy provides an avenue for most complaints, concerns and appeals to be addressed. However in some cases alternative measures may need to be explored. It is advisable for the student to contact the CSC Director before lodging a formal complaint, to discuss other avenues available to them.

## Complaints

Course participants, who feel they may have been unfairly treated or have not been given the full training that they expected may follow the procedures listed below.

## Steps

- The student should firstly discuss the matter with their trainer/assessor. If they are not satisfied the student may then:
- Have the matter referred to the CSC Director for consideration
- The student must complete the Notice of Complaint Concern and submit this document to the Conservation Skills Centre addressed to the CSC Director. Ensuring that they provide sufficient details about themselves and the course, and the circumstances surrounding the concern, complaint, who was involved, any appropriate evidence and witnesses etc...
- The CSC Director will contact the student within 48 hours to confirm receipt of form
- The CSC Director will discuss the circumstances with the Trainer and make a decision
- The student will be contacted with the result within 10 working days of receipt of formal complaint, the student has 5 working days to respond to formal decision

## Appeal

- If the student is not satisfied with the outcome, the student may then formally request a face to face meeting with the CSC Director to formally present their case in **appeal of the decision** of CSC Director. Once this meeting has occurred, the CSC Director will respond formally within 24 hours.
- A written statement of the appeal outcome, including reasons for the decision will be documented and provided to student
- Where a complaint, concern, or appeal cannot be resolved through discussion and conciliation, the Conservation Skills Centre acknowledges the need for an appropriate external and independent agent to mediate between the parties
- The Conservation Skills Centre will contract such a person as and when required. Costs for an independent agent to review and make a decision on the Appeal will be little or no cost to the student
- The independent person is a mutually agreeable person to the student and the Conservation Skills Centre.

## Assessment related matters

If the student has been advised that they are **Not Yet Competent**, but they believe that:

- They genuinely do have the required degree of competency; and
- They have provided reasonable proof of this to the Conservation Skills Centre

The student may query or appeal the result.

The CSC Director will ensure as far as reasonably possible that all students are satisfied with the fairness and accuracy of the assessment processes.

**Note:** The Conservation Skills Centre will accept an appeal against an assessment decision for a period of no longer than **2 months** after the assessment decision date.

## To appeal an assessment decision

1. Discuss the matter with the trainer/assessor. If not satisfied the course participant should then:
2. Refer the matter to CSC Director for consideration
3. The student must complete the Notice of Complaint/Concern/Appeal and send this document to the Conservation Skills Centre addressed to the CSC Director. Ensuring that they provide sufficient details about themselves and the course, and the circumstances surrounding the appeal
4. The student will need to explain formally why they feel the Not Yet Competent result is not appropriate, and also attach a copy of the original Assessment Task. The CSC Director will have the Assessment Task reviewed by another Trainer and contact student with the written result within 10 working days of receipt of appeal.
5. The student has 5 working days to respond to formally decision
6. The student may then formally request a face to face meeting with the CSC Director to present his or her case in appeal of the decision of CSC Director. Once this meeting has occurred, the CSC Director will respond formally within 24 hours
7. A written statement of the appeal outcome, including reasons for the decision will be documented and provided
8. Where a complaint or appeal cannot be resolved through discussion and mediation, the Conservation Skills Centre acknowledges the need for an appropriate external and independent agent to mediate between the parties
9. The Conservation Skills Centre will contract such a person as and when required. Costs for an independent agent to review and make a decision on the Appeal will be little or no cost to the student
10. The appropriate party is independent of the Conservation Skills Centre, and is mutually acceptable to the student and the Conservation Skills Centre.:

The mediator will encourage the parties to approach a complaint/appeal with an open view and to attempt to resolve problems through discussion and conciliation.

If the student is still dissatisfied with the outcome after the Conservation Skills Centre has engaged an independent agent, [after student has exhausted the Conservation Skills Centre's internal complaints procedures], they may [under the below listed circumstances] lodge a complaint with the Australian Skills Quality Authority only if the following is alleged:

- an organisation is marketing the delivery and/or issuance of nationally recognised training outcomes where the organisation is either not a registered training organisation (Conservation Skills Centre), or is an ASQA RTO but is not registered to deliver the specified training outcome, or

- an ASQA RTO is delivering or has delivered, training, assessment, support and/or administrative services in breach of the Act, the Standards for NVR registered training organisations 2011 and/or the requirements of a Training Package or accredited course.<sup>4</sup>

## Outcome

The outcome of complaints and appeals will be entered into section D of Form F023 Notice of Complaint/Concern/Appeal.

Where applicable, a corrective action will be generated and actioned within a set timeline.

*Note: Refer to ASQAs website before making a complaint:*

*Ref: <http://www.asqa.gov.au/complaints/make-a-complaint---domestic-students/make-a-complaint--domestic-students1.h>CSC Director!*

## VET FEE HELP – Eligible Courses

Should a student who is entitled to VET FEE-HELP assistance not agree with the decision of the Conservation Skills Centre, he/she may apply to the Administrative Appeals Tribunal for a review of the decision. There may be an application fee that the student will need to pay; this all depends on the circumstances. The application will not proceed until the application fee has been paid or waived.

The application fee may be refunded when the review is completed if the decision is found in students favour. The Administrative Appeals Tribunal may be contacted at <http://www.aat.gov.au/about-the-aat> or on 1300 366 700.

## Records

The Conservation Skills Centre will file records of all informal and formal discussions regarding complaints, concerns and appeals and will record such evidence on the student files and in the Student Management System database aXcelerate. If required, a Corrective Action will be raised and actioned then filed in the Quality Compliance Folder and detailed in the Corrective Action Register (F006) for future reference. Complaints, concerns and appeals submitted each month will be reviewed and discussed by management.. The corrective action record will be used to document correct actions/improvements to ensure that the complaint is documented fully to reduce or prevent same issue occurring.

## Security of Records

All complaint and appeals records and their outcomes are securely maintained. The CMS is password locked and maintains permission at different security levels, for example the complaints, appeals and outcomes are on accessible by the CEO, college manager, and CSC Director. The hard copies are within locked filing cabinets, the only staff with keys are the CEO, Training Administration Coordinator, and CSC Director.

This policy is publically available.

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<sup>4</sup> <https://rms.asqa.gov.au/registration/newcomplaint.aspx> 27 February 2015.

# COMPLAINTS/CONERNS & APPEALS POLICY AND PROCEDURE

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## **Associated documents:**

Corrective action record  
Management Review Report  
Corrective action register  
Code of Practice

Policy developed by: CSC Director  
Responsible Manager: CSC Director  
Approved by: CSC Director and CEO

Policy endorsed by: CSC Director and CEO