

COMPLAINTS AND APPEALS POLICY AND PROCEDURE

Australian Nursing and Training Services recognises the need for students, staff, other clients or third parties, to have confidence that the Registered Training Organisation (RTO) has Policy and Procedures in place for dealing with complaints and has an accompanying Appeals process. The parties mentioned should also be confident Australian Nursing and Training Services will deal with grievances in a fair and equitable manner based on procedures that are appropriate, accessible and easily understood. Australian Nursing and Training Services will assure procedures of natural justice are considered.

Australian Nursing and Training Services have a duty of care in ensuring students study in a conducive environment, free of coercion, unfair treatment or harassment and staff are accorded similar conditions of employment.

Individuals have the right at all times to take action under Australia's Consumer Protection laws and lodge a complaint if they feel they have a grievance. Australian Nursing and Training Services is constantly reviewing and updating policies, as a grievance helps us to fix a problem and assists with continuous improvement.

Complaint or Appeal

A complaint would generally be directed at the general performance of Australian Nursing and Training Services, its staff, including anybody providing services on behalf of Australian Nursing and Training Services, in the delivery of our services.

In the **first instance** complaints or appeals should be discussed informally with the staff or trainers involved or where it concerns staff, between the staff member (s) involved and a relevant manager. Where possible disputes are managed and resolved informally.

However if the complaint or appeal cannot be managed informally, then in the **second instance**, the student or staff member, or other third party, can submit a formal **Complaint** or **Appeal** form.

The complaint or appeal will be dealt with promptly. All formal complaints will be dealt with by the RTO Manager and contact will be made by phone to all parties involved to hear everyone's version of events based on the principles of natural justice. Then it will be fully investigated. You will be notified in writing within 7 working days to arrange a time to discuss your complaint or appeal. You will then be notified in writing regarding every step of the process. For the matters listed below, the RTO will act to address the complaint immediately:

- Sexual misconduct or sexually inappropriate behaviour from staff or students
- Comments and language involving inappropriate racist overtones
- Physical abuse
- Any matter that could be considered criminal in nature i.e. theft
- Plagiarism or cheating
- Bullying or harassment

You are welcome to bring a friend or advocate to any formal meetings with the Chief Executive Officer that is your choice.

Internal complaints and appeal services are free of charge and Australian Nursing and Training Services guarantee that the complaint will be addressed by a reviewer who is independent of the decision being reviewed. That is why complaints are handled in most instances by the Chief Executive Officer. Any determination will be fair and equitable, with no decision being made until all parties concerned have had the opportunity to make their case and provide their story.

You will be updated regularly before any decision is made and will be provided with a written outcome on your case including the rationale for the decision. If you are satisfied with the resolution agreed actions will be implemented and the complaint or appeal will be closed. If for some reason the RTO requires more than 60 days to address the complaint, we will notify the parties involved in writing providing justification.

In the **third instance** if the parties involved are still not happy with the written outcome, the complainant can request for an independent third party to review the complaint or appeal. The complainant can select their own third party mediator or can use an independent mediator selected by Australian Nursing and Training Services. Whichever party had the unfavourable outcome, decided by the mediator, will bear the cost of mediation. Be aware that Australian Skills Quality Authority (ASQA) will not provide a review of a complaint as an independent third party, but staff, students or other third parties can lodge a complaint about Australian Nursing and Training Services directly with Australian Skills Quality Authority (ASQA).

External complaints process

Staffs, Students, Clients and other Third Parties have the opportunity to lodge a complaint about the services provided by Australian Nursing and Training Services, through the National VET Regulator, Australian Skills Quality Authority (ASQA). This can be done by going to <http://www.asqa.gov.au/complaints/complaints.html>

Record keeping

A record of all complaints handled under this procedure and their outcomes will be scanned and maintained in electronic format on the Shared Drive at **S:\RTO 41231 File Structure\Forms\Complaints and Appeals**. A copy of any Complaint or Appeal Form will also be scanned into the Shared Drive at **S:\RTO 41231 File Structure\Human Resources & Management\Completed Complaints and Appeals**. These records are to be treated with the utmost confidence and privacy and are not to be stored elsewhere and details are not to be discussed or disseminated, other than among the parties involved.

Access to these files and or the provision of a copy of the information can only be made in writing to the Chief Executive Officer and only after the identity of the person requesting information has been established.

Assessment Appeal

If a student does not agree with an assessment outcome they should first discuss the matter with the trainer/assessor concerned and if the complaint cannot be resolved at this point then the student can lodge an **Assessment Appeal Form**. The form must be lodged within 28 days of receiving the letter outlining the finding result. An appeal form can only be lodged if a Complaints Form has been lodged previously and a decision provided.

Australian Nursing and Training Services Pty Ltd, 3-5/818 Old Princes Hwy, Sutherland NSW 2232. Australia
Phone: +61 2 9542 3340. Email: admin@austnursing.com.au Web: www.austnursing.com.au. RTO No: 41231

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The appeal will follow the same process as a complaint and will be investigated by the Chief Executive Officer

Grounds of appeal

An application for appeal will be considered where:

- A student claims a disadvantage because the trainer did not provide a subject outline
- A student claims disadvantage because the trainer varied without consultation or in an unreasonable way the assessment requirements as specified in the subject outline
- A student claims disadvantage because assessment requirements specified by the trainer were unreasonably or prejudicially applied to him or her
- A student is of the view that a clerical error has occurred in the documenting of the assessment outcome
- A student claims that there is a discrepancy between the practical observation and the formal assessment.

If the appeal for re-assessment is proven, Australian Nursing and Training Services will appoint an alternative assessor who will make all necessary arrangements to conduct the re-assessment of the student at a time that is mutually convenient for all parties concerned.

How to make a complaint or appeal

1. Initial complaint or appeal should be discussed informally with the applicable staff involved.
2. If the complaint or appeal is not resolved informally, the student may choose to lodge a formal complaint or appeal.
3. The complaint or appeal is recorded and the Chief Executive Officer will make contact within 10 working days to arrange a meeting
4. A meeting will take place to negotiate between all parties in an attempt to find a resolution agreeable to all parties. All appealed assessments will be re assessed by an alternative trainer/assessor.
5. Written documentation on the outcome and resolution is provided to all parties and actions are immediately implemented.
6. If a student is not satisfied with the outcome they will be referred to an external body where the matter can be dealt with independently at their own cost.
7. The complaint or appeal will be passed to the Continuous Improvement Committee for discussion.

Alternatively the complainant may wish to lodge a complaint or seek further advice by contacting the National Training Complaints Hotline on: 133873.