1.12 Complaints and Appeals

This procedure has been developed and implemented to ensure that Construction Training Group (CTG) has an efficient and effective complaints and appeals management process to allow its students/stakeholders to express any concerns they may have that relates to the nationally recognised training programs offered by Construction Training Group.

In addition, this procedure outlines the process by which Construction Training Group will continuously improve the quality of services based on information gained from complaints and appeals made by its clients/stakeholders.

Definitions

Complaints Process

A process by which a student, staff member, industry client, or other stakeholder may raise a concern about the conduct of:

a) the RTO, its trainers, assessors or other staff;
b) a third party providing services on behalf of the RTO, its trainers, assessors or other staff; or
c) a student of the RTO.

Complaints may also cover allegations of abuse and harm to children by adults and other children and breaches to Child Safe Standards, Child Safety Policy and the Child Safety Code of Conduct. Where a complaint relates to a third party, the complainant may lodge a complaint with the third party, with the CTG RTO Manager, or both. The process for managing a complaint as detailed below will be followed irrespective of whether CTG or the third party organisation/agency is managing the complaint.

Appeals

A process whereby a student, staff member, industry client, or other stakeholder may request the review of a decision made by the RTO or a third party providing services on the RTO's behalf. The decision made by the RTO or a third party may be an assessment decision or may be about any other aspect of the RTO's operations.

Process

Complaints Management (informal resolution)

1. All complainants are encouraged to firstly resolve any complaints they have in an informal manner.
2. Complainants can do this by approaching the person/s against whom they are making the complaint and try to rectify issues that relate to their complaint.
3. Children and young people may seek support from an adult (family/guardian/a CTG staff), if needed.
4. In the event the complainant is unable to resolve their complaint through the informal process then the complainant has the option of lodging a formal complaint.

Complaints Management (formal resolution)

1. The complainant may choose to raise a concern formally in writing. Formal written complaints should be submitted to the RTO Manager. Formal written complaints should contain the following details
    a. the reasons for the formal complaint i.e. the why, and
    b. provide situational background to the complaint i.e. the what, when, who, where and how.

    Children and young people may seek support from an adult (family/guardian/a CTG staff), if needed. CTG administration staff will assist children, young people, people with disability and people from diverse backgrounds if they require assistance with lodging a formal complaint.

2. The RTO Manager, having regard for the relevant circumstances will consider the formal complaint by:
    a. reviewing the complainant's letter;
    b. verifying that all appropriate RTO procedures have been correctly carried out;
    c. sourcing additional information from appropriate staff concerning the subject of the complaint;
    d. discussing the matter directly with the complainant;
    e. undertaking other investigation or action as appropriate.

3. After consideration of all available evidence, the RTO Manager may decide to:
    a. Dismiss the complaint
    b. Uphold the complaint and direct that:
        - compensation as appropriate be made to the complainant and/or
        - where relevant administrative systems or procedures be reviewed;
        - appropriate preventative action be undertaken;
        - other actions as appropriate.

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5. The complainant will be informed of the outcome within 10 working days of submission of the formal complaint. The written advice of the outcome shall include the reasons for the outcome and advise the complainant of their right of appeal.

6. If for any reason the management of a complaint takes longer than 10 working days, the complainant will be informed of reasons for the delay and will be provided with regular progress updates.

7. The complainant (including children and young people) will be supported by CTG personnel and/or external personnel during the complaint resolution process. Parents/guardians/support personnel can accompany children and young students and actively engage in the complaint resolution process (if the complainant is a child/young person).

8. CTG will respond to any concerns or complaints of child harm or abuse promptly in accordance with *'Four critical actions for VET and higher education providers - Responding to Incidents, Disclosures and Suspicions of Child Abuse.'.* Children and young people will be protected from the person/s against whom they are making the complaint by directly supervising the impacted children/young people, avoiding any possible interactions between both parties and/or allowing a support person to accompany students if their training and assessment continues at CTG when the investigation is underway. Children, young people and their families/guardians will be encouraged to seek required emotional and mental support from relevant practitioners, where appropriate.

9. CTG will report complaints about child abuse and harm to the authorities and cooperate as necessary with law enforcement.

Appeals Management

1. A student, staff member, industry client or other stakeholder has the right of appeal on one or more of the following grounds:

    a. That the investigation process did not take account of all matters related to the complaint;
    b. That the student, staff member, industry client or other stakeholder is able to provide new evidence which could not reasonably have been provided at the time of the formal complaint resolution process;
    c. That a procedural irregularity has occurred in the hearing of a complaint during the formal resolution process.

2. An appeal must be lodged in writing to the Managing Director within 5 working days of notice of the outcome of the formal complaints' procedure.

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3. Upon receipt of the written appeal the Managing Director will:

    a. Consider the matter and complete the investigations within 5 working days of notification of appeal;
    b. Report to the Senior Management Group his/her findings, decision and recommendations, and
    c. The Senior Management Group will consider all evidence and on reaching a decision, notify the appellant in writing of the outcomes of the process, the reasons for the decision(s) and any specific action to be taken.
    d. If for any reason the management of an appeal takes longer than 5 working days, the appellant will be informed of reasons for the delay and will be provided with regular progress updates.

4. The decision of the Senior Management Group is the final step in Construction Training Group's internal Complaints and Appeals Process.

Appeal Against Assessment Decision

Any student dissatisfied with the mark awarded for or outcome of an assessment task, or the final result for a unit because they feel the mark or result is unfair or incorrect, may submit a request to the RTO Manager for a review.

In the first instance, such review will be undertaken by the original assessor. If the student remains dissatisfied with the outcome then he/she may lodge a formal appeal.

The appeal must be in writing, explain reasons for the appeal, and be submitted to the RTO Manager within 10 working days of the student being notified of the review outcome.

Where reasonable grounds for appeal exist, the RTO Manager will arrange for an external review to be undertaken. Any costs associated with the external review will be borne by Construction Training Group.

The student will be notified in writing of the outcome of the external review. The outcome of the external review will be final.

Independent Mediation and Consultation

At any time during the complaint and appeal process the complainant/appellant may seek the advice or mediatory services of an external independent body. Should the complainant/appellant choose to seek alternative advisory or mediation services, the complainant/appellant will meet the financial costs of such services. Please see below for examples of independent consultation services:

- National Training Complaints Hotline - telephone 13 38 73 (Monday to Friday, 8.00 am – 6.00 pm or via email to skilling@education.gov.au
- Dispute Settlement Centre of Victoria, a free mediation service, which may be accessed via telephone Toll Free 1800 658 528 or email dscv@justice.vic.gov.au
- Victorian Registration and Qualifications Authority –via the VRQA website www.vrqa.vic.gov.au/complaints
- Local Aboriginal and Torres Strait Islander Cultural Organisations and Community Elders.
- Social Services Regulator (SSR)– for child safety related information and advocacy services.

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Record Keeping

1. Staff members associated with investigating and resolving a complaint or appeal are required to keep file notes of any related discussions or actions. Such file notes are to be marked 'Strictly Confidential' and be held in a secure restricted place. All official correspondence with the complainant/appellant will be retained in the same place.

2. Notes should be kept to a minimum stating only facts and relevant details as described by the parties. Dates and times of interactions should also be recorded.

3. All complaints and appeals including the nature of the complaint/appeal, the outcomes of the complaint/appeal will be recorded onto our Complaints & Appeals Register; and

4. Actions arising from our Complaints & Appeals Register will be used to continuously improve Construction Training Group's systems and operations.

5. When engaging with relevant authorities as part of complaint resolution involving children and young adults, consent must be sought from parents/guardians/relavant stakeholders before sharing information and student's personal information. If unsure of recordkeeping, reporting and information sharing requirements, CTG staff must contact the SSR – for information and advocacy services.