

# **CWS LEARNING INSTITUTE POLICY DOCUMENT**



## **COMPLAINTS AND APPEALS POLICY POL004**

**VERSION 2.2**



## Introduction

The prime objective of the CWS Learning Institute is to deliver client and participant satisfaction through our committed professionalism and service.

It is our intention that our service will meet all client and participant expectations. To do so, CWS Learning Institute will adhere to the policies as set out in the CWS Learning Institute POL011 Quality Policy.

To ensure complete satisfaction, CWS Learning Institute will follow up and address any issues or concerns expressed by our clients or participants. Prompt action will be taken to ensure matters are handled appropriately.

## Purpose

This policy and procedure provides clear and practical guidelines in regards to complaints and appeals received about CWS LI, our students, trainers, assessors, other staff and/or third parties. This policy ensures that issues can be resolved equitably and efficiently, and in accordance with the principles of natural justice.

## Scope

This complaints and appeals policy and procedure will manage allegations involving the conduct of:

- CWS Learning Institute its trainers, assessors and other staff
- stakeholders and others
- third party providing services on the RTO's behalf, its trainers, assessors or other staff (where this may be relevant to its operations)
- participants of CWS Learning Institute

## Definitions

**Complaint** - is any expression of dissatisfaction with an action or service of the Registered Training Organisation.

**Appeal** - is a request made by a participant, staff member or stakeholder of CWS Learning Institute or another interested party disputes a decision made by the RTO.

Complaints and appeals can arise from matters of concern relating to:

1. training delivery and assessment
2. the quality of the training
3. participant support

4. materials
5. discrimination
6. harassment

**Natural Justice** - is concerned with ensuring procedural fairness. It involves:

1. Decisions and processes free from bias
2. All parties having the right to be heard
3. All parties having a right to know how and of what, they are involved/accused
4. Investigating a matter appropriately before a decision is made
5. All parties being told the decision and the reasons for the decision

## Policy

CWS Learning Institute believes that a person, who has a complaint or appeal, has the right to raise the complaint or appeal and expect that every effort will be made to resolve it in accordance with this policy, and without prejudice or fear of reprisal or victimisation.

The person has the right to present the complaint or appeal formally and in writing.

CWS Learning Institute will manage all complaints and appeals fairly, equitably and as efficiently as possible. CWS Learning Institute will encourage the parties to approach the complaint or appeal with an open mind, and to resolve problems through discussion and conciliation.

CWS Learning Institute seeks to prevent complaints by ensuring high levels of satisfaction with its training and assessment, its performance as an RTO and with its public image. If a complaint should arise, all staff are expected to be fair, courteous and helpful in all dealings with the person making the complaint or lodging the appeal, and to assist or refer where they can.

Where a complaint or appeal cannot be resolved through discussion and conciliation, CWS Learning Institute acknowledges the requirement for an appropriate external and independent person/party to mediate. The parties involved will be given the opportunity to formally present their case in an independent forum.

Confidentiality will be maintained throughout the process of making and resolving complaints/appeals. CWS Learning Institute seeks to protect the rights and privacy of all involved, and to facilitate the return to a comfortable and productive learning environment.

A copy of the Complaints and Appeals Policy is available to the public, all stakeholders, students and staff. The latest version of this policy is easily accessible via the CWS Learning Institute website. The Participant Handbook also summarises this process and points the participant in the right direction to access the full policy.

## Complaint Procedure

Should a person have a complaint, the following steps include:

1. Discuss the issue directly with those involved to try and resolve it verbally.
2. If no resolution is reached, discuss the issue with the CEO RTO to see if it can be resolved.
3. If this resolves the situation, the outcomes will be put in writing and signed by both parties. One of the two copies of the outcome will be placed on file with the CEO RTO and securely stored.
4. If there is still no resolution, the person should put the following information relating to the complaint or appeal in writing to CEO RTO. This **written notification** can be made using the F007 Complaint Form or by email, or letter and must include:
  - a. A description of the complaint
  - b. A statement about whether the person wishes to formally present their case
  - c. Information about any prior steps taken to deal with the complaint
  - d. What they would like to happen to fix the problem and prevent it from happening again
5. A written acknowledgement of receiving the complaint will be forwarded to the complainant within five working days.
6. The CEO RTO will either deal with the issue personally, or arrange for it to be dealt with by a management representative. This process must commence within ten working days from the time the CEO RTO receives the **written notification** and a response/resolution must be presented within 14 working days.
7. The CEO RTO will:
  - a. Undertake a preliminary enquiry to determine nature of the complaint
  - b. Inform other relevant parties (if necessary)
  - c. Provide all parties an opportunity to present their case (with a support person and/or parent/guardian if a student is under 18 years of age)
  - d. Discuss with the parties any resolution and any arrangements required by the RTO
  - e. Record the outcome of discussion on F007 Complaint Form
  - f. Provide the outcome in writing to the person (and other parties if relevant)

8. Should the issue still not be resolved to the person's satisfaction, CEO RTO will make arrangements for an independent party to resolve the issue. All associated costs for continued investigation will be discussed with the complainant. They will be given the opportunity to formally present their case. The time frame for this process may vary but should take no longer than 14 working days.
9. All parties involved will receive a written statement of the outcomes, including reasons for the decision within the 14 working day period. If the process is taking longer than 60 days from the complaint being received, the person will be notified in writing of the reason for the delay, and kept informed of all progress.
10. If the person is still not happy with outcomes from the independent process, they may take their complaint to the VET Regulator - the Australian Skills Quality Authority
11. Information about the process can be found at:  
<https://www.asqa.gov.au/complaints/complaints-about-training-providers> or at the National Complaints Hotline at <https://www.education.gov.au/NTCH>
12. From any substantiated complaints, the causes will be reviewed as part of the RTO's continuous improvement management system (CIMs), and appropriate corrective action will be taken to prevent or reduce the likelihood of reoccurrence. Actions will be recorded on the REG001 Continuous Improvement Register.
13. Any complaint that is related to illegal activity, such as theft, assault etc., will be immediately referred to the appropriate authority.
14. All documentation relating to complaints will be stored securely as per the POL019 Records Management.
15. The CEO RTO will be personally responsible for the implementation and maintenance of the policy.

## Appeal Procedure

CWS Learning Institute entrusts qualified assessors to make assessment decisions regarding the competency of participants. These decisions may in turn have an impact on an individual's future work and learning opportunities.

An appeals process underpins all assessments carried out by CWS Learning Institute. It is acknowledged that occasional disputes may arise in relation to outcomes awarded by assessors that cannot be resolved via informal processes. An appeals process is implemented to manage this. All students have the right to appeal assessment results if they are not satisfied with the outcome of their assessment.

### Initial Review

Where a participant disagrees with the outcome of the marking of an assessment piece, or with the assessment decision notified, they should firstly discuss the outcome with their assessor within two working days of being notified of the assessment outcome. It is anticipated that an initial discussion with the assessor will resolve most circumstances.

There is no formal application process at this stage although the student should make known their disagreement in writing via email.

The assessor then has the option of revising their assessment decision and, following consideration, advises the student in writing of their decision along with recommendations and advice on further study to assist them with development of skills.

The assessor must keep a record on the student file of the request for review and the decision made.

### Formal Appeal

If the participant is unsatisfied with the outcome of the initial review the following process includes:

1. Participant submits an F005 Appeal Application Form to the RTO Admin within five days after completion of the initial review.
2. A written acknowledgement of receipt of the appeal will be forwarded to the complainant within five working days.
3. The CEO RTO will either deal with the issue personally, or arrange for it to be dealt with by a management representative. This process must commence within ten working days from the time the CEO RTO receives the **written notification** and a response must be presented within 14 working days.
4. The CEO RTO will:
  - a. Undertake a preliminary enquiry to determine nature of the appeal
  - b. Interview the assessor
  - c. Review the assessment material
  - d. Interview the participant, if required.
  - e. Record the outcome of discussion on F005 Appeal Application Form

- f. Provide the outcome in writing to the person (and other parties if relevant)
  
5. If the student considers that the appeals process was unsatisfactory and has explored all options available for resolution of the appeal by CWS LI, they will be informed of their right to request a review by an appropriate party independent of CWS LI.
  
6. CWS LI maintains sole discretion on who the third party reviewing the decision is. This is to ensure they satisfy the requirements to be engaged as a CWS LI assessor and can make assessment decisions on our behalf under the Standards for Registered Training Organisations (RTOs) 2015.
  
7. Costs involved in third party review are to be met by the participant and a quote will be provided.
  
8. All documentation relating to appeals will be stored securely as per the POL019 Records Management.