



Complaints and Appeals Policy and Procedure

Important Note: In this document any reference to “Spectra Training Australia”, “Spectra Training”, “Spectra”, “CLB” or “Spectra / CLB” is a reference to CLB Training & Development Pty Ltd (A.C.N. 105 177 044) as trustee for the CLB Unit Trust (A.B.N. 82 443 695 367) trading as “Spectra Training” (TOID 21356).

1. Policy

Spectra Training provides a complaints process that is transparent, fair and equitable for academic and non-academic matters, for current participants and/or those seeking to enrol.

2. Related Standards

Standard 6 - Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently

3. Purpose

This procedure describes the process by which Spectra Training clients and customers may have complaints addressed effectively, efficiently, professionally and confidentially.

4. Responsibility

The CEO and General Manager – Educational Support are jointly responsible for the control and issue of this procedure.

5. Definitions

A **complaint** means any act or omission that a customer or potential customer of Spectra Training believes to be unfair or discriminatory and relates to any Spectra Training activity. It can include complaints related to academic and non-academic matters such as:

- Content or structure of training programs;
- Nature of teaching or assessment;
- Assessment and marking matters;
- Selection or admission decisions;

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elivery of a course or whole program;
- Alleged action by a staff member or another participant that, in the aggrieved participant's opinion, is prejudicial to his/her welfare as a participant;
- Administrative action or inaction, policy, procedure or decision;
- Access to facilities or resources; or
- Allegations of harassment, bullying, discrimination or breach of Spectra Training rules, unethical practices or criminal behaviour; or
- A training program is cancelled by Spectra Training due to a participant's failure to participate (refer to Withdrawal Policy & Procedure)

Informal complaint means a minor concern that could be effectively resolved without the need to make the matter a formal complaint. For example, alleged misinterpretation of policy by staff member, inappropriate penalty for late submission of assignment, dissatisfaction with training venue, concern with an invoice amount or similar.

Formal complaint means a complaint that cannot be resolved informally or is considered serious and therefore needs to be addressed formally. For example, misconduct by a staff member, possible crime or regulatory offence, discriminatory behaviour (staff or student), or similar.

Appeal means the action taken by a student (or their employer) who is dissatisfied with the outcome of an assessment decision

Advocate means person who accompanies and assists a student at any relevant meetings. The advocate may be a friend, family member, student representative. Staff, whether academic or administrative will not act as advocates.

Independent staff is a member of staff not involved with the complaint or complainant and is delegated by the CEO to investigate a complaint (if required).

Investigation means an inquiry into a complaint by an independent staff member who will:

- Commence a file and document all actions relating to the matter;
- Consider all material relating to the complaint;
- Act fairly and impartially, taking into account rules of natural justice and equity principles;
- Interview such parties as are relevant to the complaint;
- Inform him or herself as to any material facts by reference to authorities such as precedents; and
- Determine a resolution to the complaint by making recommendations including any remedies to be applied.
- Record all communications, findings and recommendations in the complaints register

Mediation is a way of resolving disputes between two or more parties with concrete outcomes with the help of a neutral mediator.

Third Parties

A complainant may be assisted by a third party such as, a family member, counsellor or other professional support person. However; a third party is not two or more persons acting at the same time. An advocate may also be referred to as a third party. Costs associated with the third party are to be borne of the complainant.

Legal Representation The costs of legal representation must be borne by the party engaging such representation. Costs are not relevant to an outcome of any complaint or appeal.

Judicial Notice The complaint and appeal process/investigation does not have to strictly follow rules of evidence and can take notice of any information considered relevant. Where possible the principles relating to natural justice will be followed.

Flow Chart A flow chart is attached to this document that provides a visual explanation of the stages of the complaints process.

Complaint Form A Complaint Form has been developed for the information of students. It has been posted on the Spectra Training website.

An email facility is also available via a feedback/complaints/enquiry/form on the Spectra website for the convenience of all stakeholders, including employees, participants and clients. Anonymity, which is expected to ensure candid feedback, is an option in this facility.

6. Guidelines

All prospective participants and employers/mentors will be provided with a Participant or Mentor Handbook upon application for training, this provides detail of the complaints policy and procedure.

Spectra Training will encourage the parties to approach a complaint with an open view and will attempt to resolve issues through discussion and conciliation. Where a complaint cannot be resolved through discussion and conciliation, Spectra Training acknowledges the need for an appropriate Executive Committee to mediate between the parties.

All disputes 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 procedure.

Each complainant will be provided with the opportunity to present his or her case at each stage of the process.

All complaints will be managed fairly and equitably and as efficiently as possible. The complaints and appeals process is available 'free of cost' to the participant.

All discussions relating to the complaint are to be recorded in the complaints register and the complainant provided with a written statement of the outcomes, including reasons for the decision.

Stakeholders that wish to appeal a decision made by Spectra Training in relation to their complaint may do so in writing.

Spectra Training will provide Trainer and Assessors and/or Participants with details of external authorities that they may wish to approach with respect to their complaint if required.

Spectra Training will endeavour to resolve any complaint referred to it by the STA within ten (10) working days of its receipt of the complaint.

Any complaint will be handled fairly, recognising the rights of the person making the complaint and Spectra Training or the person against whom the complaint is being made. All parties concerned will be treated with courtesy and at no time, will be discriminated or victimised. Appropriate confidentiality will be maintained throughout the process.

In the interests of providing the most effective and timely means to address concerns most complaints should be dealt with as close to the source as possible and involve the people most directly concerned unless the complaint is about a person concerned.

7. Complaints Procedure

At any point a complaint may be withdrawn by the complainant.

- **Finance Enquiries**

1. All financial queries or concerns are directed to the Chief Financial Officer;
2. The enquiry is documented in MYOB;
3. The CFO will investigate the matter and provide advice to the client within 5 business days;
4. If the matter is resolved, written acknowledgement is sought from all parties, preferably via email;
5. If the matter is unresolved a further investigation of the issue will be initiated by CFO;
6. The outcome of the investigation will be either a resolution or will initiate a formal complaint;
7. A client can initiate the formal complaint process independent of this investigation.

- **STAGE 1 INFORMAL COMPLAINT PROCESS**

1. Complaint is made to Spectra Training staff member;
2. Complaint is recorded and emailed to the CEO;
3. Complaint is recorded in the complaints register by the CEO or delegate;
4. CEO engages relevant stakeholders and assigns complaint to appropriate manager.
5. Relevant manager contacts complainant within **5 working days** of receiving complaint;
6. If the matter is resolved written acknowledgement is sought from all parties, preferably by email;
7. If the matter is unresolved an internal investigation of the complaint will be initiated by the relevant manager;
8. The outcome of the investigation will either be a resolution of the complaint or initiation of formal complaint process;

9. The complainant and staff member are provided with a written statement of outcome which outlines the details of the decision. The written statement will be provided within **10 working days** by the relevant manager or the CEO ;
10. The complainant can initiate the formal complaint process independent of this investigation.

- **STAGE 2 FORMAL COMPLAINT PROCESS**

1. Written complaint is submitted to the CEO;
2. The CEO will acknowledge the complaint in writing within **5 working days** of receipt;
3. The CEO or independent member of staff, investigates the complaint and liaises with all parties involved;
4. The complainant and staff member are provided with a written statement of outcome which outlines the details of the decision. The written statement will be provided within **10 working days** by the CEO or delegate thereof;
5. If the matter is resolved written acknowledgement is sought from both parties;
6. If the matter is unresolved it will be referred to the Executive Committee comprising of the Chief Financial Officer and General Manager – Educational Support (or delegates) for review;
7. The complainant is provided with a written statement of the outcome which outlines the details of the decision. The written statement will be provided within **15 working days** by the relevant Manager.

- **Stage 3- APPEALS PROCESS**

1. If a stakeholder remains unsatisfied with the outcome of their complaint, a written statement detailing their appeal is to be lodged with the CEO;
2. The CEO will delegate the appeal to the relevant manager for review of the original outcome and the grounds for the appeal. They will consult as necessary to investigate the appeal;
3. The relevant manager will contact the appellant within **10 working days** to discuss the outcome of the complaint and identify the desired outcome;
4. The desired outcome will be discussed with relevant stakeholders and a solution agreed to;
5. The relevant Manager will advise the appellant in writing within **10 working days** the outcome of their appeal;
6. If an agreed solution cannot be reached the appellant may escalate the appeal to the Executive Committee;
7. The appellant is provided with a written statement of outcome which outlines the details of the decision. The written statement will be provided within **15 working days** by the CEO;
8. If the participant is still dissatisfied with the decision then they can lodge an external complaint.

- **Stage 4 - EXTERNAL COMPLAINT RESOLUTION**

Spectra is a member of LEADR Student Mediation Scheme.

If the complainant is dissatisfied with the outcome of the complaint at the end of the internal process, they may wish to have the matter dealt with through an external dispute resolution process facilitated by LEADR.

The division of the expenses associated with the mediation eg. mediator's fee, room hire and possibly travel expenses are to be shared equally between Spectra and the complainant.

The following principles will be adhered to by both the parties.

4.1 Discussion / Negotiation

The parties agree that in the event of a dispute arising they shall first meet and attempt to resolve the issues of concern by means of discussion and personal negotiation. If this process does not resolve the issues, they shall refer the matter to mediation in accordance with clause 4.2.

4.2 Mediation – LEADR Student Mediation Scheme

The parties must endeavour to settle any dispute in connection with the contract by mediation. Such mediation is to be conducted by a mediator who is independent of the parties and appointed by agreement of the parties or, failing agreement within seven (7) days of receiving any party's notice of dispute, by a person appointed by the Chair of LEADR or the Chair's designated representative (ACN 008 651 232).

4.3 Rules

The LEADR Mediation Rules shall apply to the mediation.

A copy is available with the CEO.

4.4 Arbitration or Litigation

It is a condition precedent to the right of either party to commence arbitration or litigation other than for interlocutory relief that it has first offered to submit the dispute to mediation.

- **COMPLAINTS TO THE REGULATOR**

If you intend to make a complaint, you must first follow Spectra's internal complaints and appeals procedure.

If, after following the internal procedures, the complainant wishes to make an official complaint the regulator, they can complete the [Complaint about a training organisation operating under ASQA's jurisdiction](http://www.asqa.gov.au/complaints/making-a-complaint.html) form provided by the Australian Skills Quality Authority (ASQA) on their website <http://www.asqa.gov.au/complaints/making-a-complaint.html>

- **OTHER EXTERNAL AGENCIES**

At any point, the participant may decide to contact an external agency such as the State Ombudsman Offices are available from the websites below:

ACT	www.ombudsman.act.gov.au
NSW	www.ombo.nsw.gov.au
NT	www.omb-hcsc.nt.gov.au
TAS	www.ombudsman.tas.gov.au
WA	www.ombudsman.wa.gov.au
QLD	www.ombudsman.qld.gov.au
VIC	www.ombudsman.vic.gov.au
SA	www.trainingadvocate.sa.gov.au

South Australia: The Office of the Training Advocate is an independent complaints handling authority able to address concerns relating to the South Australian training system.

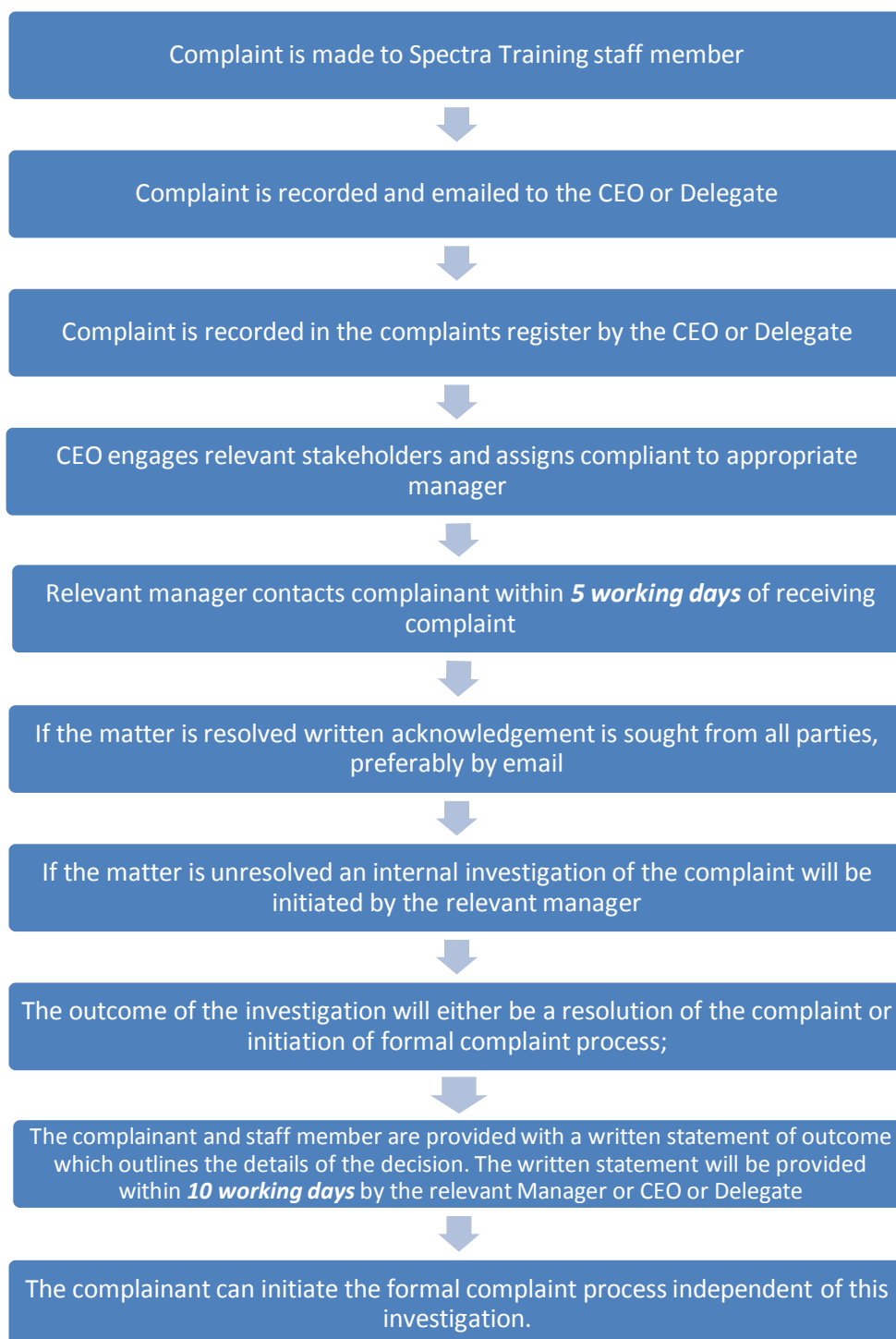
- **RECORD KEEPING AND CONFIDENTIALITY**

All outcomes relating to stakeholder complaints will be reviewed at the Continuous Improvement and Compliance Committee meetings at least quarterly and will be documented within the Complaints Register.

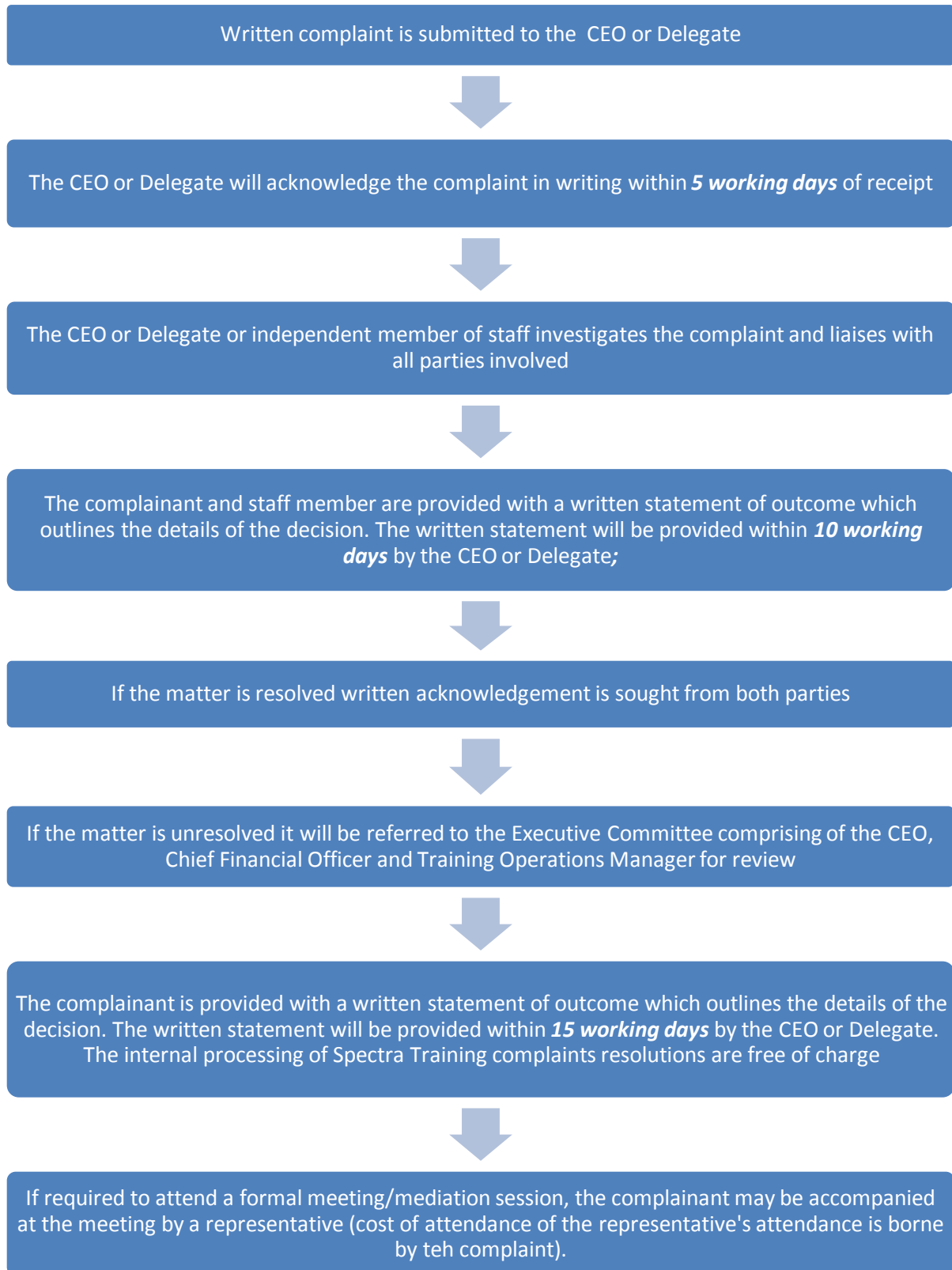
Details of all complaints, whether informal or formal, and whether academic or non-academic matters, are recorded and stored in the Complaints Register, and in the participant's/employer's file(s) by the relevant Manager

These records will be treated as confidential, retained for five years and parties to the complaints process can have appropriate supervised access to these records.

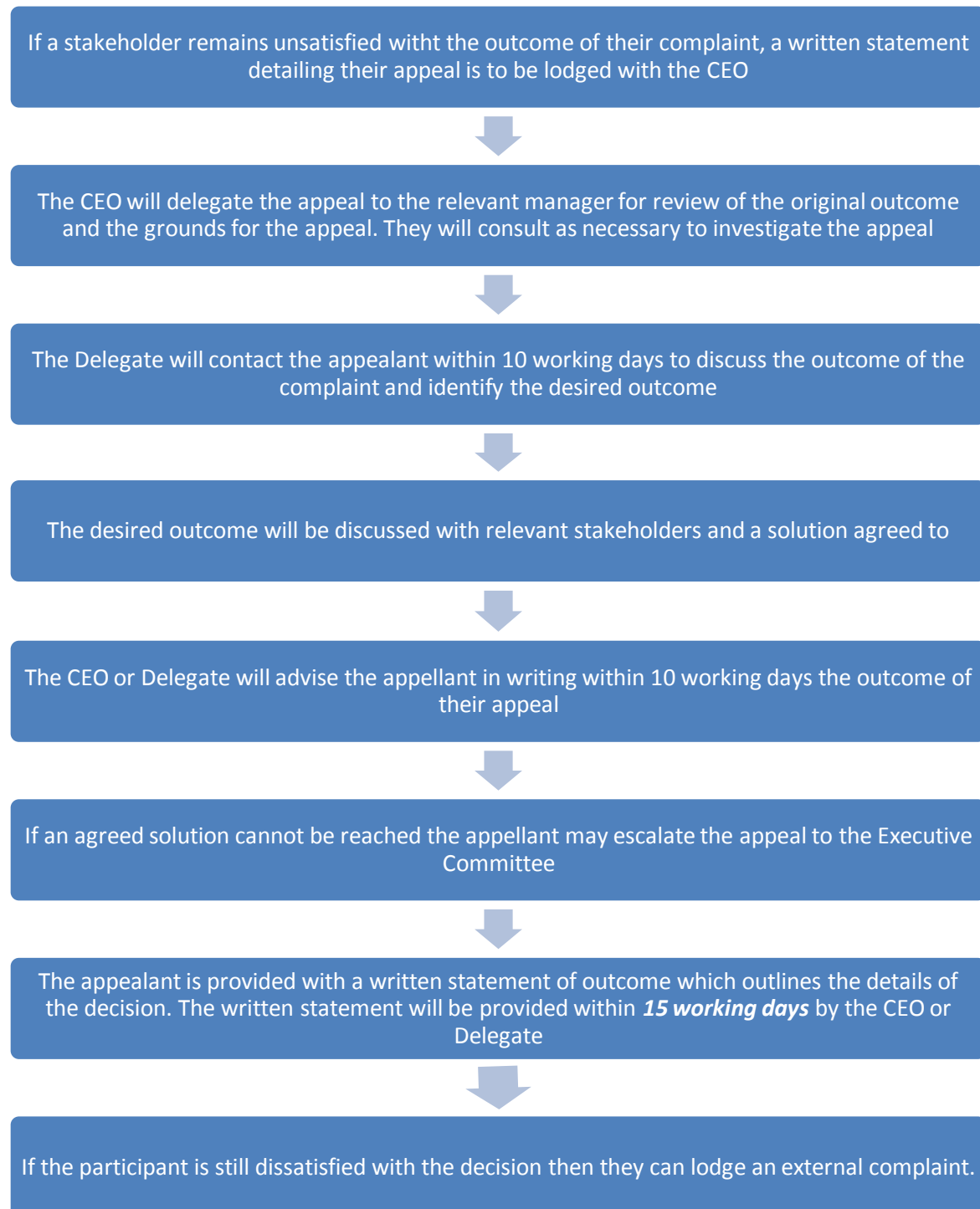
INFORMAL COMPLAINTS FLOWCHART



FORMAL
COMPLAINTS FLOWCHART



APPEALS FLOWCHART



8.

Related Documents

QD004 Complaints Flow Chart

QD005 Complaints – Financial Flow Chart

QR002_S Quality Assurance, Continuous Improvement and Compliance Policy & Procedure

TF002 Formal Complaints Form

TG002_S Participant Handbook

R006 Complaints Register <P:\QMS\REGISTERS\Complaints Register.xlsx>

Complaint about a training organisation operating under ASQA’s jurisdiction
<http://www.asqa.gov.au/forms.html#complaints>

10. Authority

The General Manager – Educational Support

11. Review

12 months from release date or as required

12. Amendment Schedule

Date	Modification	Detail	By
18/6/12	Updated and Revised	Updated QAM as owner and responsible and included Finance Informal Complaints procedure	QA Manager
10/7/12	Separated Appeals Policy and Procedure	Separate appeals process for transparency	QA Manager
4/10/12	Removed reference to ACPET	Removed reference to ACPET as a third party mediator	QA Manager
13/03/13	Updated company name change	Replaced reference to CLB with Spectra Training	QA Manager
03/04/13	Updated policy name	Put onto Spectra Policy and Procedure template	QC Manager
13/05/13	Addition	Added details of LEADR Student Mediation Scheme and State Ombudsman details	QC Manager
14/05/2015	Updated	Reflect New Standards for RTOs	State Contracts Manager
05/05/2016	General updates	To current position titles	BMc
12/01/2017	Update	Update to reflect current position titles	General Manager – Educational Support

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