



Complaints & Appeals Policy & Procedure

Doc No: PP013

Purpose

This policy is designed to provide guidance on the manner in which LITA Training receives and handles complaints made about the organisation, its partners and its employees. It also provides guidance on how applicant/student appeals are also received and handled.

1.0 Responsibilities

The General Manager is responsible for ensuring this policy and procedure is implemented.

2.0 Scope

This policy and procedure covers all of LITA Training's training and related services.

3.0 Definitions

Access and equity means policies and approaches aimed at ensuring that VET is responsive to the individual needs of clients whose age, gender, cultural or ethnic background, disability, sexuality, language skills, literacy or numeracy level, unemployment, imprisonment or remote location may present a barrier to access, participation and the achievement of suitable outcomes.

A complaint is an expression of dissatisfaction or concern regarding a decision or action that relates to any aspect of LITA Training's services and activities, including:

- products & services
- policies
- conduct of staff and any third-party service provider, and
- decisions of the organisation.

A complainant is the person making the complaint. This may include:

- student and/or their parents/guardians and/or their families
- a member of the public
- an employee
- a stakeholder, or
- an employee of an engaged stakeholder or partnership body.

A grievance (or an informal complaint) is one that is considered minor in nature and one, which is immediately correctable and will usually be the result of error rather than from a systemic problem.

A formal complaint is one that is considered more serious and complex and will require investigation or consultation.



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An appeal is where a student wishes to express dissatisfaction with a particular assessment result and/or another adverse RTO decision impacting the student, such as non-eligibility to enrol.

An appellant is the student whom is dissatisfied with a particular assessment result and has lodged a request for a review through LITA Training's *Complaints and Appeals Policy & Procedure*.

A final decision is the decision made by an external and independent third tier resolution body authorised to make that decision by LITA Training and communicated to the complainant/appellant in writing when all internal LITA Training complaint and appeal avenues have been exhausted.

Staff means any person who is an employee of LITA Training at any stage during the complaint and/or appeal process or the events preceding it, including full time, part time, sessional or casual employees.

4.0 Policy

The policy aims to assist in resolving complaints and appeals in an efficient, effective and professional manner, in order that LITA Training may demonstrate its responsiveness to the needs and concerns of students, staff, partners and all stakeholders. All complaints and appeals will take into account LITA Training policies, the applicable conditions of enrolment (if a student) and all relevant legislation and regulation when determining the outcome of a complaint or appeal.

In accordance with the Disability Standards for Education 2005, for students and other people with a disability, a guardian, carer, advocate, or support person may make a complaint or an appeal on behalf of the student or person with the disability, as well as be involved in assisting the complainant/appellant to make the complaint/appeal and in resolving the complaint/appeal.

A parent or guardian may lodge a complaint/appeal on behalf of a person who is under the age of 18 years, which may include a school student studying a course approved under the VET for Schools.

The policy also assures complainants/appellants that their complaints/appeal can be submitted without fear of reprisal.

All complaints and appeals shall be subject to notification within the RTO's management meeting and require the implementation of the RTO's complaints and appeals process. LITA Training will aim to complete all complaints and appeals within a reasonable timeframe and usually within a 14-calendar day period after the lodgement of a formal complaint/appeal, with ongoing notification and in writing to the person who



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complained/appealed, should the complaint/appeal take longer than expected and/or is expected to take more than 60 calendar days.

As a function of this policy, LITA Training will also manage and respond to allegations involving conduct of:

- the RTO, its trainers/assessors and/or other staff
- a third party providing services on the RTO's behalf, its trainers/assessors or other staff (if applicable), and/or
- a student of the RTO.

In keeping with LITA Training's commitment to quality management and continuous improvement, each complaint and appeal will be considered in compliance with statutory and regulatory requirements as well as internal policies and procedures. In all cases, adjustments will be made to planning, policies and processes if it is found that systems are lacking. LITA Training also recognises that collecting and analysing information around complaints and appeals is one way for the RTO to improve its services. This in turn will enhance the level of satisfaction which employees and stakeholders have in the performance of our organisation.

4.1 Principles of Natural Justice

LITA Training will ensure that all complaints and appeals are dealt in accordance with the principles of natural justice and procedural fairness at every stage of the complaint and appeal process. LITA Training will ensure that the decision maker is independent of the decision being reviewed. LITA Training will also ensure that anyone subject to a decision by LITA Training and/or anyone who has an allegation made against them, will also be provided with the opportunity to tell their side of the story before a decision is made.

LITA Training staff handling both informal and formal complaints/appeals will ensure that they treat the complaint/appeal as serious and are respectful of all parties. No complainant/appellant will be disadvantaged in any way, including students may continue with their studies. The complaint/appeal will be held in strictest confidence with only LITA Training's delegated officers and those involved in the matter receiving information about the complaint or appeal and along the way of its resolution.

In summary, in all circumstances complaints and appeals will be handled according to the following principles of procedural fairness:

- all complainants/appellants have a right to be heard.



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- LITA Training recognises, protects and promotes the rights of any person including an employee to lodge a complaint.
- LITA Training's complaints & appeals management policy and procedure is accessible on the LITA Training's website with further reference in the *Student and Staff Handbooks*.
- this *Complaints & Appeals Policy & Procedure* is discussed during student and staff induction.
- students may access a copy of the *Complaints and Appeal Lodgement Forms* from LITA Training's website, their trainer/assessor or via an email to info@lita.org.au
- a complainant/appellant has a right to be consulted during the resolution process and to participate in deliberations as appropriate.
- LITA Training will collect sufficient information about the complaint/appeal to enable it to be properly investigated and respond to the issue. This will always include the provision of a right of reply from the person who the complaint was made as well as may include requesting information from witnesses.
- complainants/appellants will be informed of the reasons for decisions, and avenues for further review to pursue should they remain dissatisfied.

5.0 Procedure

5.1 Complaints Management Procedure

An individual may submit a complaint (verbally or in writing initially) directly to LITA Training staff with the purpose to resolve a complaint through discussion and mutual agreement.

LITA Training will explain to the individual the informal and formal complaints processes available to them and will direct them to the appropriate procedure.

Grievance (Informal Complaint) (First Tier)

- in many cases a problem, or grievance (informal complaint) can be dealt with quickly by speaking directly to the person involved or trainer./assessor without the need to make a formal complaint. trainers/assessors will deal with informal complaints on a day to day to basis as they arise. if the trainer/assessor feels the informal complaint needs to be raised to that of a formal complaint, they will escalate after discussion with LITA Training's General Manager.
- all complainants may be accompanied by a third party of their choice to support them, including at the time of any informal complaint discussions.
- all outcomes shall be reported back to the individual making the complaint in writing within 5 calendar days of the informal complaint being lodged.



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- LITA training will ensure that the person(s) whom are the subject of any complaint, are provided with the opportunity to share details of the occurrence prior to a decision being made by LITA Training.
- all informal complaints shall be reported to the General Manager by the relevant person who took the informal complaint.
- all informal complaints that are not resolved with individuals by mutual agreement will require activation of the formal complaints process (second tier).
- a person may elect not to avail themselves of LITA Training's first tier informal resolution process and opt to lodge a formal complaint (second tier). LITA Training will not discourage the person from taking this action.

Formal Complaints (Second Tier)

- LITA Training's delegated officer to manage formal complaints is the General Manager unless the complaint is against this incumbent and in this instance, a member of the LITA Training Board or delegated officer will manage the complaint.
- when a person wishes to submit a formal complaint or is dissatisfied with the outcome of an informal complaint, they must submit the complaint in writing by utilising LITA Training's *Complaint Lodgement Form*. This can be requested through RTO staff and/or available on the LITA Training's website.
- all formal complaints received will be acknowledged in writing by LITA Training's General Manager within 2 business days (48 hrs).
- LITA Training's General Manager will respond in writing to all formal complaints within 14 calendar days of receiving the complaint, with the *Complaint Lodgement Form* completed. This may include a proposed resolution to the complaint. This allows sufficient time for the General Manager or their delegate to fully investigate the complaint.
- all formal complaints may require parties to meet in person to discuss the complaint and work collaboratively to resolve. Complainants are welcome to be accompanied by a third party. If complaint involves a student, LITA Training may request that the trainer/assessor be present.
- when a complaint is recognised as requiring more than 60 calendar days to process, finalise and resolve, LITA Training's General Manager will inform the individual reasons why in writing, and further providing regular updates on the progress. A fortnightly update will be provided via email by LITA Training's General Manager until the complaint is resolved.
- should the complainant remain dissatisfied with the RTO's decision, they may request an independent review (Third Tier).



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- LITA Training's responses to second tier complaints shall include information and procedures concerning the complainant's right to appeal the proposed solution and request an independent and impartial party to review the matter (Third Tier).
- as part of the formal complaint process and where it is considered that the matter may not be resolved, LITA Training may also suggest that the matter be escalated for resolution to the Third Tier of LITA Training's complaints process.

Independent Resolution (Third Tier)

- LITA Training's delegated officer to manage this level of complaint resolution is the Chair of the LITA Training Board unless the complaint is against this incumbent and in this instance, a member of LITA Training's Board will be nominated to manage the complaint.
- the complainant must advise in writing of their dissatisfaction of LITA Training's decision within 14 calendar days of receipt of LITA Training's decision.
- LITA Training uses Resolution Institute to resolve such complaints through selection of one of the Institute's accredited alternative dispute resolution (ADR) providers within its state/territory Chapter, dependant on the location of the complainant.
- LITA Training will organise the resolution session and ensure that this independent party has all the documentation and evidence to fully prepare for the session.
- the Resolution Institute's details are as follows:

List of ADR Provider Database: <https://www.resolution.institute/>
Phone number: 1800 651 650

- LITA Training will organise this resolution tier within 10 calendar days of written advice from the complainant and/or where it has been mutually agreed that an independent review is in the complainant's best interest.
- both parties must agree to participate in this tier in good faith, with a willingness to find a resolution.
- both parties may bring additional persons, eg support person, to the resolution session, however, must provide details of these persons to the other party within 2 days prior to the session.
- the decision of the Third Tier independent review will be taken as final by both parties and reported to LITA Training's management.
- the complainant and LITA Training will be informed in writing of the decision by the Resolution Institute and will require immediate implementation/action.



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- there is no cost to the complainant. However, should the complainant remain dissatisfied and does not accept the Resolution Institute's findings and wishes to take the complaint further and/or seek a review of the decision, all expenses related to this stage will be incurred by the person from this point in time.

Other Avenues for Lodging a Complaint

- LITA Training is committed to operating transparent business practices. Complainants are advised of their rights to complain to other appropriate parties.
- These include:
 - ASQA: will be directed to: <https://www.asqa.gov.au/complaints/getting-started-making-complaint-about-training-provider>. There is no lodgement fee related with ASQA complaints.
 - The National Training Complaints Hotline: will be directed to call 133 873. There is no fee related to lodging a complaint with the Hotline.
 - The South Australian Office of Training Advocate on 1800 006 488 or trainingadvocate@sa.gov.au.
 - The South Australian Civil and Administrative Tribunal: will be directed to: ph: 1800 723 767 and website: <http://www.sacat.sa.gov.au/> to complete the on-line Application Form. A fee of \$78 (or \$58 concession applies – effective as of 30 June 2020) which will be required to be paid by the complainant/appellant.
 - For trainees only: call 1800 673 097 or email dis.skills@sa.gov.au, or for any complaints about an employer, contact the South Australian Employment Tribunal by calling 8207 0999 or visit their website www.saet.sa.gov.au
 - For complaints about discriminatory occurrences, contact the Human Rights Commission's Complaint Information Service: call 1300 656 419 or email complaintsinfo@humanrights.gov.au or the South Australian Equal Opportunity Commission by calling 08) 7322 7070 or visit their website: <http://www.eoc.sa.gov.au/>

Recording and Record Management of the Complaint and Business Improvement

- The complaint will be lodged in the RTO *Continuous Improvement Register* by the General Manager.
- A copy of the complaint documentation will be held in LITA Training's *Complaints and Appeals File*, with restricted access by LITA Training's General Manager and Chair of the LITA Training Board. This File is securely stored, in line with the Privacy Act (refer to *Privacy Policy and Procedure*).
- In addition, a note will be made on VETtrak against the student, so that staff are aware that the student is dissatisfied with LITA Training service/s at a point in time. No detail will be provided on the e-file note. Once the decision is made and



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agreed by all parties, a further e-note will be made to advise staff of the resolution of the matter. No other details will be provided.

- The matter (with no references to the persons involved) will be included in LITA Training's forthcoming management meeting agenda, for the purposes of discussion to better understand the root cause and ensuring that the relevant LITA Training's policies, procedures and practices are amended accordingly – with staff notification of the changes. In addition, it will be included in LITA Training's Continuous Improvement Committee (CIC) meeting to also determine whether this complaint points to any high order issues that require a more strategic risk based solution.
- Where the matter may require individual and/or staff training, LITA Training will organise this within one month of the complaint's resolution.
- Should the matter be deemed as high or medium risk to LITA Training, it will be included in LITA Training's internal auditing schedule to ensure that the amended practices are embedded across the RTO.
- The General Manager is responsible for ensuring that the agreed actions are implemented and monitoring the likelihood of re-occurrence.

5.2 RTO Decision Appeals Management Procedure Requesting a Review of an RTO Decision (First Tier)

- All appeals from students relating to assessment results and other adverse RTO decisions must be received within 5 calendar days following the competency/RTO decision.
- Where it is an assessment appeal, the General Manager is the delegated officer to review and manage the appeal and is required to:
 - clarify any aspects of the assessment results that a student does not understand.
 - provide each student that requests an assessment appeal with a copy of LITA Training's *LITA Training Decision Appeal Lodgement Form* and/or referral to the website where the student may download a copy.
 - upon receipt of a completed *LITA Training Decision Appeal Lodgement Form*, schedule a meeting with the student and any other relevant parties, such as the trainer/assessor or another expert trainer/assessor, as well as inform LITA Training's General Manager.
 - report to LITA Training's General Manager, any outcome decisions made to uphold or overturn an assessment appeal by completing the Form and clearly identifying the reason for the outcome.



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- all assessment appeals will be processed by LITA Training within 14 calendar days of receipt of an appeal.
- all assessment appeals will be maintained on the student's file.
- student records will be adjusted to comply with the appeal outcome.
- Where the matter is not related to an assessment decision, LITA Training's General Manager will review the appeal. This will be undertaken through the following procedure:
 - clarify any aspects of the decision that an applicant/student does not understand.
 - provide each applicant/student that requests an appeal with LITA Training's *Decision Appeal Lodgement Form*.
 - upon receipt of a completed *Decision Appeal Lodgement Form*, schedule a meeting with the student and any other relevant parties.
 - record any outcome decisions made to uphold or overturn the decision by completing the Form and clearly identifying the reason for the outcome.
 - all appeals will be processed by LITA Training within 14 calendar days of receipt of an appeal.
 - all assessment appeals will be maintained on the student's file.
 - student's records will be adjusted to comply with the appeal outcome.

Review of Appeal Decision (Second Tier)

- LITA Training's delegated officer to manage this level of appeal resolution is the General Manager for assessment appeals and the General Manager or delegate for non-assessment related appeals.
- In the event of an applicant/student being dissatisfied with the appeal decision, a review of the assessment decision will be conducted within 14 calendar days of the applicant/student advising in writing of their dissatisfaction with the decision.
- applicants/students must advise in writing of their dissatisfaction of the appeal review within 5 calendar days of receipt of LITA Training's decision.
- all appeals at this Tier may require parties to meet in person to discuss the appeal and the review decision and work collaboratively to resolve. The applicant/student is welcome to be accompanied by a third party.
- when an appeal review at this level is recognised as requiring more than 60 calendar days to process, finalise and resolve, LITA Training will inform the individual reasons why in writing, and further providing regular updates on the progress. A fortnightly update will be provided via email by LITA Training's General Manager until the appeal is resolved.



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Independent Resolution (Third Tier)

- LITA Training's delegated officer to manage this level of complaint resolution is the Chair of LITA Training's Board.
- The appellant must advise in writing of their dissatisfaction of LITA Training's decision within 14 calendar days of receipt of LITA Training's decision.
- LITA Training uses Resolution Institute to resolve such appeals through selection of one of the Institute's accredited alternative dispute resolution (ADR) providers within its state/territory Chapter, dependant on the location of the complainant.
- LITA Training will organise the resolution session and ensure that this independent party has all the documentation and evidence to fully prepare for the session.
- The Resolution Institute's details are as follows:

List of ADR Provider Database: <https://www.resolution.institute/>
Phone number: 1800 651 650

- LITA Training will organise this resolution tier within 10 calendar days of written advice from the appellant and/or where it has been mutually agreed that an independent review is in the appellant's best interest.
- both parties must agree to participate in this tier in good faith, with a willingness to find a resolution.
- both parties may bring additional persons, eg support person, to the resolution session, however, must provide details of these persons to the other party within 2 days prior to the session.
- the decision of the Third Tier independent review will be taken as final by both parties and reported to LITA Training's management.
- the appellant and LITA Training will be informed in writing of the decision by the Resolution Institute and will require immediate implementation/action.
- there is no cost to the appellant. However, should the appellant remain dissatisfied and does not accept the Resolution Institute's findings and wishes to take the appeal further and/or seek a review of the decision, all expenses related to this stage will be incurred by the person from this point in time.

Other Avenues for Lodging an Appeal

- LITA Training is committed to operating transparent business practices. Appellants are advised of their rights to appeal to other appropriate parties. These include:



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- ASQA: will be directed to: <https://www.asqa.gov.au/complaints/getting-started-making-complaint-about-training-provider>. There is no lodgement fee related with ASQA complaints.
- The National Training Complaints Hotline: will be directed to call 133 873. There is no fee related to lodging a complaint with the Hotline.
- The South Australian Office of Training Advocate on 1800 006 488 or trainingadvocate@sa.gov.au.
- The South Australian Civil and Administrative Tribunal: will be directed to: ph: 1800 723 767 and website: <http://www.sacat.sa.gov.au/> to complete the on-line Application Form. A fee of \$78 (or \$58 concession applies – effective as of 30 June 2020) which will be required to be paid by the complainant/appellant.
- For trainees only: call 1800 673 097 or email dis.skills@sa.gov.au, or for any complaints about an employer, contact the South Australian Employment Tribunal by calling 8207 0999 or visit their website www.saet.sa.gov.au

Recording and Record Management of the Appeal and Business Improvement

- the appeal will be lodged in the RTO *Continuous Improvement Register* by the General Manager.
- A copy of the appeal documentation will be held in LITA Training's *Complaints and Appeals File*, with restricted access by LITA Training's General Manager and Chair of LITA Training's Board. This File is securely stored, in line with the Privacy Act (refer to *Privacy Policy and Procedure*).
- in addition, a note will be made on VETtrak against the student, so that staff are aware that the student is dissatisfied with LITA Training service/s at a point in time. No detail will be provided on the e-file note. Once the decision is made and agreed by all parties, a further e-note will be made to advise staff of the resolution of the matter. No other details will be provided.
- the matter (with no references to the persons involved) will be included in LITA Training's forthcoming management meeting agenda, for the purposes of discussion to better understand the root cause and ensuring that the relevant LITA Training's policies, procedures and practices are amended accordingly – with staff notification of the changes. In addition, it will be included in LITA Training's Continuous Improvement Committee (CIC) meeting to also determine whether this appeal points to any high order issues that require a more strategic risk based solution.
- Where the matter may require individual and/or staff training, LITA Training will organise this within one month of the appeal's resolution.



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- The appeal may trigger a validation of assessment material for the qualification and in this instance, LITA Training will schedule the validation activity and include in its *Validation of Assessment Plan* as medium/high risk unit/s.
- The General Manager is responsible for ensuring that the agreed actions are implemented and monitoring the likelihood of re-occurrence.

Informing LITA Training Staff

- LITA Training is committed to ensuring that staff are aware of this policy and procedure.
- LITA Training require all new staff to read and acknowledge they have understood as part of their induction.
- Existing staff are required to read and acknowledge their understanding of this policy and procedure on an annual basis and further acknowledge their commitment to its adherence through signing of the self-declaration found within the *Staff Handbook*.

Informing LITA Training Applicants/Students and other Stakeholders

- LITA Training is committed to ensuring that all applicants/students and other stakeholders are aware of this policy and procedure.
- LITA Training require all enrolling students to read and acknowledge their understanding of this policy and procedure through signing of the self-declaration found within the *Student Handbook*.
- LITA Training ensures an updated copy of this Policy & Procedure is available on its website at all times, including the related lodgement Forms.

VET for Schools Requirements

- A parent or guardian may lodge a complaint/appeal on behalf of a person who is under the age of 18 years, which may include a school student studying a course approved under the VET for Schools.
- In the event of a dispute with a home school, and should LITA Training dispute the home school's assertions, it will instigate the matter in accordance with this Complaints and Appeals Policy and Procedure, however LITA Training will fast track the process to immediately execute the Tier 3: independent review phase.
- Should a dispute arise which cannot be resolved between the home school and LITA Training, LITA Training's General Manager will inform the Minister or their departmental delegate and seek advice. At all times LITA Training agrees to act in good faith to settle the dispute by mediation before considering arbitration or litigation. Should the parties fail to settle any dispute by mediation, the parties may agree to submit the dispute for resolution to final and binding arbitration.



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- Regardless, LITA Training commits to continuing to perform its obligations pending resolution of the dispute.

6.0 Forms and Records

The following forms should be used in conjunction with this procedure:

- FORM Complaint Lodgement
- FORM RTO Decision Appeal Lodgement
- SUPPORTING DOCUMENT Complaints and Appeals Register
- SUPPORTING DOCUMENT LITA Training's Student Handbook
- SUPPORTING DOCUMENT LITA Training's Staff Handbook
- CHECKLIST LITA Training Staff Induction
- CHECKLIST Student Induction

The following references should be read in conjunction with this procedure:

- POLICY & PROCEDURE Privacy
- POLICY & PROCEDURE Commitment to Quality