

GTO Complaints and Appeals Policy and Procedure

Purpose

The purpose of this policy is to ensure that AGA responds to complaints by its stakeholders in a timely, appropriate, fair and equitable manner, and to outline the steps for handling complaints and appeals received from stakeholders of AGA.

Scope

This policy applies to all past or present employees, apprentices, trainees, students, trainers, participants, third parties, management and corporate governance representatives of AGA as each of these categories of person may be involved in the handling of complaints or be a respondent to them.

General Principles

This policy is based on the following principles

- AGA is committed to resolving complaints and fostering a culture that recognises an individual's right to complain.
- Complaints are recognised as being part of AGA's business of serving our stakeholders and improving service delivery.
- People with a range of needs can easily complain and staff will actively assist them to navigate the complaints process.
- Complainants will be notified, when:
 - their complaint is received
 - a panel or committee meets to discuss their complaint
 - a decision is announced regarding their complaint
 - any action is taken to resolve their complaint by AGA or its employees
- Principles of natural justice and procedural fairness are followed at every stage of the complaint and appeal process by allowing anyone subject to a decision by AGA, or anyone who has allegations made against them, to a right to a hearing before a decision is made.
- AGA will endeavour to respond to and resolve complaints within reasonable timeframes.
- A complaint may be dismissed if AGA, after deliberation and investigation, has deemed it as vexatious, frivolous, trivial or false.
- Complainants who make repeated vexatious, false or frivolous complaints may be subject to disciplinary action and such instances will be referred to the Education and Training manager for review.
- Complaints and appeals are handled in the strictest of confidence and records are secured in accordance with AGA's Record Keeping Policy and Australian Privacy Principles in AGA's electronic records management system.
- Each complainant or party lodging an appeal may be accompanied and/or assisted by a support person throughout the process.

- Complainants have the right to know what is being done to address their complaint and what progress has been made.
- All complaints, appeals and outcomes are documented in AGAs Complaints and Appeals Register.
- Outcomes of complaints and appeals processes are used to identify their root causes to inform continuous improvement activities.
- If a complainant raises a concern but is not willing to proceed with the complaint, they are advised that because of the requirements of procedural fairness, in most circumstances no further action can be taken by AGA.
- Appeals of assessment outcomes are to be lodged within twenty eight (28) days of when the assessment outcome is communicated to the learner.
- Investigations into plagiarism will be handled in accordance with the complaints and appeals procedure and will follow the principles of natural justice and procedural fairness.

Definitions

Appeal means a request for a decision made by AGA to be reviewed.

Appellant means a person who appeals the decision on their complaint.

Complainant means a person who is making a complaint.

Complaint means a person's formal expression of dissatisfaction with any product or service provided by AGA or a third party acting on its behalf.

Continuous improvement refers to a systematic, ongoing effort by a provider to raise an organisation's performance to provide quality outcomes for apprentices, trainees and host employers.

Host Employer: A third party providing employment and supervision under the apprentice/trainees training contract.

Informal resolution means direct action or discussion to resolve a complaint by the staff member who has received it.

Standards means the National Standards for GTO's – a framework that ensures GTO's operate ethically and with due consideration of apprentice, trainee and host employer needs.

VRQA / Training Services NSW / Skills SA: The State Training Authorities overseeing apprenticeships and traineeships in VIC, NSW and SA respectively.

Overview

AGA manages complaints and appeals in a transparent manner which enables complainants and appellants to be informed of, and to understand their rights and obligations and AGA's responsibilities in relation to complaints and appeals.

Complaints may relate to:

- Employment conditions;
- Host employer arrangements;
- Support services or communication;
- Compliance with regulatory or contractual obligations.

Appeals may relate to decisions regarding employment, placement, behavioural management, training progression or dispute resolution.

Responsibilities

All AGA employees are responsible for:

- conducting themselves in a manner consistent with the AGA Code of Conduct to minimise the incidence of complaints and allegations
- the accurate and timely documenting of complaints and appeals as outlined in this procedure
- ensuring that stakeholders are fully informed of AGA's policy and procedures for handling complaints and appeals
- assisting a complainant or appellant to resolve concerns directly and informally with parties involved in the first instance assisting a complainant or appellant to lodge a formal complaint or appeal written in any form, but preferably the AGA's Complaints and Appeals Form, where required.

The Chief Executive Officer is responsible for:

- ensuring that complaints and appeals are managed in a transparent manner in accordance with the principles of natural justice and procedural fairness
- offering independent review of decisions, where required.

Procedure

- Information about how to make complaints and appeals will be made easily accessible to all AGA stakeholders via the website.
- Formal complaints must be lodged in writing, using the AGA complaints form available on the website or in any other suitable format – e.g. email, letter, etc.
- All information about the complaints and appeals process will be kept confidential.
- Complainants and appellants are entitled to resolve any dispute by exercising their rights to pursue other legal remedies.
- All parties to a complaint or appeal will be provided a clear understanding of the steps involved in the procedures.
- At any stage in the complaints or appeals process complainants are entitled to have their own nominee included in the resolution process. The nominee will also ensure the confidentiality of the complainant and the process to ensure procedural fairness.
- AGA will respond to any formal complaint or appeal in writing within five (5) working days.

Informal Complaints Process

Informal complaints are considered among those that are likely to be resolved quickly and easily without involvement by multiple departments. This informal feedback will be shared to the continuous improvement committee for review, but does not require the formal process. This may occur verbally, or in writing, and the receiver of the feedback will check with the wider AGA team for guidance when required.

Formal Complaints Process

The formal process is required when the feedback or complaint is of a serious nature that has the potential for implications against contractual obligations, safety, or potentially pose a serious risk to the organisation. This includes all matters that require the involvement of HR.

A formal complaint must be lodged in writing, using the AGA complaints form available on the website or in any other suitable format – e.g. email, letter, etc.

The complaint will be recorded in the Complaints and Appeals register.

A written acknowledgement of receipt of the complaint will be provided to the complainant within three (3) business days.

Within five (5) business days of acknowledgement, complainants will be advised of the next steps in the formal complaints process, including the complaint investigation and resolution timeline.

AGA will endeavor to investigate and resolve the complaint, and communicate the outcome to the complainant within thirty (30) business days. If the outcome of the complaint is successful, this communication will also include specific actions to be taken to resolve the complaint.

If a complaint (including any review process) is expected to take more than thirty (30) business days to finalise, AGA will write to the complainant explaining the delay.

AGAs CEO will convene an appropriate panel including independent persons who will investigate the complaint in a timeframe that supports meeting the 30-day commitment.

During the investigation the complainant will be given an opportunity to formally present their case and have the option of being accompanied/assisted by a support person.

The complaint is discussed with ALL parties involved, to ensure a procedurally fair hearing and an unbiased decision is made.

The complainant will be informed by email of the outcome of the complaint and any actions agreed to by all parties.

The outcome will be recorded in the Complaints and Appeals register and supporting documents will be stored in the Complaints folder.

Complainants may request a formal appeal if they are not satisfied with the outcome of the complaint resolution process.

AGA's decision will be reviewed by the Senior Leadership team for opportunities for continuous improvement. Any opportunities identified will be recorded in the continuous improvement register and will be actioned and reviewed by the Management team.

Managing and Recording of Complaints, Appeals and External Review Outcomes

The summary of the complaints appeals and external review procedures followed, recommendations and outcomes are recorded in the AGA complaints and appeals register and the folders.

If the complaint or appeal is against a staff member, it will be recorded in the staff's HR files. The appropriate manager concerned will inform HR about the details of the complaint and/or appeal and the outcome(s).

If the internal or any external complaint handling or appeal process results in a decision that supports the complainant, AGA will immediately implement any decision and / or corrective and preventative action required and advise the complainant of the outcome.

External Escalation

If internal processes do not resolve the matter, complainants may contact:

- **National Training Complaints Hotline** – <http://www.dewr.gov.au/national-training-complaints-hotline> or 13 38 73
- **Skills SA** – www.skills.sa.gov.au
- **Training Services NSW** - www.training.nsw.gov.au
- **Victorian Registration and Qualifications Authority (VRQA)** – www.vrqa.vic.gov.au

Supplementary Information

References/ Relevant Legislation

- Revised National Standards for Group Training Organisations
- Privacy Act 1988
- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Apprenticeship and Traineeship Act 2001 No 80 (NSW)
- South Australian Skills Act 2008
- Education and Training Reform Act 2006 (VIC)

Related Policies / Procedures/Documents

- All AGA policies and procedures
- Complaints and Appeals Forms
- Complaints and Appeals Register
- Continuous Improvement Register

Responsibilities for Implementation

- Chief Executive Officer
- Senior Managers

Review and Approval

Rev.	Date	Description of Amendments	Amended By	Approved By