

Complaints & Appeals Policy

Compliance Focus

ASQA Standards, Clauses 6.1, 6.2, 6.3, 6.4, 6.5, 6.6

Policy

The intent of this policy and procedure is to provide clear and practical guidelines to ensure that any complaint or appeal against a decision can be resolved in accordance with the principles of natural justice, equitably and efficiency and addresses individual cases of dissatisfaction. It applies to all students, staff, and contractors.

Where applicable, all staff are trained in the Complaints and Appeals process.

Complaints and appeals may occasionally arise that require formal resolution. Learning Sphere has a policy and procedure for dealing with formal complaints that meet State and Federal Legislation, Funding Body contracts and VET Regulatory Body requirements.

The aim of the policy is to ensure that all complaints are dealt with fairly, that all parties are treated with respect, sensitivity and objectivity and that outcomes are used as an opportunity to improve service delivery where identified.

Learners and clients are encouraged, where possible, to resolve concerns or difficulties with an appropriate Learning Sphere representative prior to formalising a complaint. Learning Sphere staff will provide appropriate support resolve any issues at this point.

Complaints / appeals may be made in relation to any of our services or decisions such as:

- the application and enrolment process
- the quality of training and assessment provided.
- training and assessment matters, including learner progress, assessment, and outcomes.
- access to personal records
- decisions made by us.
- the way someone has (or perceives they have) been treated

All formal complaints, appeals and their outcomes will be recorded in the Complaints and Appeals Registers which is reviewed and used as an opportunity for continuous improvement and reflection.

All formal complaints must be submitted in writing to the General Manager or nominated delegate and will be addressed, including a response to the aggrieved person, within twenty (20) business days of receipt. All complaints and their outcomes will be retained for at least five (5) years to allow all parties to the complaint or appeal appropriate access to these records.

All records relating to complaints and appeals will be treated as confidential and will be covered by our Privacy Policy.

The Complaint and Appeals Register will document the course of action and resolution of all formal complaints.

It is the responsibility of the General Manager or nominated delegate to ensure adherence to the complaint procedure and that resolution is sought in all reasonable circumstances. This includes informing and assisting learners with this policy and process.

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Commitment

- All complaints and or appeals are responded to and treated seriously
- All stakeholders are provided the opportunity to present their case at each stage of the process
- The support of a third party is allowed when applicable and appropriate
- All information is provided to stakeholders in writing
- Learner enrolment will be maintained during the complaints and or appeals process
- The privacy and confidentiality of all information during the complaint and or appeal process will be maintained. Where required by law, details of any complaint and or appeal to the requesting officer from the government department or agency will be provided
- All complaints will be recorded on the Complaints and Appeals Register
- Where applicable, the outcomes of a complaint and or appeal with form part of continuous improvement process
- This process is provided to all stakeholders at no cost and is available on the website

Procedural fairness

Complainants and Respondents have the right to have their complaint dealt with through the application of the principles of procedural fairness, without reprisal. This includes:

- The respondent(s) being informed of any allegations made in a complaint against them
- Parties to the complaint being advised of the procedures that apply to the management of the complaint
- Parties to the complaint being informed of the people involved and responsible for handling the complaint
- All parties to the complaint having a right to be heard
- The respondent being provided with an opportunity to respond
- Relevant submissions by parties being fully considered before a decision is made
- A full and proper investigation of the facts
- Outcome of the investigation sent to the complainant and the respondent

Conflicts of Interest

Parties to be involved in a specific complaint must declare if a conflict of interest exists to the General Manager who will determine whether it is appropriate for the person to participate in the process.

Anonymous Complaints

No action will be taken on anonymous complaints unless the issues raised are serious and sufficient information is provided to warrant further enquiry. Depending on the nature of the complaint, details of the complaint may be referred to other external agencies for investigation, as necessary.

Malicious Complaints

Complaints are accepted as genuine; however, a complaint may be frivolous or malicious. For example, designed to harass or annoy, cause delay or detriment, or for any other wrongful purpose.

Any person who makes a false allegation in retaliation to a counselling or disciplinary processes may be subject to further disciplinary processes and the matter dealt with as serious misconduct

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Learner enrolment status

During the complaints and or appeals process, the enrolment of a learner will be maintained.

Definitions

The following definitions apply to this Policy and Procedure:

A **complaint** is a concern about an act, behaviour, omission, situation, or decision, which an individual believes is unfair or unjustified.

The **complainant** is a person notifying of a complaint.

Conciliation is the process through which the parties involved in an allegation, with assistance from a neutral person, discuss the issues to develop options and consider alternatives with the goal of reaching a consensual agreement or outcome.

Mediation is the process through which the parties involved in a dispute or allegations are assisted by a mediator to assist them to reach an agreement, which settles the dispute. Mediation encourages negotiation in a non-threatening environment.

The **respondent** is a person against whom the complaint is made.

An **informal complaint** is usually a minor dispute or difficulty that can be resolved without independent assessment or assistance. If the complaint remains unresolved, it can be escalated to a formal complaint.

A **formal complaint** must be made in writing and can be about anything that the individual feels is serious enough to require independent assessment. Formal complaints must be made using the Complaints and Appeals Form or can be submitted via email.

An **appeal** is a process that allows students to ask for a review of a decision relating to their academic progress or cancellation of their enrolment or outcome of a formal complaint.

Appellant a person who applies to for the reversal of a decision made.

Anonymous evidence refers to information provided by an anonymous source.

Responsible Officer

The responsible officer for the implementation and training for this Policy and Procedure is the General Manager.

Publishing details

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