

Forkpro Australia – Standard Operating Procedure

SOP Name: Complaints and Appeals Procedure	Written by: Jo Pritt Reviewed by: Michelle Mitchell Approved by: Todd Brennan
SOP Number: SOP 3 Revision Number: 1.7	Date written: 30/05/2012. Date of last update: 20/02/2019 Next review due by: 20/02/2020

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Scope: To ensure compliance with Standards for RTO's 2015 Clause 6

Objective: Ensure complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.

Policy

It is advised that issues arising during training and assessment that are the source of frustration or are in dispute should be resolved at the time, as they occur between the persons involved, where possible. Sometimes, it will not be possible and in these cases the complainant should be encouraged to come forward and inform us of their concerns with the confidence that they will be treated fairly.

All formal complaints and appeals are acknowledged in writing and reasonable measures are taken to finalise the process as soon as practicable. If it appears that a complaint or appeal will not be processed within sixty (60) days of submission, the complainant will be notified of this together with details of the reasons for the delay. The complainant will be provided with regular updates of the progress of their complaint or appeal.

As a benchmark, Forkpro Australia will attempt to resolve complaints and appeals as soon as possible. An acceptable timeframe of resolution on a complaint or appeal is 30 days.

All complaints and appeals are held in strict confidence and are investigated fairly and objectively, following the principles of natural justice and procedural fairness.

Forkpro Australia will ensure that the complaints and appeals policy and procedure is publicly available, and all students are made aware of, and have access to, the complaints and appeals policy and procedure. A copy of the complaints and appeals policy and procedure is provided to

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the student within the pre-enrolment booklet. It can also be found on Forkpro Australia's website www.forkpro.com.au.

What is a complaint?

A complaint is negative feedback about services or staff which has not been resolved locally. A complaint may be received by Forkpro in any form and does not need to be formally documented by the complainant in order to be acted on. Complaints may be made by any person but are generally made by learners and/or employers.

What is an appeal?

An appeal is an application by a learner for reconsideration of an unfavourable decision or finding during training and/or assessment.

Complaints and Appeals Handling Procedure

1. A student is encouraged to discuss a complaint or appeal with the relevant staff member in the first instance. If the complaint or appeal cannot be resolved to the satisfaction of both parties, then a formal complaints and appeals handling process must be commenced.
2. If the trainer or assessor cannot resolve the problem this way the student is referred to the Forkpro Australia website or the RTO Administrator to obtain a Complaints and Appeals Form which needs to be submitted to RTO Manager.
3. Upon receipt of a Complaints and Appeals Form the RTO Administrator records the details of the complaint or appeal in the complaints and appeals register (in RTO Data). The student is then referred to the CEO (or manager in their absence).
4. The CEO (or manager) will provide written acknowledgement of the receipt of the complaint or appeal within twenty-four (24) hours of receipt of the complaint or appeal. The acknowledgement must inform the student that they will receive a written response within fourteen (14 days) and explain the complaint and appeals handling process.

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5. The CEO (or manager) is responsible for investigating the complaint or appeal and making a determination based on their investigations. Investigations of the complaint or appeal must commence within seven (7) working days of the lodgement of the complaint or appeal. Investigations may include (but are not limited to):
 - i. Interviewing the student – the student will have the opportunity to have a support person of their choice present
 - ii. Interviewing the defendant – they cannot be involved in the decision-making process
6. The CEO is to document all discussions, investigations and findings relevant to the case in the Complaints and Appeals Register.
7. The CEO will notify both the student and defendant (where applicable) in writing of the outcome, progress and/or recommended action within twenty-one (21) days of receipt of complaint or appeal.
8. If more than sixty (60) days are required to process and finalise a complaint or appeal, Forkpro Australia will inform the student in writing detailing the reasons for the delay. The student will be regularly updated with progress.
9. Updates of the complaint or appeal handling process should be provided to the student at a minimum of two (2) weekly intervals.

Independent Party Review

Where a complaint or appeal cannot be resolved through Forkpro Australia's complaints and appeals policy and procedure (as outlined above), the appeal will be referred to the Independent VET Advisory Committee (IVETAC).

Where Forkpro Australia appoints or engages an IVETAC member to review a complaint or appeal, Forkpro Australia will meet the full cost to facilitate the review.

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1. Forkpro Australia contacts a committee member (someone other than those directly involved in the issue) chosen by the student from a list provided.
2. Forkpro Australia will forward all details of the complaint or appeal to the chosen IVETAC committee member soon as practicable for their review. The appellant and defendant will be advised in writing that this information has been provided to the committee member.
3. The student and defendant are to be advised of the outcome or recommended action to be taken within fourteen (14) days of receipt of the issue. The complaints and appeals register is then updated.
4. If more than sixty (60) days are required to process and finalise a complaint or appeal, Forkpro will inform the complainant in writing, giving reasons why. They will also regularly update him/her on any progress.

Following the review, advice received from the IVETAC member is to be accepted by Forkpro Australia as final. The student is to be advised in writing of the outcome and any actions implemented without prejudice.

Where the person making the complaint or appeal is not satisfied with the handling of the matter by Forkpro Australia or by the IVETAC member the student will be referred to an independent body such as National Training Complaints Hotline on 13 38 73. The complaints register is updated to reflect this and then in due course the outcome.

Forkpro Australia will document all discussions, investigations and findings in the relation to the independent party review in the complaints register.

Appeals to HRW Licence Assessment Decision

Trainees are not able to appeal to Forkpro Australia regarding their HRW Licence assessment decision. This is a SafeWork NSW and WorkSafe QLD regulation. If the trainee feels that the assessment decision is unfair they must make an appeal their relevant HRW licencing regulator

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against a decision of an accredited certified assessor in writing within fourteen (14) days of the day the assessor's written notice was made.

Outcomes Review

Details of any new complaints and appeals will be presented at the next scheduled Forkpro Australia management meeting. The details will be reviewed by the CEO and RTO Administrator as part of the continuous improvement process. Where relevant, recommended actions will be minuted and actioned. Any action outcomes of the review will be documented in the Quality Improvement register (RTO Data Cloud). Action outcome will be reviewed at following management meeting.