

COMPLAINTS AND APPEALS

1. INTRODUCTION

1.1 Purpose

The purpose of this procedure is to make explicit and visible the processes for dealing with Complaints and Appeals made by IFAP's course participants, or clients.

1.2 Scope

This policy will cover the following parties:

- a. IFAP, its trainers, assessors, consultants, Associate's or other staff;
- b. A third party providing services on the RTO's behalf, its trainers, assessors or other staff; and
- c. A participant of the RTO.

There are 2 categories of Complaint and Appeals that will be covered under this policy:

1. **Academic Complaint and Appeals:** IFAP participants who wish to submit a complaint and/or appeal about an academic matter, which may include and it is not restricted to complaints regarding course progress, assessment outcomes, training delivery or course outcomes.
2. **Non-Academic Complaint and Appeals:** IFAP participants who wish to submit a complaint and/or appeal about a non-academic matter, which may include but is not limited to operational, racial or sexual discrimination, unfair treatment, physical or verbal abuse, refusal of admission, non-payment of fees, and incorrect advice given prior to enrolment.

A complaint is an expression of dissatisfaction by a participant (hereafter referenced as the Complainant) about an issue related to an IFAP course, or an individual associated with IFAP which requires a resolution. All participants enrolled, or seeking to enrol, in IFAP courses are entitled to access the Complaints and Appeals process.

A complaint or appeal may include, but is not limited to:-

Complaints

- a. Course advice and enrolment;
- b. Customer service and administration;
- c. Program delivery;
- d. Learning resources;
- e. Fees and charges;
- f. Equity and access, discrimination, harassment and bullying;
- g. Issue of results, certificates, statement of attainment; qualification; and
- h. Marketing and promotional activity, personal health and safety concerns.

Appeals

- a. Assessment process and decision;
- b. Decision was made without due consideration of the facts, evidence or circumstances;
- c. There was bias, prejudice or a conflict of interest by the investigative or hearing body; and
- d. Policy/procedural irregularity in the investigative or hearing process.

1.3 References

- a. Code of Practice as a Training Provider (RT002);
- b. Employee Performance Counselling (HRPM001);
- c. On-Boarding Process (HREM002); and
- d. Code of Conduct (HREM020).

1.4 Abbreviations

ASQA – Australian Skills Quality Authority.

C&A – Complaints and Appeals.

CEO – Chief Executive Officer.

CS – Customer Service.

EM – Executive Manager.

MR – Management Representative.

RTO – Registered Training Organisation.

1.5 Definitions

Appellant – a person who makes an Appeal under this policy.

Complainant – a person who makes a Complaint under this policy.

Executive Manager (EM) – members of the Executive Team who are deemed as Officers of the Company and includes the Chief Executive Officer.

Independent Person – an appointed member of the Executive Management Team (and not the Chief Executive Officer) not directly linked to the Complaint or Appeal.

Management Representative (MR) – A member of the IFAP Executive Team, either the Chief Executive Officer, Executive Manager, or a nominated replacement.

Respondent – an IFAP staff member or Associate Consultant, or a group of staff members or Associate Consultants about whom a Complaint or Appeal is made.

2. OVERVIEW

Each participant on IFAP's courses, or clients utilising IFAP's services has the right to lodge formal complaints about the standard of our performance, or to appeal against a decision made in relation to a finding of competency or fairness of a procedure deployed by IFAP.

IFAP's philosophy is to have a complaint or appeal dealt with as expeditiously and fairly as possible, whilst ensuring compliance with our Registered Training Organisation (RTO) obligations and IFAP's policies and procedures.

All of IFAP's training staff, Managers, Compliance Officer and Administration Team will be trained in the management and effective resolution of complaints and appeals in order that they may be resolved as efficiently as possible.

3. THE COMPLAINTS AND APPEALS PROCESS

Appendix I comprises a flowchart that illustrates the following process.

IFAP will address any and all complaints in a fair, constructive and timely manner. The Complainant has the right for their complaint to be heard and for an impartial decision to be made at no cost to them. Complainants have the right to appeal a decision.

At IFAP, the complaints and appeals process is undertaken as follows:

Step 1 - Informal Resolution;

Step 2 - Lodging a formal written complaint or appeal;

Step 3 - Investigation of complaint or appeal;

Step 4 - Resolution of complaint;

Step 5 - Escalation to IFAP Chief Executive Officer (CEO); and

Step 6 - Escalation to the Independent Third Party.

3.1 Step 1 - Informal Resolution

The Complaints and Appeals Policy refers to the informal complaint process as the first mechanism a participant can take to pursue resolution of complaints against academic and / or non-academic matters.

- a. IFAP will try and resolve the matter in an informal way which includes discussion, negotiation and agreements.
- b. This informal resolution is undertaken by the relevant Management Representative (MR).
- c. This is not a compulsory step.

After discussion, if the participant is not satisfied with the resolution, the MR will introduce the Compliance Officer to the participant so that the formal Complaints and Appeals Process undertaken at IFAP can be explained.

3.2 Step 2 - Formal Complaint and Appeal

The formal Complaint and Appeal Process takes place when an academic or non-academic complaint cannot be resolved informally as outlined above.

If the participant decides to lodge a formal complaint, the Complainant should submit a completed Complaints and Appeals Form (Appendix - II) that will include a description of the matter, who is involved in it and appropriate evidence within 15 days of the incident.

The Complaint and Appeal form is also available at IFAP Reception and on IFAP's website.

To assist in the resolution of a complaint it is helpful if participants include the following information when communicating their complaint.

- a. If lodging the form via email, use the word "Complaint" or "Appeal" in the email subject line;
- b. Complaint can be sent via email to the following email address: ifap@ifap.asn.au;

- c. If applicable, identify the subject / course and the date on which the course was attended; and
- d. Summarise the issues relating to the complaint.

Formal written complaints should be sent to:

Attention: Compliance Officer
IFAP
PO Box 339
WILLETTON WA 6955

Complaints can also be delivered to IFAP at:

Attention: Compliance Officer
IFAP
128 Farrington Road
NORTH LAKE WA 6163

Written acknowledgement will be sent by the Compliance Officer or their nominated representative within 3 working days of the complaint or appeal being received.

3.3 Step 3 - Investigation of Complaint or Appeal

Upon receipt of a formal complaint, the Compliance Officer or their nominated representative will follow the following actions:

- a. Provide Complainant or Appellant with the details of the process (refer to Appendices III, IV, V and VI);
- b. Details of the complaint or appeal will be recorded the on IFAP Complaints and Appeals Register; and
- c. Collate all the associated paperwork related to the complaint and forward it to the IFAP Panel:
 - ~ In order to ensure the most efficacious manner for resolving complaints and appeals, IFAP will appoint a panel of people to review and investigate any complaint and appeal received. The panel will consist of the Executive Manager - Corporate Services (CS) and a member from the Sales and Marketing team.
- d. Appointment of IFAP Panel to review a complaint or appeal.

The basis of these 2 appointments are that as MR's for supporting units, it is highly probable that **Complaints** will not be centred on the business units they lead.

In the case of **Appeals** the Executive Manager - CS will be technically competent to manage the process, while the Sales and Marketing team member will be effectively independent from the appeals process.

The IFAP Panel will investigate the complaint or appeal, which may involve:

- 1. Reviewing worked examination papers or assignments;
- 2. Reviewing procedures;
- 3. Reviewing course materials or resources;
- 4. Consulting other course participants;
- 5. Reviewing evaluation forms;

6. Interviewing the relevant IFAP staff members; and
7. Interviewing the Complainant or Appellant.

The determination will also be documented on the IFAP Complaints and Appeal Register.

3.4 Step 4 - Resolution of Complaint

Once the investigation has been conducted according to the general principles outlined above and a determination made, the participant will receive a written response from the independent persons detailing the actions taken in response to the complaint.

This will usually occur within fifteen (15) working days from acknowledgement of the participant's complaint. If for some reason the investigation or determination takes longer, the participant will be advised.

If IFAP receives no communication from the participant within ten (10) working days of them receiving its response, the complaint will be considered closed except in exceptional circumstances.

However, if the participant is not satisfied with the resolution, the EM – CS will explain the escalation process.

3.5 Step 5 - Escalation to IFAP Chief Executive Officer

If the Complainant or Appellant is not satisfied with the outcome arising from actions undertaken at Step 3 (Investigation of Complaint or Appeal), they can make a further appeal to the CEO.

All the relevant documents and evidences gathered related to the complaint and appeal will be provided by the EM - CS to the CEO for further action.

3.6 Step 6 - Escalation to the Independent Third Party

Should the complaint or appeal still not be resolved after referral to the CEO, the Complainant has the right to lodge a complaint externally with an appropriate external agency such as those listed below. IFAP will provide this information to the Complainant or Appellant in writing.

Independent Third Party	Type of Training	Contact Details
Citizens Advice Bureau	For nationally recognised training	25 Barrack Street, Perth WA 6000 Enquiries: 9221 5711 Admin: 9325 4217 Email: cab@cabwa.com.au http://www.cabwa.com.au

At any stage of this process if IFAP considers more than 60 calendar days are required to process and finalise the complaint or appeal, IFAP will:

- a. Inform the Complainant or Appellant in writing, including reasons why more than 60 calendar days are required; and
- b. Regularly update the Complainant or Appellant on the progress of the matter.

At any point of time during the complaints and appeals process, the Complainant or Appellant can contact the following regulatory bodies:

Regulatory Body	Type of Training	Contact Details
National Training Complaints Hotline	For nationally recognised training	Phone: 13 38 73 Email: skilling@education.gov.au
Australian Maritime Safety Authority (AMSA)	AMSA Approved Courses	https://www.amsa.gov.au/

4. RECORD KEEPING

IFAP securely maintains records of all complaints and appeals and their outcomes, and identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

All complaints and appeals received at IFAP whether written or verbal are logged in the Complaints and Appeals Register to follow up. It also maintains a data entry of timeframe, assessment, plan for investigation, action taken and follow up, if any.

Records of complaints and appeals for external review of decisions are kept and accessible only to authorised parties for a period of 5 years.

4.1 Complaints or Appeals Against an Individual

A copy of any Complaint against an individual, including any documentation collected during the investigation, will also be kept on the employee's or Associate Consultant's personal file.

The Human Resources Co-ordinator is accountable for maintenance of the personal files.

5. THE COMPLAINTS AND APPEALS COMMUNICATION PROCESS

Reference will be made to the Complaints and Appeals procedure in the Code of Practice as a Training Provider.

- a. The Code of Practice as a Training Provider shall be included with the Induction manual for all staff and Associate Consultants and shall be specifically covered at the time of induction, and thereafter in the On-Boarding Process; and
- b. The Code of Practice as a Training Provider is included in the "*Participant Handbook*" and will be circulated to all course participants prior to commencement of any course.
The Trainer is to make specific reference to the Complaints and Appeals process contained therein.
- c. The Complaints and Appeals Policy is also accessible from the IFAP website.

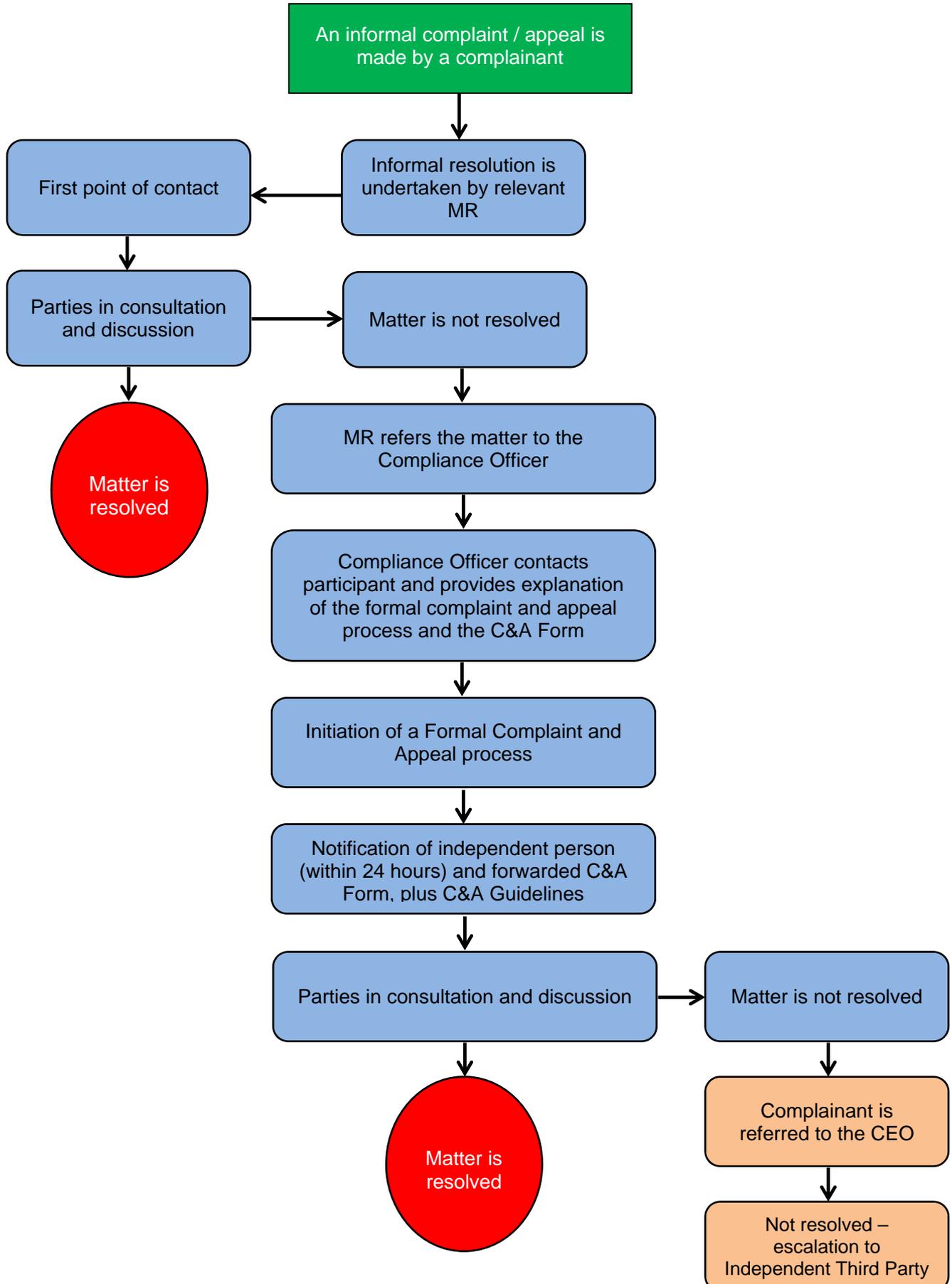
6. ALTERATIONS TO THIS PROCEDURE

This procedure can only be altered by the Chief Executive Officer or the Executive Manager - Corporate Services with the support of the Executive Managers of the organisation.

End document

**APPENDIX I -
FLOWCHART COMPLAINTS AND APPEALS
PROCESS**

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APPENDIX II - COMPLAINTS AND APPEALS FORM

APPENDIX II – COMPLAINTS AND APPEALS FORM

Personal Details:			
Family Name			
Given Names			
Enrolled Course			
Contact Details:			
Mobile Number			
Email Address			
Current Mailing Method			
Preferred Contact Method	Telephone	Letter	Email
Complaint / Appeal Details:			
Reason for this Complaint / Appeal			
Any supporting documents provided with this form			

FOR ADMINISTRATION PURPOSES

Outcome of Informal Resolution (if undertaken):

IFAP Panel Members:

1. Executive Manager – Corporate Services;
2. Sales and Marketing team member; and
3. Any other nominated member:

Date of complaint or appeal received by Panel members:

Detail the process to be followed:

To review and investigate the complaint or appeal.

(Include the date and time on which interviews are conducted; which documents are reviewed; any other action taken).

Recommended Resolution:

APPENDIX III - RIGHTS OF COMPLAINANT / APPELLANT

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The Complainant / Appellant has the following rights:

- a. to be treated with dignity and respect and not be victimised following the Application;
- b. to have their application taken seriously;
- c. to have their application heard confidentially and by an impartial person;
- d. to have the right of access to the application and any relevant documentation which is produced once the matter has been investigated;
- e. to be represented and / or to obtain advice from anyone or any organisation inside or outside IFAP;
- f. to call witnesses to the source of the C&A; and
- g. to request a third party to be present at any interviews.

APPENDIX IV - RIGHTS OF A RESPONDENT

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The respondent has the following rights:

- a. to be afforded due process at natural justice;
- b. to be assumed innocent unless or until proven otherwise;
- c. to be able to provide a response;
- d. to be given adequate time to provide a response;
- e. to be treated with dignity and respect;
- f. to have the matter heard confidentially and by an impartial person;
- g. to have the right of access to the application and any relevant documentation which is produced once the matter has been investigated;
- h. to be represented and/or to obtain advice from anyone or any organisation inside or outside IFAP;
- i. to call witnesses to the source of the C&A; and
- j. to request a third party be present at any interviews.

APPENDIX V - THE INTERVIEW PROCESS

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- a. Initially the Independent Person (IP) will interview the Complainant / Appellant to establish fully what allegations have been made and whether the Respondent has been requested to cease the behavior the Complainant / Appellant has objected to.
- b. All interviews will be conducted in private, without interruptions.
- c. At the outset of the interview, the Complainant / Appellant will be advised that under normal conditions the Respondent will have access to any documents and information pertaining to the application.
- d. Information which the IP is required to obtain about the matter is outlined in the C&A Form which must be completed as fully as possible. Any relevant additional information must be attached to the form.
- e. The IP will then interview the Respondent and:
 - i. advise of the allegations against them;
 - ii. hear the response to the allegations; and
 - iii. provide all relevant documentation.
- f. The Respondent must be advised that they have the right to representation.
- g. If the Respondent admits to the behaviour then the IP will make recommendations to the CEO (or President if complaint is against the CEO) on possible actions.

Should the behaviour not be admitted, then all witnesses (if any) will be interviewed.

Witnesses will be advised of the importance of maintaining strict confidentiality.

Evidence provided by any witnesses will be considered and noted in context in any findings and / or recommendations to the CEO.
- h. Where the behaviour is not admitted and the IP is unable to conclude that one testimony is more plausible than the other, then recommendations will be framed only in terms of general strategies for management to pursue.

APPENDIX VI - MEDIATION GUIDELINES

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The process of mediation is undertaken when the Respondent and Complainant / Appellant agree that they wish to resolve an Application in this manner and if it is appropriate to do so.

The mediator is generally the nominated Independent Person. However, this role may be undertaken by an agreed alternative person such as the Compliance Officer or CEO.

1. Role of the Mediator

- a. In situations prior to the mediation conference where only one party is being interviewed, care must be taken to avoid judgements about the absent person.
- b. Be objective – represent both sides.
- c. Provide a non-threatening and private environment where people will feel safe and comfortable in discussing their concerns.
- d. Actively discourage judgements about who was right and who was wrong.

2. Introduction and Agreements

- a. Explain the process to be undertaken and summarise the stages of mediation.
- b. Establish time constraints.
- c. Clarify the roles of the people present. This should include the Complainant, respondent, mediator and, if appropriate, a minute recorder.
- d. Explain the mediator's role as that of an impartial, neutral Facilitator and that the purpose of the mediation conference is to arrive at a mutually acceptable solution.
- e. Establish basic rules within the process. These include no interruptions when the other party is responding.
- f. Reiterate the need for confidentiality.

3. Some Guidelines

- a. Use calm, conciliatory language.
- b. Define the mediator's role as supporting the restoration of positive working relationships and a safe working environment.
- c. Clarify what documentation is to be kept, where it will be stored and for what period of time.
- d. Obtain agreement from both parties about a basic willingness to resolve the problem. Allow the Complainant and respondent to identify the problem. Ensure that both parties understand the other's position.
- e. Guide the conversation towards a joint problem-solving approach. Do not allow statements that amount to personal attack.
- f. Where possible, reframe a negative statement into a neutral description of a legitimate concern.