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### 1. Purpose

WISE Employment (Access Skills Training and Interskills) is committed to providing an environment which is non-discriminatory and in which staff and trainees have their rights, dignity, privacy, and confidentiality valued and respected. It is recognised that at times, differences will occur or decisions will be made with which individuals may be dissatisfied. If a grievance appears unresolvable, further advice is to be sought by following the procedure governed by this policy.

### 2. Version Control

Version No.	Date	Amendment
v1.0	31/03/2015	Implemented Policy
v1.1	08/01/2016	Updated to account for VTG
v1.2	09/04/2018	Update to Interskills nomenclature
v2.0	15/12/2023	Amended at amalgamation with Access Skills Training

### 3. Scope

This policy applies to grievances that directly relate to accredited training provided by Access Skills Training or Interskills Training and applies to:

- all RTO staff and trainers
- students
- in the case that students are minors (ie under 18yo), their guardians

- third parties by way of the partnership agreement (MOU or MOA).

Note this policy does not apply to other activities of WISE Employment Ltd, eg employment services, NDIS, etc

#### 4. Relevant Documentation

Name		Document Type
Standards for Registered Training Organisations (RTOs) 2015		.pdf
Third Party / Partner Agreements (MOU / MOA)		
Student Handbook		
RTO Websites (Interskills and Access Skills Training)		
Grievances Folder	network folder	
Grievance and Appeals Form		
Notice of Grievance and Appeals Outcomes		
Annual Report to CEO		
Annual Declaration on Compliance (ASQA)		
Plagiarism Policy		

#### *Standards for Registered Training Organisations (RTOs) 2015:*

Standards Clause	Details
6.	<b>Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.</b> Subject to Clause 6.6, to be compliant with Standard 6 the RTO must meet the following:
6.1.	The RTO has a complaints policy to manage and respond to allegations involving the conduct of: <ul style="list-style-type: none"> <li>a) the RTO, its trainers, assessors or other staff;</li> <li>b) a third party providing services on the RTO's behalf, its trainers, assessors or other staff; or</li> <li>c) a learner of the RTO.</li> </ul>
6.2.	The RTO has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the RTO or a third party providing services on the RTO's behalf.
6.3.	The RTO's complaints policy and appeals policy: <ul style="list-style-type: none"> <li>a) ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;</li> <li>b) are publicly available;</li> <li>c) set out the procedure for making a complaint or requesting an appeal;</li> <li>d) ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and</li> <li>e) provide for review by an appropriate party independent of the RTO and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.</li> </ul>
6.4.	Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO: <ul style="list-style-type: none"> <li>a) informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and</li> </ul>

	b) regularly updates the complainant or appellant on the progress of the matter.
6.5.	The RTO: a) securely maintains records of all complaints and appeals and their outcomes; and b) identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.
6.6.	Where the RTO is an employer or a volunteer organisation whose learners solely consist of its employees or members, does not charge fees for the training and/or assessment, and does not have in place a specific complaints and appeals policy in accordance with Clauses 6.1 & 6.2, the organisation has a complaints and appeals policy which is sufficiently broad to cover the services provided by the RTO.

Skills First funding contract:

Skills First	Details
1.3	You must publish in a prominent place on your website: e) your complaints and appeals process

## 5. Definitions

### APPEAL

There are two types of appeal: (1) a request to review a judgement that has previously been made on a grievance; and (2) a request to review an assessment outcome.

### APPELLANT

A person requesting an appeal to a previous judgement.

### COMPLAINT or GRIEVANCE

The informal or formal expression of dissatisfaction or concern regarding any aspects the RTO's operations, services, staff or students.

### COMPLAINANT

A person making a complaint.

### STAKEHOLDER

Any person with an interest or concern with the complaint or appeal. This may include students, prospective students, trainers, RTO staff, employers, hosting organisations, employment service providers, government agencies

### THIRD PARTY

Any party that provides services on behalf of the RTO but does not include a contract of employment between an RTO and its employee.

### RESTORATIVE JUSTICE

Restorative justice is an approach to justice that aims to repair the harm done to victims. The approach includes (1) Discuss what happened. (2) Address the harm, needs, and cause of the conflict. (3) Determine acceptable outcomes. (4) Act on the plans of action.

### NATURAL JUSTICE

The key components of natural justice are the right to a fair hearing and the rule against bias. The right to a fair hearing involves a person being given adequate notice of a hearing, a sufficient opportunity to present a case, and notice of something unknown or not obvious to them.

## 6. Policy Summary

This is the short form of the policy. Refer to the Policy Detail for the full policy.

- 6.1. Importantly, prior to the student engaging with any external or third party (eg Department of Consumer Affairs, Department of Education, ASQA, etc) this *Grievance and Appeals Policy* must first be followed
- 6.2. Student submits a formal *Grievance and Appeals Form* together with any evidence to the RTO Compliance Manager at [RTOCompliance@wiseemployment.com.au](mailto:RTOCompliance@wiseemployment.com.au)
  - The *Grievance and Appeals Form* can be downloaded from the website or is available upon request from the office or your trainer
- 6.3. The student's privacy and confidentiality shall be preserved at all times
- 6.4. The receipt of the form shall be acknowledged
- 6.5. The RTO Compliance Manager shall determine the outcome of the grievance or appeal by way of interviewing stakeholders, evaluating evidence and mediating meetings, and shall at all times apply natural justice and restorative justice principles
- 6.6. The grievance or appeal process shall be completed within 30 days from receipt of the *Grievance and Appeals Form*
- 6.7. If more than 30 days is required to determine an outcome, the student shall be advised of such together with an expectation of when the complaint or appeal shall be concluded
- 6.8. The student shall be advised of the outcome of the investigation via email
- 6.9. If the matter remains unresolved, the student shall be advised of further steps which can be taken which may include an appeal or referral to an external mediator

## 7. Policy detail

7.1. A grievance can be made

- by a student about the RTO (eg a policy, process or marketing activity)
- by a student about their trainer
- by a student about another student
- by a student about a staff member (including other trainers)
- by a trainer about a student (eg breach of student code of conduct, plagiarism, etc)
- by the RTO (eg Compliance Manager, RTO Manager, CEO) about a student

7.2. The Grievance and Appeals Policy shall be published

- on the RTO website
- in the Student Handbook
- and shall be available upon request via email or phone or in person

7.3. All students shall be provided with the Grievance and Appeals Procedure prior to enrolment

7.4. In all circumstances, the rights of the parties of any grievance or appeal shall be upheld, including their confidentiality, privacy and duty of care rights. No person other than those named in the grievance or appeal, or relevant stakeholders as identified by the RTO Compliance Manager as necessary to the investigation shall be notified of the grievance or appeal

- form being lodged, or
- outcome

except to say that the CEO and ASQA are notified of the number and nature of grievances and appeals, and their outcomes. Having said that, notification is redacted in that it does not identify individuals involved in the grievances or appeals.

7.5. We accept that students may know each other prior to enrolment in their course, or may socialise as a result of being in their course. Note that we will only accept grievances about another student where the grievance arises directly from training interactions. This is an adult education environment and we expect all students to behave accordingly. A grievance cannot be raised through this policy where the issue resulted from students' personal and social lives.

7.6. The RTO shall apply *Restorative Justice* and *Natural Justice* principles in resolving grievances and appeals.

- 7.7. Despite the RTO having its headquarters in the state of Victoria, the jurisdiction of the place of enrolment shall be the governing law.

#### INFORMAL GRIEVANCES

- 7.8. It is expected that the complainant will seek a resolution to the complaint, through an informal mediation of both parties, prior to it becoming a part of the formal complaints process. Only until informal processes are exhausted should a grievance be formalised.
- 7.9. It is recommended that a student approach their trainer with an initial discussion of the grievance so that they may be able to mediate a resolution.
- 7.10. The trainer should make a record (through the trainer portal) of the informal grievance which includes a brief explanation of the issue and a statement of the outcome.

#### FORMAL GRIEVANCES

- 7.11. Complaints are to be made within 30 calendar days of the incident occurring.
- 7.12. The internal formal grievances and appeals process should be followed prior to any engagement with an external authority. In the event that an acceptable resolution is not provided, then the student is to be referred to the National Training Complaints Hotline or the training ombudsman in the jurisdiction of enrolment.
- 7.13. Although all complaints shall be taken seriously, no person may make a formal grievance or appeal on behalf of another person (except in the case of the complainant being a minor in which case the *Grievance and Appeals Form* must be completed or countersigned by their guardian).
- 7.14. Formal grievances must be provided in writing using the *Grievance and Appeals Form*.
- Having said that, a grievance must be taken as formal if given in another format other than use of the *Grievance and Appeals Form* (eg via email, face to face meeting with the RTO Compliance Manager). In which case, the RTO Compliance Manager may complete the *Grievance and Appeals Form* on behalf of the complainant or appellant with information provided in another format. The complainant or appellant shall be advised of the *Grievance and Appeals Form* being completed on their behalf via email with a copy of the *Grievance and Appeals Form* attached.

- 7.15. The *Grievance and Appeals Form* should be remitted to the RTO Compliance Manager at [rtocompliance@ast.org.au](mailto:rtocompliance@ast.org.au) or [rtocompliance@interskills.edu.au](mailto:rtocompliance@interskills.edu.au), or [rtocompliance@wiseemployment.com.au](mailto:rtocompliance@wiseemployment.com.au)<sup>1</sup>
- Where a form has inadvertently been remitted to another staff member or trainer, they are required to forward the form to the RTO Compliance Manager.
- 7.16. There is no “statute of limitations” for grievances although an acceptable resolution may not be possible beyond one (1) month.
- 7.17. Where an agreed resolution has been determined but not followed through with, the complainant may request the matter to be re-addressed. The complainant need not complete another *Grievance Form* – notification of this intention can be made by email directly to the RTO Compliance Manager (as per 7.15 above).

## APPEALS

- 7.18. Appeals have a strict “statute of limitations” of two (2) weeks from the date of outcome of an assessment activity – ie the date the trainer marked the work.
- 7.19. In the first instance, the appellant should approach their trainer to discuss the results of the assessment activity.
- 7.20. If the appellant is still not satisfied with the explanation by the trainer, they must complete a formal *Grievance and Appeal Form* and attach the instructions for the assessment, the assessment activity, and the feedback provided by the trainer. The *Grievance and Appeals Form* and evidence is to be submitted to the RTO Compliance Manager as per 7.15 above.
- 7.21. The RTO Compliance Manager shall make an initial evaluation confirming that the appellant has followed all assessment instructions, provided sufficient answers (ie met word count, provided working out, included references/citations, etc), and followed all policies pertaining to assessment activities including signing the plagiarism declaration.
- 7.22. The RTO Compliance Manager, particularly in the event of a practical assessment activity, may discuss the matter directly with the trainer to determine why the result was granted.
- 7.23. Options available to the RTO Compliance Manager include:
- incorporating the assessment activity in another activity (ie combining the two activities in an holistic activity)

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<sup>1</sup> Note that emails sent to any of the emails end up in the same inbox

- consideration may be given to previous assessment activities as possible evidence of competency
- rescheduling a practical assessment activity at a time which may exceed the timeframe limitations as per 7.26 below
- appointing an alternative assessor to evaluate the assessment activity. There are two possible outcomes from this activity:
  - The second assessor agrees with the first assessment outcome. This decision is final and must be accepted by the appellant
  - The second assessor disagrees with the first assessment outcome. This decision shall take precedence over the first assessment outcome and
    - the result of “satisfactory” shall be recorded
    - the trainer shall be advised of the outcome

## ADMINISTRATION

7.24. Grievances and Appeals shall be administered by the RTO Compliance Manager who is independent from the matter; except that in the case the grievance is about the RTO Compliance Manager then the matter shall be administered by either an RTO Manager or the CEO, as appropriate.

7.25. Administration of the grievance or appeal will involve

- meet with stakeholders (in person, via Zoom, via text/email or via phone)
- provide relevant information about the grievance or appeal to all stakeholders
- either party may have an advocate present at all investigation events
- notification of the outcome of the investigation
- notification of the determination of restorative actions, if any

## TIMEFRAMES FOR RESOLUTION

7.26. The timeframes listed below commence from the time the formal written receipt of the complaint or appeal has been received by the RTO Compliance Manager:

- the complainant will be notified by the manager by email or post within ten (10) days of:
  - having received the complaint
  - confirmation of the nature of the complaint
  - timelines of the process of the complaint or appeal and
  - the progress of the complaint or appeal.
- Regardless of the outcome, all parties are to be notified in writing (via email) of the outcome within thirty (30) days.



- When more than sixty (60) calendar days are required to process and finalise the grievance or appeal, the RTO Compliance Manager will inform the complainant or appellant in writing of why this time is required and will regularly update the complainant or appellant of the progress of the grievance or appeal.

7.27. Where a grievance or appeal remains unresolved, the complainant may appeal to the CEO. If the issue remains unresolved, an independent mediator will be appointed by the CEO or his/her representative, on an as needs basis.

7.28. Nothing in this policy limits the rights of an individual to take action under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.

## REPORTING

7.29. A summary of all grievances and appeals is to be reported annually by the Compliance Manager.

7.30. All information in the report is to be redacted in that no student or person is to be identified.

7.31. The report should consist of

- numbers of formal grievances
- numbers of formal appeals
- the nature of grievances
- outcomes of grievances (ie whether they are upheld or rejected)
- commentary about grievance and appeal trends (ie more or less than previous year)

Where a grievance or appeal results in a change to policy, change to policy, or other continuous improvement activity, this should be noted in the report.

7.32. The information of this report is to be

- Provided in an annual report to the CEO
- Included in the *Annual Declaration on Compliance* to ASQA

## 8. For More Information

**Australian Skills Quality Authority (ASQA):**

<https://www.asqa.gov.au/complaints>

Phone: ASQA info line 1300 701 801 between 9.00 am and 7.00 pm

### Complaints Resolution and Referral Service

<https://www.jobaccess.gov.au/complaints/crrs>

Freecall: 1800 464 800 Complaints: 1800 880 052

### Department of Education and Training (Government subsidised training: Skills First VET Funding)

<https://www.education.vic.gov.au/about/contact/Pages/complaintslanding.aspx>

Email [wvr@education.vic.gov.au](mailto:wvr@education.vic.gov.au)

Phone: 1300 338 691

### Disputes Settlement Centre of Victoria

<http://www.disputes.vic.gov.au>

Phone: 1300 372 888

Student Enquiry Line

<https://www.employment.gov.au/national-training-complaints-hotline> or

<https://www.education.gov.au/frequently-asked-questions-12>

Phone: 1800 020 108

### National Training Complaints Hotline

<https://www.employment.gov.au/national-training-complaints-hotline> or

<https://www.education.gov.au/frequently-asked-questions-12>

Phone: 13 38 73 (Monday to Friday from 8am to 6pm nationally)

### National Disability Abuse and Neglect Hotline Website

<https://www.jobaccess.gov.au/complaints/hotline>

Phone: 1800 880 052

Note: If a criminal offence has been committed, it must be reported to the police.

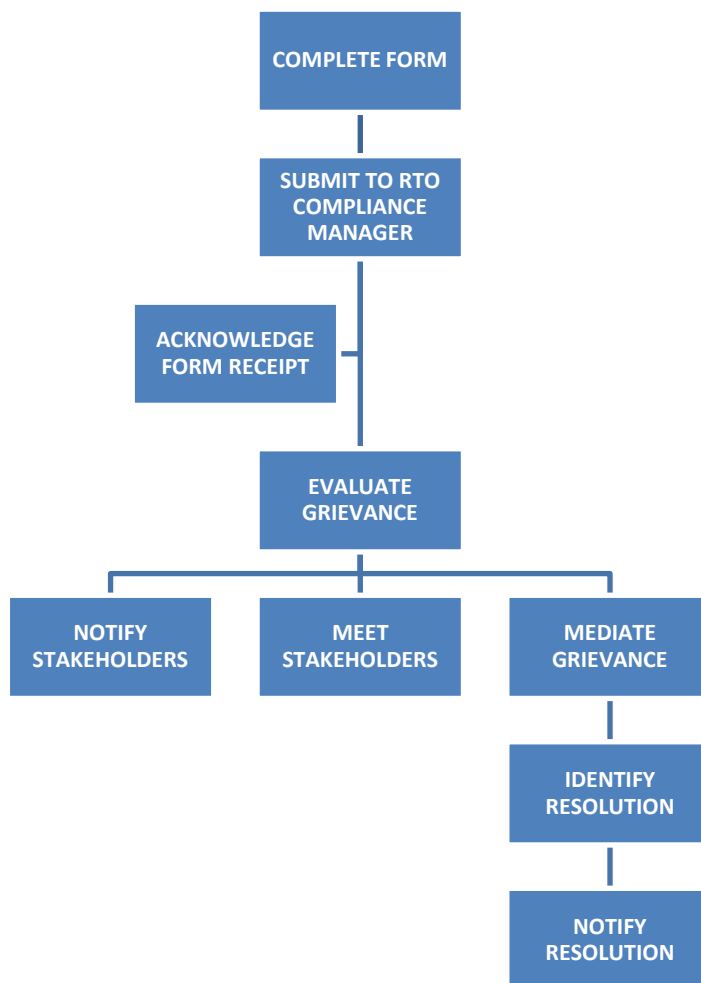
## 9. Responsibilities

- 9.1. RTO Compliance Manager
- 9.2. RTO Managers
- 9.3. CEO

## 10. Approvals

Document Type:	POLICY
Document No.:	Grievance Policy v2.0.docx
Dept/Group:	RTO
Revised date:	12/01/2024
Author	David Watt (Compliance Manager)
Approved by	Matthew Lambelle (CEO)

## 11. Formal Grievance – Simple Flowchart



## 12. Formal Appeals – Simple Flowchart

