

50. Complaints and Appeals

Version No: 19

Effective Date: 08/04/2022

Prepared by

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Revision History			
Document No:	SOP_50	Revision No:	19
Doc. Owner:	Linfox Operational Training	Approval Date:	08/04/2022
Approved by:	National Training Manager	Review Date:	08/04/2024
		Page:	Page 1 of 9

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DOCUMENT CONTROL MANAGEMENT

Document Information

Approved By:	National Training Manager	Accountable Executive:	Human Resources President
Date Approved:	08/04/2022	Responsible Function:	Operational Training
Version:	19	Next review date:	08/04/2024
Effective Date:	08/04/2022	Document Location:	LOT SharePoint > Training Resources > Supporting Documents > Standard Operating Procedures (SOPs)

Document History

Version	Date Approved	Approved by	Description of Revision
19	08/04/2022	Greg Lipscombe	Moved to new template and relinked hyperlinks.

Contents

1	Purpose	4
2	Scope and application	4
3	Procedure	4
	3.1 Commitment.....	4
	3.2 Dealing with complaints and appeals overview.....	5
	3.3 Direct Complaints.....	5
	3.4 Anonymous Complaints.....	7
	3.5 Appeals.....	7
4	Reporting breaches of this procedure.....	8
5	Responsibilities of this procedure.....	8
	5.1 Procedure management.....	8
	5.2 Policy implementation	8
6	Waivers of this policy	8
7	Definition.....	9
8	References.....	9

1 Purpose

This policy and procedure provide clear and practical guidelines to ensure that complaints and appeals received about the RTO, about and from students, trainers, staff and/or third parties can be resolved equitably and efficiently following the principles of natural justice.

2 Scope and application

Training and This complaints and appeals policy and procedure will manage allegations involving the conduct of:

- Linfox Operational Training team members inclusive of its trainers, assessors and administration staff.
- Stakeholders and Managers.
- A third party providing services on the RTO's behalf, its trainers, assessors or other staff.
- A student of Linfox Operational Training.
- All Nationally Recognised and Linfox Operational Training programs.

Note: Additional VicRoads complaints processes are prescribed in SOP_82.

3 Procedure

3.1 Commitment

Linfox Operational Training will:

- Manage all complaints and appeals fairly, equitably and as efficiently as possible.
- Encourage the parties to approach the complaint or appeal with an open mind, and to resolve problems through discussion and conciliation.
- Seek to prevent complaints by ensuring high levels of satisfaction with its training and assessment, its performance as an RTO and its public image.
- If a complaint should arise, all staff are expected to be fair, courteous and helpful in all dealings with the person making the complaint or lodging the appeal, and to assist or refer where they can.
- Where a complaint or appeal cannot be resolved through discussion and conciliation, Linfox Operational Training acknowledges the need for an appropriate external and independent person/party to mediate. The parties involved will be allowed to formally present their case in an independent forum.
- Confidentiality will be maintained throughout the process of making and resolving complaints/appeals. Linfox Operational Training seeks to protect the rights and privacy of all involved and to facilitate the return to a comfortable and productive learning environment.
- A copy of this Policy is available to the public, all stakeholders, students and staff via the Learner Information Handbook.

3.2 Dealing with complaints and appeals overview



3.3 Direct Complaints

Should a known person(s) have a complaint or appeal, the following steps are to be followed:

3.3.1 Trainer to discuss the issue directly with those involved to try and resolve it verbally at the lowest level.

3.3.2 If no resolution is reached, discuss the issue with LOT Senior Trainer to see if it can be resolved.

If this resolves the situation, the complaint and outcome will be recorded by the Senior Trainer in the complaints and compliments register located on the share point.

3.3.3 If there is still no resolution, the person should be instructed to put the following information relating to the complaint or appeal in writing to the LOT Regional Training Manager.

This written notification can be made using email, letter or over the phone (with a dictation made by the RTO representative), and must include:

- a description of the complaint or appeal
- a statement about whether the person wishes to formally present their case
- information about any prior steps taken to deal with the complaint or appeal
- What they would like to happen to resolve the complaint and recommendations on preventing it from happening again

3.3.4 A written acknowledgement of receipt of the complaint/appeal will be forwarded by the LOT Regional Training Manager to the complainant within 5 business days.

3.3.5 The LOT Regional Training Manager will either deal with the issue personally or arrange for it to be dealt with by a management representative. This process must commence within 2 business days from the time the LOT Regional Training Manager receives the written notification and a response/resolution must be presented within 20 business days.

The LOT Regional Training Manager will:

- undertake a preliminary enquiry to determine the nature of the complaint/appeal
- inform other relevant parties (if necessary)
- provide all parties an opportunity to present their case (with a support person and/or parent/guardian if a student is under 18 years of age)
- discuss with the parties any resolution and any arrangements required by the RTO
- record the outcome of the discussion on the Complaints Register
- provide the outcome in writing to the person (and other parties if relevant)
- inform the National Training Manager of the resolution or escalate if unresolved within 35 business days.

3.3.6 Should the issue still not be resolved to the person(s) satisfaction, Linfox Operational Training will make arrangements for an independent party to resolve the issue and outline any costs that may be involved with this to happen, to the person(s).

The person(s) will be allowed to formally present their case. The time frame for this process may vary but should take no longer than 15 business days.

All parties involved will receive a written statement of the outcomes, including reasons for the decision within the 15-working day period. If the process is taking longer than 60 days from when the complaint or appeal is received, the person will be notified in writing of the reason for the delay and kept informed of all progress.

3.3.7 If the person(s) is still not happy with outcomes from the independent process, they may take their complaint to the VET Regulator - the Australian Skills Quality Authority.

Information about the process can be found at <https://asqaconnect.asqa.gov.au/>

Or at the National Complaints Hotline at <https://www.dese.gov.au/national-training-complaints-hotline>

A person may also ask for help with a VET-related complaint to the following agencies:

- Anti-Discrimination Board (in their respective State or Territory) - who will investigate and conciliate complaints of discrimination.
- Australian Human Rights Commission – investigates and conciliates complaints about discrimination because of age, race, sex or disability and other human rights.

3.3.8 From any substantiated complaints and appeals, the causes will be reviewed as part of the RTO's continuous improvement processes, and appropriate corrective action will be taken to prevent or reduce the likelihood of reoccurrence. Actions will be recorded on the TSF0137 Corrective Action Records form and entered in the CAR register.

Multiple complaints of the same nature and recurring complaints received after corrective action has been taken is to be escalated to the National Training Manager.

3.3.9 Any complaint that is related to illegal activity, such as theft, assault etc., will be immediately referred to the appropriate authority.

3.4 Anonymous Complaints

Anonymous complaints from Linfox employees or general members of the public can be communicated to Linfox Operational Training by completing the on-line web form found on the Linfox.com website. Name and contact details are only required when a response is required.

When the form is completed an email will automatically be sent to the Linfox SharePoint site: "Foxshare – LOT complaints and compliments register". A notification is then sent via email to the relevant manager to inform them of the feedback and the process will start at 3.3.4.

3.5 Appeals

Appeals about assessment outcomes or the RPL process must be documented and a copy of all supporting case evidence sent to the LOT Regional Training Manager within 60 days of the original assessment.

The LOT Regional Training Manager will determine the outcome of the appeal which may result in:

- i) No change to assessment outcome
- ii) Where substantiated the outcome of the assessment will be changed.
- iii) A second assessment being undertaken independent of the original assessor where practicable. The result of this second assessment will be considered final by Linfox Operational Training, however, if the client is still not satisfied by the outcome, he or she will be provided with the name of an appropriate authority that they may approach for further advice.

The National Training Manager will be the second escalation point when a resolution is not met with the LOT Regional Training Manager.

4 Reporting breaches of this procedure

All breaches of this procedure must be reported to the National Training Manager within the applicable region. The National Training Manager will approve the final determination of the measures required to remedy a non-compliance.

5 Responsibilities of this procedure

5.1 Procedure management

Approval of this procedure is vested with the National Training Manager. The National Training Manager shall ensure that this policy and procedure conforms to both company and legislative standards.

Reviews of this procedure are the responsibility of the LOT management team and will be conducted every two years.

5.2 Policy implementation

All This policy and procedure apply to all Linfox Operational Training team members who interact with and support the resolution of customer complaints including but not limited to: national managers, regional managers, state managers, senior trainers, trainers and administration.

The National Training Manager shall ensure that this policy and procedure conforms to company, licensing authorities, ISO9001:2015 and regulator standards.

6 Waivers of this policy

Waivers of this procedure will only be granted in exceptional circumstances by the National Training Manager.

7 Definition

This table defines the terms used throughout this procedure.

Term	Definition
Complaint	is any expression of dissatisfaction with an action or service supplied by the RTO.
Appeal	is where a student or staff member or stakeholder of Linfox Operational Training or another interested party disputes a decision arising from a complaint, an assessment decision, or another decision made by the RTO. Complaints and appeals can arise from matters of concern relating to: <ul style="list-style-type: none"> • training delivery and assessment • the quality of the training • student support • materials • discrimination • harassment and inappropriate behaviour
Natural Justice	is concerned with ensuring procedural fairness. It involves: <ul style="list-style-type: none"> • decisions and processes free from bias • all parties having the right to be heard • all parties having a right to know how and of what, they are involved with or have been accused of • investigating a matter appropriately before a decision is made • all parties being told the decision and the reasons for the decision
Person	is someone making the complaint (complainant or appellant) and can be an individual, a group or an entity/organisation.

8 References

8.1 Policies

- Standards for RTOs 2015 – Standard Six: Manage complaints and appeals
- ISO9001:2015 – Quality Management System Requirements (clause 10.2.1)
- Linfox Policy and Procedures – LIN0058 Compliments and Complaints