



Complaints & Appeals Policy & Procedure

1. Purpose

The purpose of this policy is to provide information on complaints and appeals to course participants, workplace assessors, trainers and other relevant staff, including any third party providing training and assessment services on behalf of Brush Farm Corrective Services Academy (BFCSA) as a Nationally Registered Training Organisation. This policy relates to standard 6 of the Standards for Registered Training Organisations (RTOs) 2015, clauses 6.1- to - 6.5, clause 6.6 is not applicable due to this policy. Other feedback and suggestions for improvements to BFCSA are managed through the Customer Feedback Policy & Procedure.

2. Scope

This document covers all courses delivered and assessed under the auspices of Brush Farm Corrective Services Academy (BFCSA) that lead to an Australian Qualifications Framework (AQF) outcome.

3. Definitions

ASQA	– Australian Skills Quality Authority
AQF	– Australian Qualifications Framework
BFCSA	– Brush Farm Corrective Services Academy
CSNSW	– Corrective Service New South Wales
LMS	– Learner Management System
RTO	– Registered Training Organisation
SIS	– Student Information System
HP	– Records Management
EDRMS	– Electronic Documents Records Management System

4. Policy Statement

This policy describes the procedure to manage and respond to complaints relating to allegations involving the conduct of BFCSA trainers, assessors or other staff or another participant/trainee in relation to training and assessment activities. It also provides an appeal mechanism for course participants/trainees who consider the assessment process was ineffectively carried out or believe an incorrect assessment decision was made. The Assessment Policy provides for participants to automatically have one re-assessment attempt following a result of Not Satisfied/Not Yet Competent without the need to appeal.

This policy is not intended to replace or deal with matters defined in the CSNSW Grievance Management Policy, CSNSW Guide to conduct and Ethics or similar Department of Justice Policy and Procedure.

The Director CSNSW Academy or the nominated Training Manager as the appointed Convenor will ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaints and appeal process.

It is the responsibility of the course co-ordinator and/or assessor to advise participants of this policy and the Director CSNSW Academy or nominated Training Manager to hear an appeal within 21 days of its lodgement. Note it is a conflict of interest if the Convenor is the Training Unit Manager of the appellant.

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Once the complaint or appeal is finalised the Convener will table the finalised report at the management team's monthly meeting, where the report will be reviewed to see if there is a need to change any procedures or practices for the purposes of continuous improvement as per standard 6 for RTOs 2015. All complaints and appeals are recorded on the Complaints and Appeals register that includes relevant details to allow analysis of matters over time and identify any common factors that may need action. This will be reviewed annually during the annual internal RTO Audit.

5. Responsibility

It is the responsibility of the user of the document to ensure that the most current version is applied.

It is the responsibility of the Director CSNSW Academy to ensure that this policy document is regularly reviewed and to ensure the most current approved version is available online and publicly available.

6. Legislative Context

National Vocational Education and Training Regulator Act 2011
Standards for Registered Training Organisations (RTOs) 2015
Privacy & Personal Information Protection Act 1998

7. Changes and Updates

All policies and procedures are subject to ongoing revision to reflect systems improvements. All online (HP Records/EDRMS) documentation is considered the current version.

8. Monitoring and Evaluation

This policy will be reviewed three years from the date of implementation, or earlier should a review be warranted.

9. Associated Documents

Appeal Lodgment Form: (attachment within this Policy)
Appeals Register: *EDRMS ref: D12/236393* (restricted access)
Assessment Validation Policy & Procedure: *EDRMS ref: D09/265795*
BFCSA Code of Conduct and Ethics: *EDRMS ref: D11/533771*
Complaints Lodgment Form: (attachment within this policy)
Course Participant Guide: *class handout*
Customer Feedback Policy & Procedure: *CIMS EDRMS ref: D11/388042*
Participant's Evaluation Questionnaire (attachment within this Policy)
Participant's Rights and Responsibilities: *EDRMS ref: D09/074000*
Qualifications & Statements Issuance Policy & Procedure: *EDRMS ref: D11/545305*
CSNSW Complaints Management Policy: *EDRMS ref D2014/235242*
CSNSW Guide to Conduct & Ethics: *EDRMS D10/733771*

10. Procedures for Complaints

10.1. Making a Complaint

Participants should always endeavour to speak to the Trainer/Assessor and/or Training Unit Manager about their concerns prior to lodging a written complaint. Many issues can be easily and quickly resolved by informal discussions. If the complaint is about the Training Unit Manager then the participant should contact the Director CSNSW Academy at BFCSA.

10.2. Submitting a Written Complaint

If a verbal complaint fails to resolve the matter then a BFCSA Complaint Form (see attachment 1) is to be submitted to the participants Training Unit Manager (If the complaint is about the Training Unit Manager, then the form is submitted as 10.1).

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The Training Unit Manager will review the complaint within 14 days of receiving the complaint and interview the complainant where necessary (if the form details alone fail to identify sufficient evidence/information to resolve the matter), In the case of the complaint alleging any allegations against a course coordinator/trainer/assessor/participant or trainee they will interview them separately to determine the appropriate resolution (or referral to Professional Standards Branch by the Director CSNSW Academy) ensuring an independent CSNSW Academy staff member is present.

10.3 Recording the Complaint

The Training Unit Manager will provide all correspondence and the written complaint to the Customer Service Officer who will record the complaint in a HP Records/EDRMS Register for that Training Unit.,

A new Complaint container will be created in EDRMS for each complaint and access will be restricted to the Director CSNSW Academy, the Manager Curriculum & Systems Advice and relevant Unit Manager. If the complaint is received and addressed by the Director CSNSW Academy he/she will record the complaint as above.

The Complaints & Appeals Register is a spread sheet and records are stored according to the year in which the Complaint Form was received. The participant's name, staff/student identification number, training unit, date received and outcome will be entered in the Complaints Register, together with the HP/EDRMS reference number of each participant's Complaint Container.

10.4 Resolving and Reporting a Complaint

The register will identify the time taken to address the complaint and the outcome of any verbal or written complaint managed within the definitions and purpose of this policy or if the complaint was referred or dealt with by another CSNSW policy. The Manager receiving and managing the complaint will notify the complainant within 21 days of receiving the complaint.

The complaint will be tabled at the Managers Monthly Meeting identifying any corrective or preventative actions to be taken and recorded on the Complaints Register by the Manager receiving and managing the complaint.

11. Procedure for Appeals

11.1 Prior to Appeal

Participants should always endeavour to speak to the Assessor and/or the Training Unit Manager about their concerns prior to lodging an appeal. Many issues can be easily and quickly resolved by informal discussions first.

11.2 Submitting an Appeal

An appeal must be submitted in writing by the course participant to the Director CSNSW Academy using the Appeal Lodgement Form (see Attachment 2) within 7 days of receiving the assessment result.

The Appeal Lodgement Form will be forwarded by the Director CSNSW Academy to the Customer Service Officer, nominating an appropriate Convenor if the Director is unavailable, within 7 working days of the Appeal Lodgement Form being received. Notification of receipt will also be forwarded to the participant, the participant's Training Manager and the relevant assessor.

The Convenor will obtain all relevant information regarding the participant's assessment/s from the Training Unit Manager (or Educational Support Officer) of the Appellant.

11.3 Appeal Panel

On receipt of an Appeal Lodgement Form, the Director CSNSW or their representative will advise the Customer Service Officer and the appellants Training Unit Manager. The Customer Service

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Officer will organise with the Convenor the appropriate panel member notifications and request the assessment documentation from the relevant Training Unit.

Within (21 days of receiving an Appeal Lodgement Form, the Convenor will convene a panel to consider the appeal. The time will be suitable to the participant and attending panel members. The participant may present evidence to support their appeal in person or in writing to the panel or by phone if required (if the participant is outside the Sydney metropolitan area or if travel would incur a cost to CSNSW)

The panel will consist of:

- A union representative
- A human resources representative;
- The relevant training unit manager or his/her delegate; and
- The Manager, Curriculum and Systems Advice or his/her delegate

Please note: It is important to be aware that union and HR representatives are included on the Appeal Panel to ensure transparency of the appeal process, not to 'represent' a participant.

The evidence will focus on the assessment process, (i.e. the way in which the assessment decision was reached) and/or make a case against the assessment decision. The panel will consider evidence presented by the participant, the assessor(s), workplace supervisors and any other material the panel considers relevant. The panel will make a decision as soon as possible following the meeting.

The Convenor will inform the appellant and all stakeholders of the decision in writing within 7 days. The report will be retained and saved in the relevant HP/EDRMS container for the appeal, along with a copy of all material used in the determination.

11.4 Assessment Appeal Decision

11.4.1 Assessment Appeal Upheld

Should the appeal be upheld, the participant will be re-assessed. The new assessment will be considered as the second attempt and must be completed within two months of the date of the written decision. Reassessment is to be undertaken by an assessor not involved in the original assessments/appeals process.

11.4.2 Assessment Appeal Dismissed

Should the appeal be dismissed, there will be no further consideration of the appeal under BFCSA policy. Participants who remain dissatisfied may then request the Director CSNSW Academy and Operational Training to have the decision reviewed by an independent third party as per 11.8 External Independent Review of Appeal outlined below, as per Standard 6.3 for RTOs.

11.5 Assessment Appeal Records

11.5.1 Appeal Records

All appeal records are maintained in strict accordance with the Privacy & Personal Information Protection Act 1998.

Appeal Lodgement Forms (see Attachment 1) will be registered in the Appeals Register stored in HP/EDRMS by the Customer Service Officer. Access is restricted to the Director CSNSW and the Manager Curriculum & Systems Advice.

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A new Appeal container will be created in HP/EDRMS for each appeal by the Customer Service Officer and access will be restricted to the Director CSNSW and the Manager Curriculum & Systems Advice.

The Appeals Register (also Complaints) is a spread sheet and records are stored according to the year in which the Lodgement Form was received. The participant's name, staff/student identification number, training unit, date received and outcome will be entered in the Appeals Register, together with the HP/EDRMS reference number of each participant's Appeal Container.

11.5.2

All other correspondence regarding the appeal will be placed in the participant's Appeals HP/EDRMS container, the reference number of which must be noted on the Appeals Register in HP/EDRMS. The original Appeal Lodgement Form will be scanned and filed in this container. A flowchart of the HP/EDRMS process is given in Attachment 4.

11.5.3

The written decision of the Appeal Panel will be forwarded to the participant. An electronic copy of the decision will be added to the participant's Appeals Container. The Appeals Register in HP/EDRMS will be updated with the appeal outcome, and decision date

11.5.4

The report by the Appeal Panel Convenor may make recommendations to the appropriate Training Unit Manager/BFCSA regarding improvements to the assessment system.

11.5.5

The relevant unit manager will organise for the Student Information System (SIS) or the Learner Management System (LMS) to be updated to reflect the decision as required.

11.5.6

A record of all relevant papers (including outcome and corrective or preventative actions associated with the appeal must be retained for 30 years as per Standards for Registered Training Organisation (RTOs) 2015.

11.5.7

Documentation accumulated by other Appeal Panel members must be shredded within thirty (30) days of the outcome of the appeal.

11.6 Evaluation

A participant's Appeal Evaluation Questionnaire is included at Appendix 3. Participants are to be given an opportunity to complete the questionnaire following the appeal and to submit it at their earliest convenience. This will provide valuable feedback and suggested improvements to BFCSA which will be reviewed by the Convenor at the Management Meeting. Alternatively the Convenor can seek verbal feedback from the participant and note it in the Appeal outcome report.

11.7 Continuous Improvement – Recording and Reporting Issues

If there is any matter arising from a participant's review or appeal process that indicates a systemic issue requiring improvement action, this will be recorded on the appeal register by the Convenor and tabled for discussion, including any relevant corrective or preventative

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action at the next Management Meeting (as per Clause 6.5 of the Standards for registered Training Organisations (RTOs) 2015.

11.8 External Independent Review of Appeal

11.8.1

If the participant considers that the BFCSA Complaints or Appeal process has failed to resolve their complaint or appeal they can request an external (independent of the RTO & participant) review of the complaint or appeal panel decision by contacting the Director CSNSW Academy within 7 days (except if section 11.8.2 applies) of receiving the report from the Convenor. Note: If the participant is a CSNSW employee or other participant where no fees are charged for training and a fee for the independent review is required, the participant is expected to pay the fee for service. The participant will be notified of the cost and indicate if they wish to proceed. Where a fee for training and assessment has been incurred by an external participant then the fee for review of the appeal is waived.

11.8.2

Where completing training requirements is a condition of employment and the appeal panel dismisses the appeal with the participant subject to termination pursuant with section 47 of the Government Sector Employment Act 2013, this additional external independent review is not available.

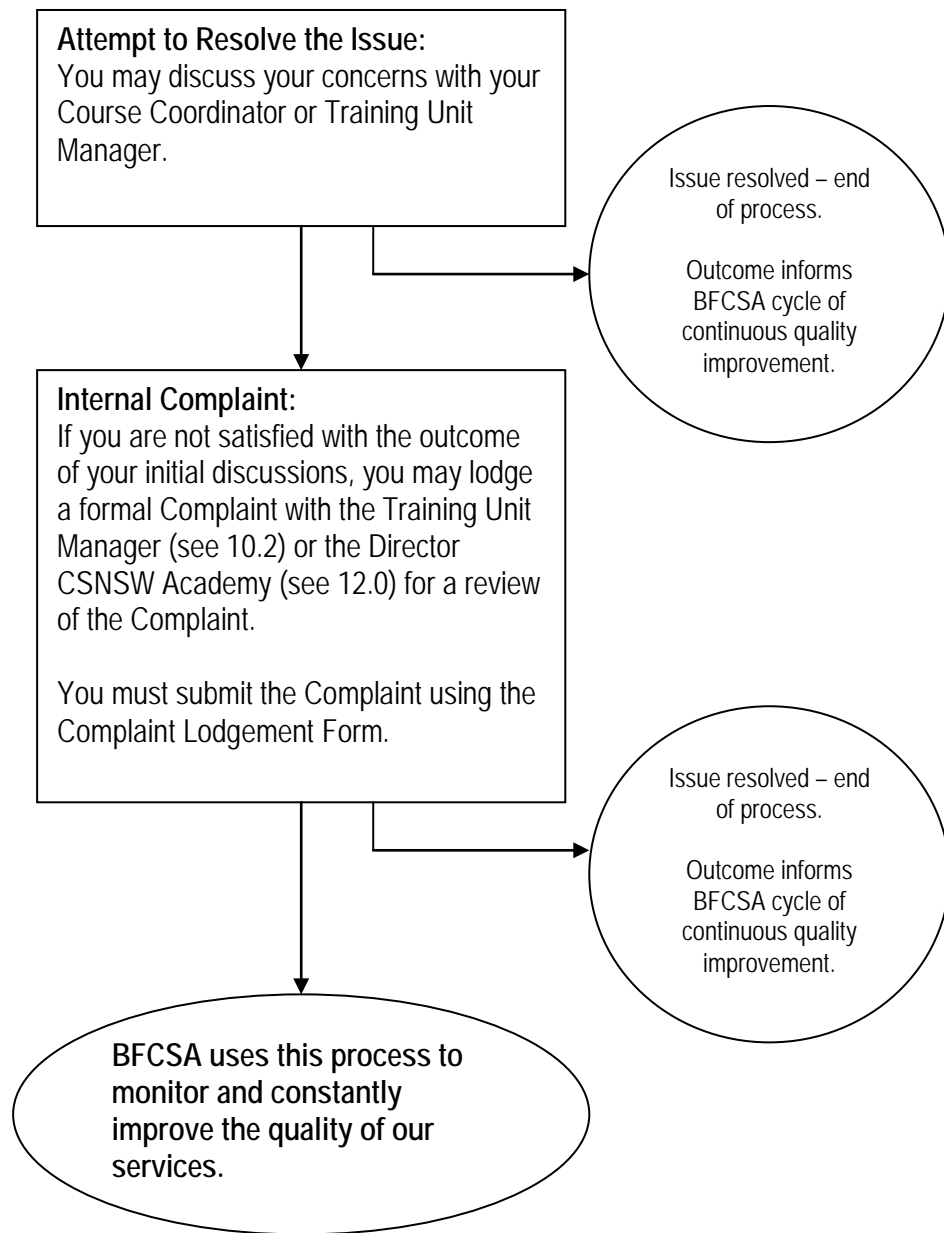
11.8.3

The Director CSNSW Academy will arrange an appropriate independent person (as per Standard 6 for RTOs) to review the BFCSA Appeal Panel decision within 14 days of receiving the request for review and the completed Participant Evaluation of Assessment Appeal Questionnaire outlining the reason for a further independent review of the decision.

11.8.4

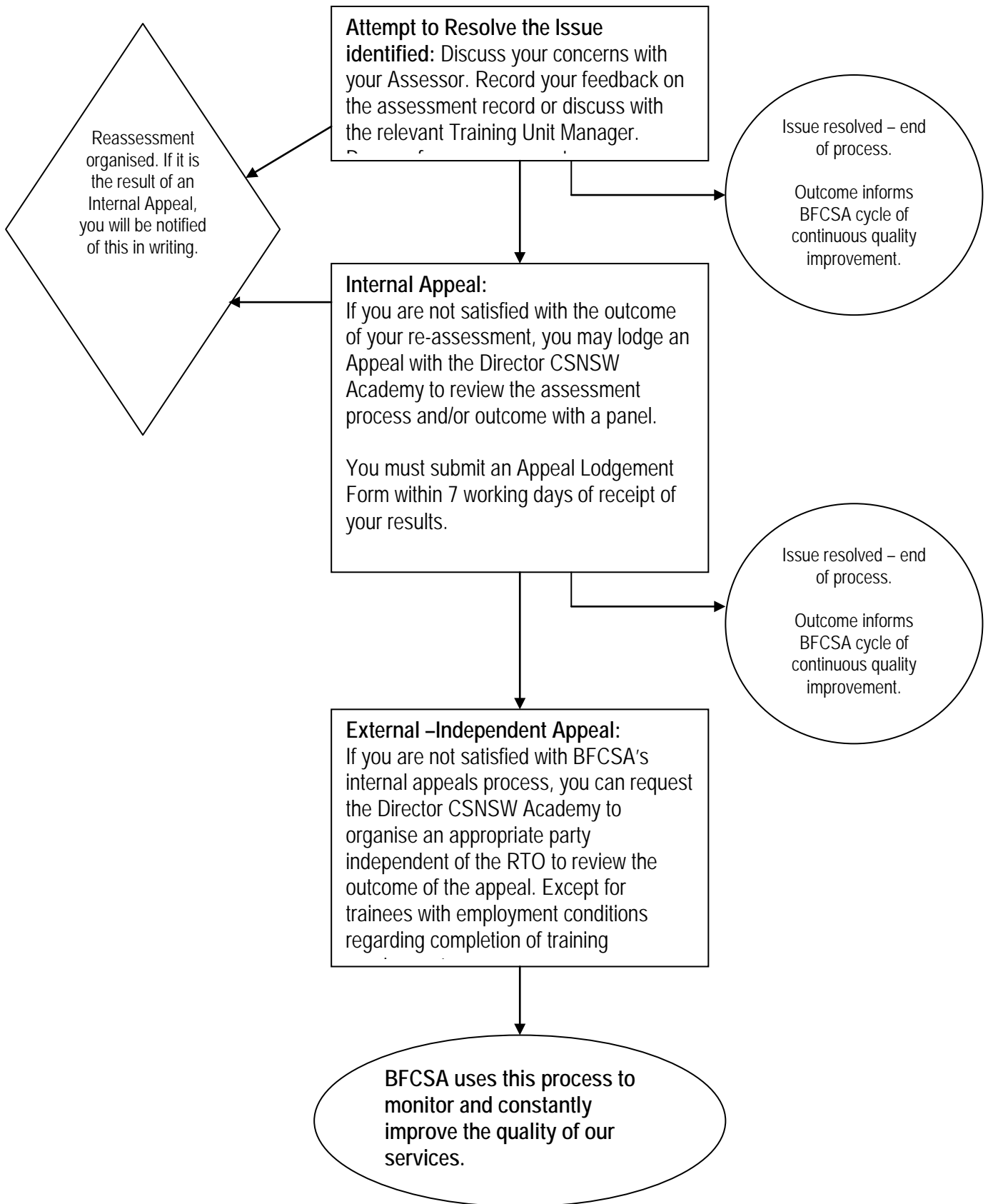
If more than 60 calendar days are required to process and finalise the complaint or appeal or independent review the Director CSNSW Academy, delegate or relevant Manager will inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and regularly update the complainant or appellant on the progress of the matter.

Complaints Procedure Flow Chart



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Appeal Procedure Flow Chart



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PARTICIPANT'S EVALUATION OF ASSESSMENT APPEAL PROCESS QUESTIONNAIRE

Participant's name _____ Date _____

Please complete this evaluation to provide feedback and suggest improvements on the appeals process.

At the end of this evaluation, space has been provided for any written comments that you would like to make to support your request/if applicable for an external review of the appeal process used in your matter.

Please forward this evaluation to the Director CSNSW Academy at Brush Farm Corrective Services Academy..

The evaluation is based on a four point scale: strongly agree, agree, disagree, strongly disagree.

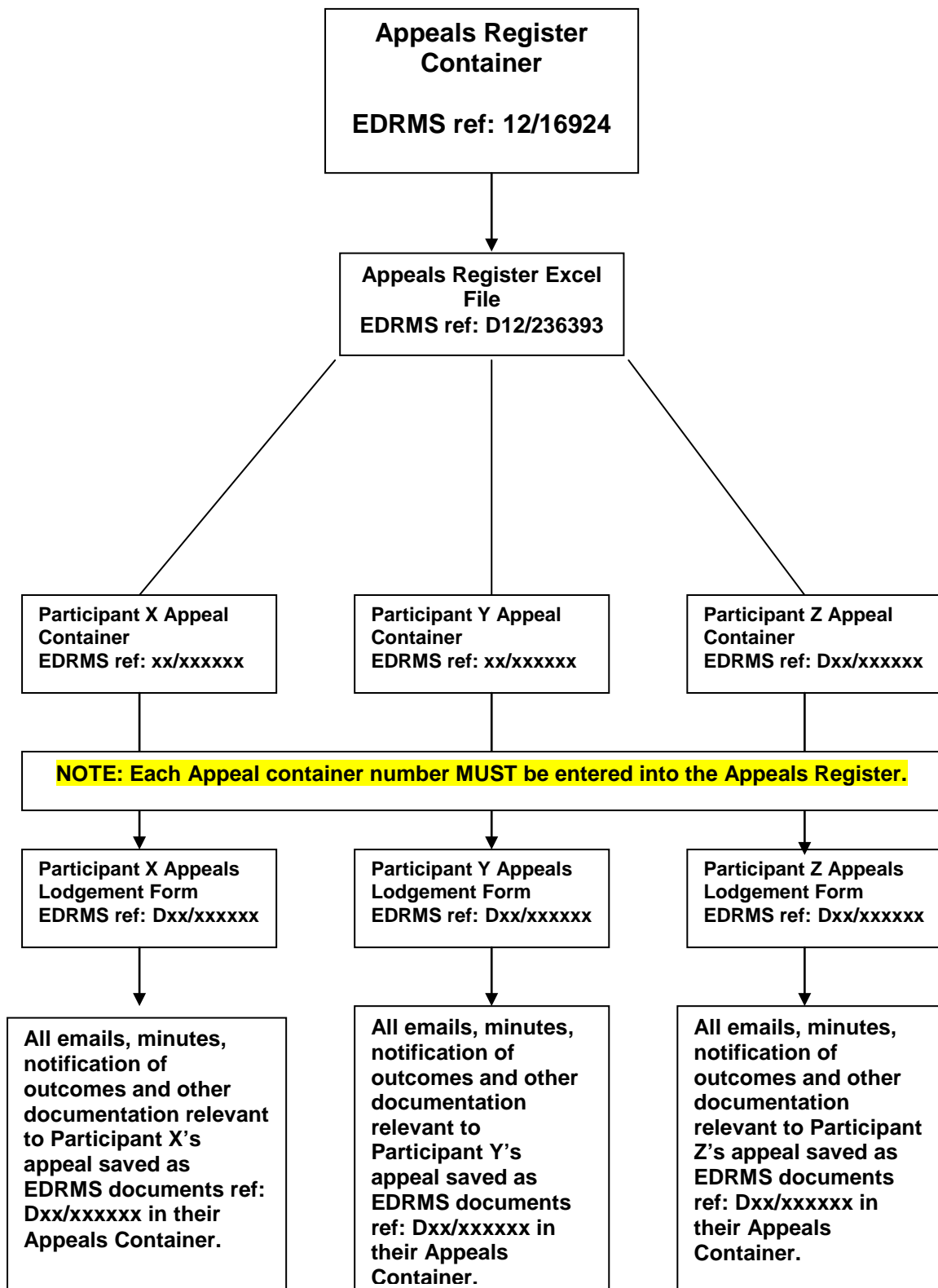
Please circle the number that corresponds most closely with your response.

	TIME	Strongly agree	Agree	Disagree	Strongly disagree
1	There was enough time between the lodgement of the Appeal and the convening of the Appeal Panel to prepare my documentation.	4	3	2	1
2	There was enough time given to familiarise myself with the Appeals policy.	4	3	2	1
	POLICY & PROCEDURE	Strongly agree	Agree	Disagree	Strongly disagree
3	The policy and procedure was clearly explained to me before commencement of the Appeal Panel.	4	3	2	1
4	The process allowed me to lodge my Appeal without obstruction.	4	3	2	1
5	The process appeared open and transparent.	4	3	2	1
6	The Appeal Panel appeared to abide by the BFCSA Appeals Policy & Procedure.	4	3	2	1
7	The Appeal Panel appeared to focus solely on the assessment process that was being appealed and was not distracted by other issues.	4	3	2	1
	MY NEEDS	Strongly agree	Agree	Disagree	Strongly disagree
8	I felt that I was respected by Appeal Panel members during the process.	4	3	2	1
9	I felt that I was given the opportunity to state my case open and freely.	4	3	2	1
10	I felt that my needs were addressed by the Appeal Panel.	4	3	2	1

Comments

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Attachment 4: Appeals EDRMS tree



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