

Purpose

This document outlines Kallibr Training’s commitment to managing complaints and appeals as set out in *Clauses 6.1 to 6.6 Manage complaints and appeals* of the Standards for Registered Training Organisations (RTOs) 2015 and outlines the principles and framework for resolving grievances related to both academic and non-academic matters.

Scope

The Policy applies to prospective learners, previous learners and current learners enrolled in a course/s with Kallibr Training.

It also includes other interested parties and stakeholders who may interact with Kallibr Training in conducting its business. This policy includes complaints and appeals.

Policy Statement

Kallibr Training will seek to ensure compliance with *Clauses 6.1 to 6.6 – Manage complaints and appeals* of the Standards for Registered Training Organisation (RTOs) 2015 by ensuring that the complaints and appeals process is accessible, fair, transparent and unbiased and incorporates the principles of natural justice and procedural fairness.

Policy Details

Kallibr Training manages and responds to complaints in relation to the quality of training and assessment; the quality of client services; and compliance with the VET Quality Framework, including allegations involving the conduct of:

- a. Its trainers, assessors, or other employees
- b. A third-party providing services on the RTO’s behalf, its trainers, assessors, or other employees
- c. A learner of the RTO.

An appeal is an application by a learner or complainant for reconsideration or review of an unfavourable decision or finding during training and/ or assessment outcome or investigation. Kallibr Training manages appeals or requests for a review of decisions, including assessment decisions, made by the RTO (or a third-party providing services on the RTO’s behalf).

There are two types of complaints and appeals:

- a. Informal and
- b. Formal.

In the first instance complainants are encouraged to seek resolution of the matter informally. If the matter cannot be resolved informally, complainants or appellants may lodge a complaint or appeal in writing.

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Complaints and Appeals Principles

- Principles of natural justice and procedural fairness are followed at every stage of the complaint and appeal process by allowing anyone subject to a decision by the RTO, or anyone who has allegations made against them, to a right of reply before a decision is made.
- Formal complaints will be acknowledged as having been received by Kallibr Training within five business days of receipt.
- A complaint or appeal investigation will be concluded with an outcome that specifically addresses the matter within 21 business days of Kallibr Training receiving the complaint or appeal in writing.
- Where Kallibr Training is unable to make a determination or the complainant is dissatisfied with the outcome they can appeal and request a review of the decision from an internal third party. Appeals or requests for review of decisions are to be lodged in writing within 28 days of the decision or outcome.
- Appeals or requests for an external independent third-party review of decisions are to be lodged in writing within 28 days of the decision or outcome.
- Learners are fully informed of the policy and procedure for handling complaints and appeals. Details are publicly available on the website.
- Complainants and appellants are encouraged and assisted to resolve concerns directly and informally with all parties involved in the first instance.
- The decision maker in the process is independent of the decision being reviewed.
- Each complainant or party lodging an appeal is entitled to be accompanied and/ or assisted (lodgement of form) by a support person throughout the process.
- Complaints and appeals are handled in the strictest of confidence and records are secured in accordance with Kallibr Trainings *Records Retention and Management Policy* and *Privacy Policy*.
- All complaints, appeals and outcomes are documented in the Complaints and Appeals Register. Outcomes of complaints and appeals processes are used to inform continuous improvement activities.
- If a complainant raises a concern but is not willing to proceed with the complaint, they are advised that because of the requirements of procedural fairness, in most circumstances no further action can be taken by the RTO.
- A complainant or appellant can withdraw their complaint or appeal at any time. Notification of intention to withdraw must be received in writing.
- Investigations into plagiarism are handled in accordance with the complaints and appeals procedure and follow the principles of natural justice and procedural fairness.
- All internal stages of the complaint process can be accessed without any financial expense to the complainant or appellant. In the event of the use of an external third party, any costs will be determined by the third party and passed on to the complainant.

Informal Complaints and Appeals

- a. Kallibr Training encourages complainants and appellants, to resolve concerns directly and informally wherever possible.
- b. It is expected that all parties will participate in good faith in resolving concerns.

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- c. Learners are encouraged to raise concerns directly with the trainer and assessor, particularly where the concerns are adversely affecting the learning environment, or where they are dissatisfied with an outcome or decision.

Formal Complaints and Appeals

- a. Where the parties involved are unable to successfully resolve the concern directly or informally a formal complaint or appeal may be lodged with Kallibr Training in writing using the Complaints and Appeals Form.
- b. Receipt of all complaints and appeals is acknowledged in writing and outlines the anticipated review period.
- c. The complaint or appeal is recorded on the Complaints and Appeals Register.

Determination of Outcome

- a. Kallibr Training will finalise the decision and inform the complainant or appellant of the outcome in writing within 60 days.
- b. Where Kallibr Training considers more than 60 calendar days are required to process and finalise the complaint or appeal:
 - I. It will inform the complainant or appellant in writing, outlining reasons why more than 60 calendar days are required.
 - II. It will regularly update the complainant or appellant on the progress of the matter.
- c. If a complaint cannot be investigated by Kallibr Training (for whatever reason), then the CEO or delegated representative will inform the complainant or appellant and refer them to an external body.

Internal Review of Determination

- a. Where Kallibr Training is unable to make a determination, or the complainant or appellant is dissatisfied with the outcome they can appeal and request a review of the decision from a third party.
- b. Appeals or requests for review of decisions are to be lodged in writing within 28 days of the decision.
- c. Receipt of the request for the internal review is acknowledged in writing and outlines the anticipated review period and the nominated review officer.
- d. The review officer makes a determination and advises the appellant of the decision or outcome in writing.
- e. Documentation is securely filed, and the outcome recorded on the Complaints and Appeals Register.

Independent Third-Party Review of Determination

- a. Where the appellant is dissatisfied with the outcome of the internal review they can appeal and request a review of the decision from an independent external third party within 28 days of the review decision.
- b. Any associated costs with an external third-party review are payable by the appellant.
- c. ASQA is not able to act as the independent third party for reviewing complaints.

Maintaining records

Kallibr Training maintains records of all complaints and appeals and their outcomes. Refer to the Continuous Improvement Policy and Procedure.

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External Parties

Extra costs may apply if external parties are engaged in the dispute.

- National Training Complaints Hotline <https://www.dese.gov.au/national-training-complaints-hotline>
Phone: 13 38 73; accessible Monday to Friday from 8am – 6pm or lodge a complaint online.
- NSW – Office of Fair Trading <https://www.fairtrading.nsw.gov.au/>
- QLD – Fair Trading Queensland <https://www.qld.gov.au/law/your-rights/consumer-rights-complaints-and-scams/make-a-consumer-complaint>
- VIC – Consumer Affairs <https://www.consumer.vic.gov.au/>

Legislation & Reference Documents

- Standards for Registered Training Organisations (RTOs) 2015
- User's Guide to the Standards for RTOs 2015
- Complaints and Appeals Form
- Complaints and Appeals Register
- Continuous Improvement Policy and Procedure
- Privacy Policy and Procedure
- Records Retention and Management Policy and Procedure
- Student Handbook
- Website

Definitions

Term	Definition
Appeal	Requests for a review or reconsideration of decisions made by the RTO. These decisions could involve assessments or access to support services.
Appellant	Means the person lodging an appeal to a decision made by the RTO.
Complaint	Expression of dissatisfaction made by a learner or client that relates to the conduct of an RTO, its staff, a third-party offering services on its behalf, or other learners in the RTO.
Client	Means a learner, enterprise or organisation that uses or purchases the services provided by the RTO.
Complainant	Means the person making the complaint.
Confidentiality	The process of ensuring that the privacy of all parties involved in a complaint is protected as much as legally possible, to minimise the grounds for possible defamation action, and to facilitate a positive complaint resolution process.
Final Decision	Means the decision made by Kallibr Training, that is communicated in writing to the complainant once all internal appeal avenues have been exhausted.
Learner	A person being trained and/or assessed by the RTO for the purpose of issuing AQF certification documentation.
Mediation	A structured negotiation process in which an independent person, known as a mediator, assists the parties involved to identify and assess options and to negotiate an agreement to resolve their dispute.

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Procedural Fairness (natural justice)	Procedural fairness is also known as 'Natural Justice'. Both terms are used interchangeably. Procedural fairness is concerned with the procedures used by a decision maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a (unbiased) decision.
RTO	Registered Training Organisation.
Standards for Registered Training Organisations (RTOs) 2015	Ensure that training delivered by RTOs meets industry requirements (as set out in training packages and accredited courses) and has integrity for employment and further study, and that RTOs operate ethically and consider the needs of both learners and industry.

Responsibilities

Role	Responsibility
CEO	Organisational compliance with <i>Clauses 6.1 to 6.6 – Manage complaints and appeals</i> of the Standards for Registered Training Organisations (RTOs) 2015.
CEO	Approval of the policy & procedure.
Compliance Manager	Management of the document control and review process; Communication of the policy & procedure to all staff.
Kallibr Staff	Adherence to this policy as applicable.

Version Control

Date	Version	Amendment Description	Amended By
July 2022	0.1	Draft	Silvia Bazon
August 2022	1.0	Approved	CEO

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