



# Grievance Policy

<b>Division:</b>	<b>Policy number:</b>	<b>Updated:</b>
QMS – RTO Operations	003-v3	February 2022
<b>Implemented:</b>	<b>Last Review Date:</b>	<b>Scheduled for Review</b>
May 2016	February 2022	February 2023

## 1. PURPOSE

The objective of this policy is to ensure Keens Truck Driver Training Bunbury provide a consistent set of principles under which complaints or appeals raised by clients are managed.

## 2. SCOPE

- a. Policy applies to all employees of Keens Truck Driver Training Bunbury
- b. Policy applies to all Partnering Arrangements where training is delivered on behalf of Keens Truck Driver Training Bunbury
- c. This policy applies to all complaints or appeals lodged by clients of Keens Truck Driver Training Bunbury or clients of agency acting under Partnering Arrangements

## 3. REFERENCES

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

#### **Standard Six: Fair complaints handling**

- a. *Clause 6.1* The RTO has a complaints policy to manage and respond to allegations involving the conduct of: (a) the RTO, its trainers, assessors or other staff (b) a third party providing services on the RTO's behalf, its trainers, assessors or other staff or (c) a learner of the RTO
- b. *Clause 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
- c. *Clause 6.3* The RTO's complaints policy and appeals policy: (a) ensures the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process (b) are publicly available, (c) set out the procedure for making a complaint or requesting an appeal (d) ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable, and (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

- d. *Clause 6.4* Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:
- e. *Clause 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
- f. *Clause 6.6 Not applicable*

#### 4. DEFINITIONS

**Term:** Complaints

**Definition:** Complaints arise when a client/student is not satisfied with an aspect of our services and requests that formal action be taken to rectify the situation. Complaints may include but are not limited to:

- Personal conflicts
- Discrimination
- Harassment / Victimisation
- The provision of information
- Resources used in the training and/or assessment process
- The competence of the trainer and/or assessor
- The assessment process
- The general environment, facilities and services provided

**Term:** Appeals

**Definition:** Appeals arise when a client is not satisfied with a decision that has been made as a result of the assessment processes. Grounds for appeal may include

- The judgement as to whether competency has been achieved was made incorrectly
- Alleged bias of the assessor
- Alleged incompetence of the assessor or that the assessor was not appropriately qualified to make the assessment decision
- Alleged inappropriate assessment process for the particular competency
- Insufficient time allowed for the assessment
- Unsuitable equipment or resources to conduct the assessment
- Assessment requirements were not adequately or accurately explained prior to the assessment process being commenced

**Term:** Procedural Fairness

**Definition:** Procedural fairness is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. The concept of procedural fairness is derived from the principles of natural justice. A process that demonstrates procedural fairness is one in which:

- Decision makers act fairly and provide reasons for decisions;
- The person affected is given a fair hearing;
- All parties to a matter have an opportunity to present their case where an adverse decision or finding is made;
- The decision-maker is impartial and acts without bias when making the decision;
- All relevant arguments are considered and irrelevant arguments are excluded; and
- The decision, the reason for the decision and the evidence upon which the decision is made are explained and are capable of review.

**Term:** Natural Justice

**Definition:** Natural justice comprises two common law rules which are largely as a result of decision making in the legal courts that affect how decisions are made regarding the rights or other interests of individuals. The two rules of natural justice are

- The decision maker must afford an opportunity to be heard, any person whose interests will be adversely affected by the decision
- The decision maker must be unbiased or impartial in the matter to be decided

Natural justice allows persons whose rights or interests may be affected by decisions the opportunity:

- To put forward arguments in their favour
- To show cause why proposed action should not be taken
- To deny allegations
- To call evidence to rebut allegations or claims
- To explain allegations or present an innocent explanation, and/or
- To provide mitigating circumstances

## 5. Procedure – Complaints / Appeals

- The complaints and appeals policy and procedure are made available to all students or clients either via directly contacting Keens Truck Driver Training Bunbury, through the Keens Website or by contacting the Keens partner organization where training is delivered on behalf of Keens by an authorised third party.
- Keens encourages a non-formal attempt to resolve the issue. A non-formal alternative may include talking with the trainer/assessor or another team member at the centre where training was undertaken.
- Any student or client lodging a complaint or appeal with Keens should be able to do so with a reasonable expectation towards the matter being handled with discretion, sensitivity and professionalism.
- The lodgement of a formal appeal or complaint must be in writing using the appropriate grievance form
- Upon Keens receiving the complaint a senior staff member should contact the complainant to acknowledge the complaint/ appeal and outline the process by which it will be managed within two (2) business days
- A copy of the complaint/appeal is to be forwarded to Keens Director within 48 hours
- Keens will review the complaint and determine appropriate resolutions, this may occur in conjunction with authorised third parties where training is delivered under a partnering agreement

- h. All recommendations or actions enacted for a complaint or appeal must have the approval of the Keens Director
- i. The client will be notified within ten (10) business days of the outcome of the resolution or subsequent actions in writing
- j. The client of an appeal will be notified within ten (10) business days of the appeals outcome
- k. In the event that the client is not happy with decision of the initial review / outcome of a complaint a mediation appointment between all relevant parties expressly including the Keens Director will be offered
- l. In the event that a mediation appointment is organised with the client, they may choose to have in attendance with them an independent third party
- m. Any client wishing to lodge a formal appeal must do so within seven (7) days from the assessment decision being made

**6. Complaints and appeals exceeding 10 business days**

In the event that Keens will be unable to provide rectification within the standard time frame (10) ten business days

- a. The complainant or appellant will be notified in writing via electronic or paper based means the reason for the delay and an estimated timeframe by which they can expect to receive a proposed resolution
- b. During the delay the complainant or appellant will be kept informed in writing on any progress towards the resolution

**7. External lodgement**


- a. In the event that the student is not satisfied with the outcome of the complaint or appeal process they have a right to lodge a complaint with the Training Accreditation Council (TAC) the state regulator
- b. Keens are obliged to cooperate and comply with any actions resulting from such an investigation

**8. Record of complaints and appeals**

Keens compliance officer will:

- a. Record all complaints and appeals in the Keens QMS maintained on a secure drive
- b. All written/original documentation pertaining to the grievance will be kept on the clients file
- c. Provide limited access to all records consistent with privacy requirements
- d. Record the final outcome

**9. Implementation and endorsement**

Name	John Keen
Signature	

Position	<b>Director</b>
Date	February 2022

**10. Document history**

Amended	Amended by	Division	Details
Mar 2019	<b>BJ</b>	<b>QA</b>	Rectified 5b, 5f, 5h, 5l, 7, 3c, fixed Footer, grammatical errors fixed
Feb 2022	<b>BJ</b>	<b>QA</b>	Made current