

COMPLAINTS AND APPEALS

PURPOSE

Seed Skills is committed to the highest standards of education and professional services for all students, employees, clients, third parties and other stakeholders of the RTO. In the context of continuous quality improvement; students, employees, clients, third parties and other stakeholders may raise complaints or concerns that need to be respectfully and timely managed.

Seed Skills is committed to providing a fair and transparent procedure through which students may seek to lodge a complaint relating to:

- negligent or improper conduct by Seed Skills' staff member/s or other students;
- interpersonal conflict within or related to the study environment and study activities;
- unlawful discrimination, harassment, sexual harassment, victimisation and bullying by staff member/s or other students; and/or
- against an academic action or appeal an academic decision.

For the purposes of this policy, the RTO encompasses all Seed Skills employees as well as the personnel who deliver training and assessment services on behalf of the RTO in their respective areas of speciality.

POLICY

Seed Skills understands that, on occasion, there may be instances of dissatisfaction and acknowledges that the cause(s) must be addressed and rectified promptly. In such instances, Seed Skills invites feedback from the dissatisfied party so that a mutually satisfactory resolution can be found.

Seed Skills ensure the principles of natural justice and procedural fairness are adopted at every stage of this process. The Complainant has the right for their complaint to be heard and for an impartial decision to be made at no cost to themselves. Complainants have the right to appeal a decision.

The RTO will investigate (as far as principles of natural justice and procedural fairness allow) anonymous complaints but encourages students or stakeholders to utilise the informal and formal processes to enable a thorough investigation and resolution process.

DEFINITIONS

In the context of this document:

Academic matters include but are not limited to issues which relate to Student progress, attendance, assessment, course content or awards in a VET course of study.

Assessment means the process of collecting evidence and making judgements on whether competency has been achieved, to confirm that an individual can perform to the standard required in the workplace, as specified in a training package or VET accredited course.

Assessors are persons who assess a learner's competence in accordance with Clauses 1.13 to 1.16 of the Standards for Registered Training Organisations (RTOs) 2015

Mode of delivery means the method adopted to deliver training and assessment, including online, face-to-face, or blended methods.

Non-academic matters include but are not limited to the general performance or decisions of the RTO, its trainers, assessors, other staff or partners in the delivery of products or services, such as financial matters (fees, refunds and payment terms), staff and student behaviour of conduct, management of personal information, or facilities and resources.

Procedural Fairness (also called "natural justice") means the basic principles considered central to fair decision making and which can be summarised as follows:

- the opportunity for all parties to be heard;
- the respondent having full knowledge of the nature and substance of the complaint;
- the right to an independent, unbiased decision maker; and
- a decision based solely on evidence provided.

Record means a written, printed, or electronic document providing evidence that activities have been performed.

Student means a person being trained and/or assessed by the RTO for the purpose of issuing AQF certification documentation.

Third party means any party that provides services on behalf of the RTO but does not include a contract of employment between an RTO and the third party.



Trainers are persons who provide training in accordance with Clause 1.13, 1.14 and 1.16 of the Standards for Registered Training Organisations (RTOs) 2015.

PRINCIPLES FOR ADDRESSING COMPLAINTS

Act Fairly, Impartially and Exercise Independent Judgement

Staff members who investigate or decide complaints or appeals must act fairly and impartially. While they may seek professional advice about the process, or their responsibilities under it, they still must exercise independent judgment about the complaint or appeal, based on their objective assessment of the evidence.

Staff members, who investigate, hear, decide or are otherwise involved in the resolution of student complaints or appeals are expected to conduct themselves in a professional and courteous manner at all times.

While staff members may at times be faced with rude, aggressive or otherwise unreasonable behaviour, they should try to remain calm and dispassionate to avoid any perception of bias.

Both the complainant and anyone who has allegations made against them will have the opportunity to present their case at each stage of the procedure.

Any people involved in the complaint will have the option of being accompanied or assisted by a third person (support person such as family member, friend or counsellor) at relevant meetings if they so desire.

Confidentiality

Staff members who investigate or hear complaints or appeals, must treat them and the process as confidential, and not discuss any aspect of the case with anyone not involved in that process.

Any disclosures of information to others involved in the process should only be on a strictly “need-to-know” basis, depending on the nature of their role in that process.

Conflict of Interest

Staff members involved in complaints or appeals should disclose actual, perceived or potential conflicts of interest (whether personal, financial or otherwise) as soon as they become aware of them. The staff member’s supervisor (or other person to whom they are accountable under that process) must assess whether that conflict is, or is likely to, (or be seen to), preclude that staff member from acting fairly and impartially. If so, then another person must be appointed to replace the staff member.

Evidence

Staff members who hear and decide a complaint or an appeal may make or initiate inquiries as they think appropriate in the circumstances. However, this does not mean that the rules of evidence can simply be ignored where it is fair to follow them, for example, to weigh or exclude particular evidence such as hearsay evidence.

Oral evidence does not always have to be given in the presence of a student, but the substance of it must be given to the student, who must also be given a reasonable opportunity to respond. Wherever possible, that documentary evidence should be provided to the student a reasonable time to avoid unnecessary delays in the process.

Record Keeping

Confidential records relating to student complaints, including copies of all relevant evidence collected, will be maintained by the RTO Administrator in the Student Management System.

Basis for Findings and Recommendations

Staff members who decide (or make recommendations to a decision-maker about) a complaint or an appeal, must assess the evidence fairly and objectively and base their recommendations or decisions on all relevant evidence. Evidence is relevant when it is logically probative and rationally leads to the conclusions drawn about a particular fact that is in issue (whether alone or combined with other evidence). Irrelevant evidence must always be disregarded.

If there is a conflict in evidence about a particular version of events, efforts should be made to try and corroborate those versions to ascertain which should logically be preferred over the other. In disciplinary and administrative complaints or investigations conducted by Seed Skills, the standard of proof for allegations is “balance of probabilities”, that is to say, that it must be more probable than not that the events or conduct alleged, actually occurred.

PROCEDURE

This procedure consists of three (3) stages, as outlined below

Stage 1 – Informal Complaint or Appeal

In the first instance, the RTO encourages concerns to be resolved informally, locally, and in a timely manner with the RTO staff or Students involved. Delay may adversely affect the capacity of the concern to be satisfactorily resolved. Where possible, disputes should be managed and resolved between the parties informally, although recorded for future reference (in event of a systemic or recurrent issue).

Notwithstanding the above, if the nature of the complaint is of a serious nature, the complainant, whether with or without a support person, is not required to seek to resolve the concern directly with the respondent personally, although he or she may choose to do so.

Any staff member can be involved in this informal process to resolve issues but once a complainant has placed a formal complaint / appeal the following procedures must be followed.

Stage 2 – Formal Complaint or Appeal

Except in the case of a complaint of a serious nature, the option of pursuing a complaint will not normally arise until resolution of the complaint under Stage One (1) has been attempted without success. If the issues cannot be satisfactorily resolved informally, the complainant should submit a formal complaint to the attention of the RTO Administrator.

Whilst a complaint form is available from the RTO Staff or the Learning Management System, formal complaints may also be made via email, website feedback, letter or via an interview or verbal conversation with any RTO Staff member who will record the necessary details.

Complainants are encouraged to supply sufficient information (and supporting evidence if available) about the matter(s) to enable the RTO to investigate including (if applicable):

- submission date of complaint;
- name of complainant;
- when the incident(s) took place;
- who was involved or may have witnessed the incident(s);
- whether the matters have previously been discussed with or reported to the RTO Staff; and
- the complainant's desired outcome to resolve the issue(s).

Students lodging an appeal about an assessment outcome must do so within fifteen (15) working days of being notified of the initial assessment decision.

The RTO Administrator will acknowledge receipt of the complaint or appeal in writing and will make contact with the complainant within five (5) working days to discuss and/or seek any additional necessary information to investigate the issue.

The RTO Administrator will investigate the complaint and determine the outcome within twenty (20) working days of it being received by the RTO Administrator and advise the complainant in writing of the decision within five (5) working days of finalising the investigation of the complaint.

The complainant will be advised of their right to access Stage Three (3) of this procedure if they are not satisfied with the outcome of Stage Two (2).

Stage 3 – Internal Review

If the complainant is not satisfied with the outcome of Stage Two (2), they may lodge an appeal with the National RTO Manager. To enable timely resolution, the appeal should be submitted by the complainant within fourteen (14) calendar days of notification of the Stage Two (2) decision.

The National RTO Manager may assign an investigator to investigate the complaint. Where it appears necessary or desirable, for example in the case of an actual or perceived conflict of interest, the National RTO Manager may appoint an investigator from outside the RTO.

The investigator will investigate the complaint, and in doing so will comply with the principles of procedural fairness. Wherever applicable, the investigator will:

- inform the respondent of the allegations being made in relation to their conduct, including specifying the exact behaviour that constitutes the cause of the complaint;
- give both complainant and respondent the opportunity to be heard either by interview or by written submission; and
- gather, including where appropriate by interview, such information, documentation or other evidence, from any relevant source that has direct bearing upon the complaint and will assist in conducting a thorough and fair investigation of the complaint.

The investigator will collate the following information into a report and provide it to the National RTO Manager:

- a summary of the complaint and the steps taken during investigation including the allegations, responses, and other relevant evidence;
- the investigator's view as to whether the complaint is justified, frivolous or vexatious, or whether the complainant lied or deliberately misled in connection with a complaint; and
- recommendations as to how the complaint might best be resolved

Following receipt of the report, the Compliance Officer or RTO Manager will:

- take appropriate action; and
- notify the complainant and respondent in writing of actions taken or proposed to be taken.



Immediately on reaching its decision, or within twenty (20) working days of receipt of the appeal, the Compliance Officer or RTO Manager will communicate their decision to the complainant in writing.

EXTERNAL AVENUES

Should the complainant be dissatisfied with the final outcomes of this process, the complainant can request an appropriate party independent of the RTO to provide a review. The complainant should be aware that any fees and charges incurred are payable by the complainant.

NOTIFICATION

Where the RTO considers that more than sixty (60) calendar days may be required to process or finalise the formal stages, they will inform the complainant in writing of the reasons for the delay (such as availability of or access to 'evidence' or sources, or specialist) and will regularly update the complainant regarding the progress of the process.

MONITORING PROGRESS OF THE COMPLAINT OR APPEAL

The RTO Administrator carries the responsibility of monitoring the progress of complaints and appeals and will maintain accurate and up to date records through all stages of the procedure. Where appropriate within this Policy, the RTO Administrator should keep the Compliance Officer informed on the progress of complaints.

The RTO Administrator is responsible for following-up, in writing, with relevant parties should any stage of the policy continue outside of the specified timeframes.

MISUSE OF COMPLAINT AND APPEAL PROCEDURES

Lodging a complaint or appeal under this policy is a serious matter with potentially serious consequences for those involved. Students who use this policy and procedures to make frivolous or vexatious complaints, or who lie or deliberately mislead in connection with a complaint, may be considered to have committed misconduct and may be subject to disciplinary procedures.

VICTIMISATION

Victimisation of the complainant, the respondent or any other person with a legitimate involvement in the complaint procedure is not acceptable and any person/s who participates in or aids victimisation may be considered to have committed misconduct or serious misconduct and may be subject to disciplinary procedures.

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