

POLICY AND PROCEDURE

PP04 Complaints and Appeals



PURPOSE

The National Indigenous Training Academy (NITA) is committed to transparency in the manner in which it receives and handles complaints made about the organisation, its partners including employers and its employees, as well as how applicant/student appeals may be received and will be handled. This Policy and Procedure aims to assist in resolving complaints and appeals in an efficient, effective and professional manner, in order that NITA may demonstrate its responsiveness to the needs and concerns of students, staff, partners and all stakeholders.

This Policy and Procedure also assures complainants/appellants that their complaints/appeal can be submitted without fear of reprisal.

SCOPE

NITA strives to ensure that each student is satisfied with their learning experience and outcome. It is anticipated that issues of concern can be resolved by meaningful and respectful communication. In the unlikely event that this is not the case, all students have access to rigorous, fair and timely complaint and appeal processes which are outlined in this document. The same processes are made available to any other stakeholder who is seeking to lodge a complaint, for example, an employer about one of NITA's staff.

This is based on the principles of natural justice and fairness that will ensure all complaints and appeals are addressed effectively and efficiently. This complaints and appeals policy ensures students and other stakeholders understand their rights as well as the responsibilities of NITA.

All complaints and appeals lodged with NITA will take into account the RTO's policies, the applicable conditions of enrolment (if a student) and all relevant legislation and regulation when determining the outcome of a complaint or appeal.

This Policy and Procedure falls within the following NITA Student Experience segment:

- Engage.

VET DEFINITIONS

Access and equity mean policies and approaches aimed at ensuring that VET is responsive to the individual needs of clients whose age, gender, cultural or ethnic background, disability, sexuality, language skills, literacy or numeracy level, unemployment, imprisonment or remote location may present a barrier to access, participation and the achievement of suitable outcomes.

An appeal is where a student wishes to express dissatisfaction with a particular assessment result and/or another adverse RTO decision impacting the student, such as non-eligibility to enrol.

An appellant is the student who is dissatisfied with a particular assessment result and has lodged a request for a review using NITA's Complaints and Appeals Handling procedure.

ASQA stands for the Australian Skills Quality Authority, which is the national VET Regulator.

A complaint is an expression of dissatisfaction or concern regarding a decision or action that relates to any aspect of NITA's services and activities, including:

POLICY AND PROCEDURE

PP04 Complaints and Appeals

- products & services policies
- conduct of staff and any third-party service provider, and
- decisions of the organisation.

A complainant is the person making the complaint. This may include:

- student and/or their parents/guardians and/or their families
- a member of the public
- an employee
- a stakeholder, or
- an employee of an engaged stakeholder or partnership body.

A final decision is the decision made by an external and independent third tier resolution body authorised to make that decision by NITA and communicated to the complainant/appellant in writing when all internal complaint and appeal avenues have been exhausted.

A formal complaint is one that is considered more serious and complex and will require investigation or consultation.

A grievance (or an informal complaint) is one that is considered minor in nature and one, which is immediately correctable and will usually be the result of error rather than from a systemic problem.

RTO means Registered Training Organisation, commonly known as a Training Provider or Provider and has the meaning given as defined in the NVR Act 2011.

Staff means any person who is an employee of NITA at any stage during the complaint and/or appeal process or the events preceding it, including full time, part time, sessional or casual employees.

VET means vocation education and training.

POLICY AND PROCEDURE

Principles of Transparency and Natural Justice

NITA will ensure that all complaints and appeals are dealt in accordance with the principles of natural justice and procedural fairness at every stage of the complaint and appeal process. The RTO will ensure that the decision maker is independent of the decision being reviewed and that anyone subject to a decision by NITA and/or anyone who has an allegation made against NITA and/or any services/activities related to its operation, will also be provided with the opportunity to tell their side of the story before a decision is made.

Staff handling both informal and formal complaints and appeals will ensure that they treat the complaint and appeal as serious and are respectful of all parties. No complainant/appellant will be disadvantaged in any way, including students may continue with their studies. The complaint and appeals will be held in strictest confidence with only delegated officers (refer to the **VET Delegations Register**) and those involved in the matter receiving information about the complaint and appeals and along the way of its resolution.

Where a complaint and appeal is likely to take more than 60 days to investigate, NITA will inform the complainant/appellant in writing via an email and commits to the provision of regular written updates in the form of emails, at least fortnightly (*refer below for further detail*).

POLICY AND PROCEDURE

PP04 Complaints and Appeals

In summary, in all circumstances complaints and appeals will be handled according to the following principles of transparency and procedural fairness:

- All complainants/appellants have a right to be heard.
- NITA recognises, protects and promotes the rights of any person including an employee to lodge a complaint.
- This **Complaints and Appeals Handling Policy and Procedure** is accessible on the website with further reference in the **Student Handbook**.
- This **Complaints and Appeals Handling Policy and Procedure** is discussed during student and staff induction.
- A copy of the **Complaints and Appeal Form** may be accessed from the website or any staff member.
- A complaint or appeals must be lodged on the **Complaints and Appeal Form** and submitted to the attention of NITA's National Programs Manager.
- This may be provided in person at Reception or through an email: notices@nita.edu.au
- All complaints and appeals will be acknowledged in writing by the NITA National Programs Manager and within 5 working days of the completed **Complaints and Appeal Form**.
- The handling of any complaint or appeal by NITA is only on a 'need to know' basis and will be held in a secure and confidential manner.
- All complaints and appeals will begin to be assessed within 5 working days of their lodgement, with a commitment to finalising the outcome as soon as practicable. This time period will allow for the NITA National Programs Manager or their delegate to collect as much evidence to support the investigation.
- Should a complaint be lodged against the NITA National Programs Manager, Voyages' Chief Legal and Compliance Officer will manage and lead the investigation.
- A complainant/appellant has the right to be consulted during the resolution process and to participate in deliberations as appropriate.
- A complainant/appellant has the right to bring along a support person at any stage but must inform the NITA National Programs Manager at least 2 days prior for Tier Two and Three resolutions.
- There will always be provision of a right of reply from the person who the complaint or appeal of decision was made and may also include requesting information from witnesses.
- Complainants/appellants will be informed by the NITA National Programs Manager (or Voyages' Chief Legal and Compliance Officer should the complaint be against the NITA National Programs Manager) of the reasons for decisions and avenues for further review to pursue should they remain dissatisfied.
- This will always be in a written statement, including the reasons for the outcome. This will always be within 5 working days of the investigation's outcome.
- A written record of the complaints or appeal will be held on the secure Complaints and Appeals file and lodged onto NITA's **Complaints and Appeals Register**, including the cause and remedy put in place.

Complaints

The complaints procedure addresses both formal and informal complaints. A complaint may be lodged by any person if they feel aggrieved regarding NITA staff, a third party, a subcontractor, another student or any other stakeholder, such as an employer.

A grievance (or an informal complaint) is one that is considered minor in nature and one, which is immediately correctable and will usually be the result of error rather than from a systemic problem. This is acted upon as a Tier One resolution in discussion with the relevant NITA staff member, such as the trainer and assessor.

POLICY AND PROCEDURE

PP04 Complaints and Appeals



Upon its resolution, a file note is prepared by the relevant NITA staff member and submitted to the NITA National Programs Manager within 5 working days of the resolution. Should the matter not be resolved informally, the NITA staff member will advise the student to complete and lodge a **Complaints and Appeals Form** so that the matter may be escalated to a formal complaint.

A formal complaint is one that is considered more serious and complex and has not been able to be resolved through Tier One and will require investigation or consultation. This forms Tier Two resolution, and only triggered through the lodgement of a **Complaints and Appeals Form** to the NITA National Programs Manager. A complainant also has the right to disregard Tier One and lodge a formal Tier Two complaint directly with the NITA National Programs Manager or Chief Executive Manager.

Appeals

NITA's appeals process is concerned with a student's right to request change to decisions or processes of an official nature, usually in relation to academic or procedural matters.

In the case of a student's appeal against specific assessment decisions, the student is asked to initially discuss the decision(s) with the relevant trainer and assessor and request re-evaluation (Tier One). The trainer and assessor will hear the student's appeal, make fair judgement to the best of their ability as to whether change(s) are required and then discuss their final decision with the student.

If the student is still dissatisfied with the decision, they have the right to take the appeal to the management team (Tier Two). The formal notice of appeal is required to comply with the following:

- the request for an appeal should be in writing using NITA's **Complaints and Appeals Form**, and
- the request for an appeal must be submitted within 5 working days of any informal reassessment of the decision otherwise the original result will stand.
- If a student's appeal needs to be deferred due to emergency circumstances, such as in the case of serious illness or injury, a medical certificate supporting the case must be forward to the NITA National Programs Manager. The notice of deferral must be submitted within 3 working days of the conclusion date displayed on the medical certificate.

For Tier Two review of appeals, the NITA National Programs Manager will organise and chair an **Appeals Review Committee**, with representation from an external expert, such as a VET Consultant and a trainer and assessor (membership will not include any staff member who has been involved in any decision making to date in regard to the matter). This will be held within 5 working days of receipt of the **Complaints and Appeals Form**. The NITA National Programs Manager will prepare all the available evidence for presenting at the Committee.

The outcome of the appeal will be in writing to the appellant and will advise of the reasons for the decision. This will be issued to the appellant within 5 working days of the Committee's meeting.

External Resolution of a Complaint or Appeal

Where the complainant/appellant remains dissatisfied with the outcome of NITA's Tier One and Two complaints and appeals handling resolution and action, a written response should be provided to the NITA Chief Executive Manager no later than 5 working days from receipt of the outcome of the formal investigation. They are then directed to the following external agencies as the Third Tier independent resolution point:

POLICY AND PROCEDURE

PP04 Complaints and Appeals

- the Resolution Institute's Northern Territory charter – All fees will be fully covered by NITA. However, should the complainant/appellant not agree to the resolution determined by the Resolution Institute, it may decide on an alternative resolution agency and will be expected to fully cover all expenses from this point.
- The Resolution Institute's details are as follows (as at 30 June 2021):

Attention: Cris Cureton
C/- Squire Patton Boggs
Level 10 24 Mitchell St
Darwin NT 0800

This Third Tier will be organised by the NITA National Programs Manager (or Voyages' Chief Legal and Compliance Officer should the complaint be against the NITA National Programs Manager) with responsibility for:

- organising the resolution meeting within 10 calendar days of written advice from the complainant/appellant and/or where it has been mutually agreed that an independent review is the best way forward at any stage of the complaint/appeal brought to the attention of one of NITA's staff members
- ensuring that this independent party has all the documentation and evidence to fully prepare for the session
- ensuring that both parties agree to participate in this Tier in good faith, with a willingness to find a resolution
- advising both parties may bring additional persons, e.g. support person, to the resolution session, however, must provide details of these persons to the other party within 2 days prior to the session
- informing that the decision of the Third Tier independent review will be taken as final by both parties and reported to NITA management
- the complainant/appellant will be informed in writing of the decision by the Resolution Institute and will require immediate implementation/action as soon as practical, and
- ensuring the complainant/appellant knows that there is no cost. However, should the complainant/appellant remain dissatisfied and does not accept the Resolution Institute's findings and wishes to take the complaint/appeal further and/or seek a review of the decision, it must be organised by the complainant/appellant and all expenses related to this further stage will be incurred by the complainant/appellant from this point in time.

Other Avenues for Lodging a Complaint/Appeal

NITA is committed to operating transparent business practices.

Complainants/appellants are advised of their rights to complain to other appropriate parties. These include:

- ASQA: will be directed to: <https://www.asqa.gov.au/complaints/getting-started-making-complaint-about-training-provider>. There is no lodgement fee related to lodging a complaint with ASQA.
- The National Training Complaints Hotline: will be directed to call 133 873. There is no fee related to lodging a complaint with the Hotline.
- the Northern Territory (NT) Government switchboard on 08) 8999 5511 in the first instance. There is no fee related to lodging a dispute with the NT Government.

Delayed Processes

POLICY AND PROCEDURE

PP04 Complaints and Appeals



In the unusual circumstances where a delay in the complaint or appeal process occurs, where longer than sixty (60) calendar days are required to process and finalise the complaint or appeal, NITA will inform the complainant/appellant in writing within 5 days of the lodgement of the **Complaint and Appeals Form**.

In line with the importance that NITA places on open and transparent processes and communication, the first written communication about progress of the complaint or appeal will be made at least 10 days from the time of lodgement. From that point, the complainants/appellant will be regularly updated on the progress of the matter. Including reasons why more time is required, at least fortnightly.

Access to this Policy and Procedure

This Policy and Procedure is available to all persons wishing to make a complaint, appeal or any other manner of objection in relation to the conduct of NITA.

This is through NITA's website and the **Student Handbook**.

Continuous Improvement

NITA also recognise that collecting and analysing information around complaints and appeals is one way for NITA to improve its services. This in turn will enhance the level of satisfaction which employees and stakeholders have in NITA's performance. Accordingly, all NITA complaints and appeals are reviewed at its **Quality Advisory Committee** meetings and always result in a continuous improvement process. In these cases, adjustments will be made to planning, policies and processes if it is found that systems are lacking.

When the initial causative factor of the complaint identifies a problem with existing policies and/or procedures, the continuous improvement procedure will ensure changes are made to prevent reoccurrence of the problem.

Where the matter may require individual and/or staff training, the NITA National Programs Manager will organise this within one month of the complaint/appeal's resolution.

Should the matter be deemed as high or medium risk to NITA, it will be included in the RTO's **internal auditing schedule** to ensure that the amended practices are embedded across NITA.

All complaints and appeal continuous improvement activities are lodged in NITA's **Continuous Improvement Register**. The NITA National Programs Manager is responsible for ensuring that the agreed actions are implemented and monitoring the likelihood of re-occurrence.

RELATED DOCUMENTS

Application and Enrolment Information Sheet
Complaints and Appeals Form
Complaints and Appeals Register
Continuous Improvement Register
Student Handbook
VET Delegations Register

RELATED POLICIES AND PROCEDURES

Application and Enrolment Policy and Procedure

POLICY AND PROCEDURE

PP04 Complaints and Appeals



Commitment to Quality Policy and Procedure
Cooperating with the Regulator and Meeting Legislative/Regulatory Requirements Policy and Procedure

PUBLISHING DETAILS

POLICY AND PROCEDURE: PP04 Complaints and Appeals

VERSION: 3

RELEVANCE: All NITA Staff

APPROVED BY: NITA Chief Executive Manager

APPROVED DATE: 17/01/2024

NEXT REVIEW DATE: 30/06/2024

REVISION HISTORY:

VERSION	DATE	DESCRIPTION OF REVISIONS	REVISED BY
1	30/06/2022	Created	NITA Director
2	18/08/2023	Reviewed	NITA CEM
3	17/01/2024	Reviewed in response to internal audit	NITA CEM