Complaints and Appeals (Policies and Procedures)

Version 1.8

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Preliminary Information

Overview

WiseClick Training always strives to provide the highest quality of service to clients and students and to provide a friendly, healthy and inclusive workplace and learning environment.

We recognise however that sometimes things go wrong. Where a person has a complaint or wishes to lodge an appeal WiseClick Training will follow the processes outlined in this document and will make all reasonable efforts to resolve any issues that may be raised to the satisfaction of all parties concerned.

Our commitment to continuous improvement

We view complaints and appeals as an opportunity to review our systems and processes so that where appropriate, improvements can be made.

Before lodging a formal complaint or appeal

We do ask that before lodging a formal complaint or appeal, any person that has an issue firstly makes all reasonable efforts to resolve the matter informally by discussing it with the person or persons involved or seeking help from one of the staff members listed below.

Contact Information that may be helpful

The following staff may be able to help resolve an issue without the need for a formal complaint or appeal to be lodged.

Staff member	Type(s) of Issues	Details
Tarryn Drage *Training Coordinator / Trainer / Assessor*	Student issues Client issues	Location: Student Admin office Email: training@wiseclick.com.au Phone (08) 9207 1088
Tarryn Drage *RTO Administrator*	Reporting and Student issues	Location: Student Admin office Email: rtoadmin@wiseclick.com.au Phone (08) 9207 1088
Cheryl Triplett *WiseClick Training Director*	Client issues Employee issues Student issues	Location: Directors office *Please note the Director is available by appointment only - enquire at reception.* Email: training@wiseclick.com.au Phone (08) 9207 1088

Part A - General provisions

WiseClick Training makes a distinction between general complaints and student appeals and each is handled differently. General complaints are covered in Part B and student appeals are covered in Part C.

Part A provides all of the information that is common to the policies and procedures of both complaints and appeals.

1. Terminology

Throughout this document the following terms have the meaning given:

Term	Meaning or interpretation
Director	the Director of WiseClick Training, Cheryl Triplett or her duly authorised representative
staff	all full-time, part-time, and casual employees as well as contractors engaged by WiseClick Training

2. Fees

(1) There is no fee for lodging a complaint.

(2) There is no fee for lodging a student appeal.

3. Directors authority

(1) The Director may (on a case by case basis) decide to delegate her authority to act on a complaint or appeal, to another staff member. The Director might make such a decision:

a) to deal with a relatively minor complaint; or
b) to eliminate an actual or perceived conflict of interest involving the Director; or
c) for any other reason the Director deems appropriate.

(2) The Director, in appointing a person to act in her stead for the purposes of the complaint handling or appeals process in a given case may:

a) authorise the person to act as the Director for all provisions of the relevant process; or
b) authorise the person to act as the Director for a limited number of provisions of the relevant process.

(3) Where a person has been authorised to act for the Director that person shall:

a) act for the Director (subject to any limitations imposed under subsection (2) (b)) - where any provision of the relevant process calls for the Director to act; and
b) add an appropriate notation to any related documentation that indicates where the person has acted for the Director.

Privacy and Confidentiality

4. Application of Privacy Policy to staff

Members of staff will at all times adhere to the WiseClick Training Privacy Policy when dealing with any complaint or appeal. In accordance with the Privacy Policy, information provided in a complaint or appeal may be accessed by any staff member who requires access to the information in order to discharge his or her duties, this means:

a) staff members specifically assigned the responsibility for processing, investigating and acting upon the complaint or appeal; and

b) where appropriate, other staff members who may have information relevant to the complaint or appeal.

5. Written consent sought for additional disclosures

In some cases, WiseClick Training may have a legitimate need to disclose information relating to a complaint or appeal to one or more people who are not authorized staff members under section 4. This may become necessary in order to conduct a full and proper investigation or to take appropriate action following an investigation into a complaint or appeal.

Accordingly, all people lodging complaints or appeals are:

a) asked to indicate (on the lodgment form) whether or not they give consent for WiseClick Training to make such disclosures where necessary; and
b) advised (by notice on the lodgment form) that if they choose not to give such consent WiseClick Training may be prevented from properly investigating or dealing with the complaint or appeal in some cases.

6. Requests to keep information from specific persons

(1) Sometimes a person making a complaint or lodging an appeal may request that some or all of the details of the complaint or appeal are kept from one or more named people (who may or may not be staff members).

Subject to subsection (2), WiseClick Training will respect the confidentiality wishes of a complainant or appellant who has:

a) declined to give consent for WiseClick Training to make additional disclosures of information (section 5); and/or
b) made a request to keep certain information from one or more named persons.

(2) If complying with the wishes of a complainant or appellant would:

a) breach any lawful obligation WiseClick Training may have; or,
b) prevent the matter from being properly investigated or appropriately acted upon; or
c) deny procedural fairness or natural justice to another person; or
d) be unreasonably detrimental to the interests of another person,

Then WiseClick Training will proceed in accordance with section 7.

7. Directors action where complainant or appellants wishes cannot be accommodated

(1) In any case where section 6 (2) (a) is found to apply, the Director must act in accordance with WiseClick Training's legal obligations.

(2) In cases where any of sections 6 (2) (b) through (d) apply, the Director shall:

a) suspend the investigation into the complaint or appeal, and;
b) write to the complainant or appellant:
    i. informing him or her that the investigation has been suspended; and
    ii. giving the reasons for the decision; and
    iii. explaining which confidentiality constraint(s) will need to be removed (by written notice from the complainant or appellant) before the matter can proceed any further.

Part B – Complaints

This part contains information that is specific to general complaints. Any grievance that is not covered by an appeal (Part C) will be handled as a general complaint. Complaints and general complaints must be lodged within six months of the grievance occurring.

General information

8. Who may lodge a complaint

Any client, student or staff member of WiseClick Training is entitled to lodge a complaint if they feel that they have a justifiable grievance in some matter.

9. How to lodge a formal complaint

In order to ensure that all relevant information is collected to allow a complaint to be quickly and efficiently investigated all formal complaints should be made by:

a) completing the form titled "Complaint Form" available from:
   i. the front reception desk; or
   ii. by email request to training@wiseclick.com.au; and
b) lodging the form either:
   i. in person at reception; or
   ii. by email to training@wiseclick.com.au.

Handling informally received complaints (e.g. verbal/email)

Where a staff member receives an informal complaint such as a verbal or emailed complaint and no *Complaint Form* has been completed the procedure is as follows.

10. Log the informal complaint into the CLOUD ASSESS

In order to ensure that informally received complaints are followed up and dealt with appropriately the staff member receiving the complaint must log the complaint into the CLOUD ASSESS within 1 business day of receipt of the complaint.

11. Notify the Director

The Director is to be notified as soon as possible of any informal complaint received by a staff member.

12. Relative seriousness of the complaint determined

(1) Where the Director decides that a complaint made informally is of a serious nature then:

a) the complainant is to be asked to lodge a formal complaint; and
b) if the complainant refuses this request, a staff member will complete a Complaint Form on behalf of the complainant (noting this on the form); and
a) the matter is to be dealt with in accordance with the procedure for handling formal complaints.

(2) Where the Director is satisfied that the complaint is relatively minor in nature then she will either give directions as to the action to be taken or delegate the matter to another staff member to handle.

13. Log action steps taken in the CLOUD ASSESS

Where section 12 (2) applies the action taken in response to the informal complaint is to be logged into the CLOUD ASSESS. The database records will serve as the minimum required documentation for the complaint.

14. Notify complainant

Once an informal complaint has been dealt with the complainant is to be notified and the method and date of notification is to be noted in the CLOUD ASSESS.

Handling formal complaints (where a complaint form has been lodged)

Initial steps taken

15. Complaint acknowledged and file opened

Within 1 business day of a formal complaint being lodged a member of the administration staff will:

a) advise the complainant in writing that the complaint has been received and is under investigation; and
b) complete Part A of a *Complaint Response Form* (this document will be used throughout the process); and
c) log the complaint into the CLOUD ASSESS; and
d) advise the Director of the complaint.

16. Director assigns roles and responsibilities

(1) All complaints received are initially reviewed by the Director. After considering the nature and seriousness of the complaint the Director:

a) may decide to investigate the complaint personally (with or without the assistance of other staff); or
b) may decide to delegate the investigation to one or more staff members.

(2) Depending on the likely extent of the investigation required the Director may delegate the investigation of any complaint to:

a) an individual staff member; or
b) a number of staff members; or
c) a number of staff members acting as a panel under the direction of a chair appointed by the Director.

(3) Where the director appoints a panel to investigate a complaint:

a) the Director may choose to act on the panel either as chair or as an ordinary member; and
b) the panel will:
    i. hold meetings as required during the investigation; and
    ii. ensure that proper minutes of all such meetings are kept and signed by all present in accordance with section 19 a).

(4) The Director may (but is not required to) appoint a staff member to make recommendations as to the appropriate action to take in response to a complaint (if any).

(5) In assigning roles and responsibilities, the Director will have due regard for procedural fairness and the need to avoid conflicts of interest both in appearance and in fact.

(6) Notwithstanding subsection (5) the Director may decide to personally take on any role or assume any responsibility in relation to the investigation and/or handling of a complaint.

Conduct of the investigation

17. Investigation conducted without delay

A full and thorough investigation of the complaint is to be made as soon as possible following the receipt of a complaint. The person or persons conducting the investigation will:

a) examine the documentation supplied by the complainant; and
b) conduct such other examinations as may be necessary and appropriate in the circumstances, this may include (but is not limited to):
    i. examining other documentation or records that may be relevant to the complaint;
    ii. examining resources, sites or facilities;
    iii. interviewing the complainant;
    iv. interviewing any other person or persons that may have relevant information.

18. Minimum documentation requirements

Where the investigation is relatively simple the minimum required to properly document the investigation is completion of Part B of the *Complaint Response Form*.

19. Extra documentation may be required

In addition to the minimum documentation requirements specified above, non-trivial investigations will require additional documentation. In particular:

a) if the investigation included any interviews or meetings then either interview notes or minutes are to be kept and signed by all parties present; and
b) any other notes or documentation that could reasonably be expected to be needed by a person subsequently charged with reviewing the investigation are to be kept.

20. Time allowed to process complaint

Where WiseClick Training staff considers more than 60 calendar days are required to process and finalise the complaint or appeal, the Wiseclick staff member conducting the complaint will:

a) inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
b) regularly update the complainant or appellant on the progress of the matter.

After the investigation has concluded

21. Recommendation(s) made, and response decided

(1) If the Director delegated the task of making recommendations to a staff member then that person will, (once the investigation has been concluded):

a) record his or her recommendations on Part C of the *Complaint Response Form;* and
b) submit the recommendations to the Director.

(2) Upon receiving recommendations for action in response to a complaint the Director:

a) may reject the recommendations outright; or
b) may accept some or all of the recommendations; and
c) will, after due consideration:
    i. make the final decision as to what action (if any) to take; and
    ii. record appropriate directions at Part D of the *Complaint Response Form*.

(3) If the Director did not delegate the task of making recommendations to another staff member then the Director will decide what action (if any) is to be taken and record appropriate directions at Part D of the *Complaint Response Form*.

22. Directors instructions carried out without delay

Where directions have been given for one or more actions to be taken in response to a complaint (section 21), then:

a) the appropriate action(s) are to be carried out as soon as it is possible and practical to do so; and
b) once completed the action(s) taken and date of completion are documented by filling out Part E of the *Complaint Response Form*.

23. Issue Notice of Response to Complaint

Within 3 business days of a decision being made in accordance with section 21, the complainant must be issued a *Notice of Response to Complaint*. A *Notice of Response to Complaint* is a letter signed by the Director that:

a) includes the subject line *Notice of Response to Complaint;*
b) outlines the results of the investigation into the complaint;
c) outlines any actions that have been or will be taken in response to the complaint (or where no action is to be taken explains the reason why); and
d) advises the complainant how they may take the matter further if they are not satisfied.

24. All documentation to be appropriately archived and database records updated

Once a formal complaint has been dealt with:

a) all records relevant to the complaint and how it was handled must be properly archived to ensure they can be reviewed at a later time if necessary; and
b) the complaint record must be updated (and closed) in the CLOUD ASSESS.

Part C – Student appeals

The Appeals process has been designed to ensure that students are treated fairly and are given an opportunity to appeal decisions that they disagree with. Any issues not specifically covered under this part are to be dealt with as general complaints (Part B). Student appeals must be lodged within six months of the grievance occurring.

General information

25. Matters that may be appealed

Students are entitled to lodge an appeal against:

a) an assessment decision (where the student believes the decision was wrong); or
b) an assessment process (where the student believes the assessment process was unfair or not conducted in accordance with the stated assessment plan); or
c) a penalty or sanction that has been imposed for a breach of the Student Code of Conduct.

26. Lodging an appeal

Appeals will *only* be considered where the student has:

a) completed the form titled “Student Appeal Form” available from:
    i. the front reception desk; or
    ii. by email request to training@wiseclick.com.au; and
b) lodged the form either:
    i. in person at reception; or
    ii. by email to training@wiseclick.com.au

Handling appeals

Initial steps

27. Appeal acknowledged

Upon receipt of an appeal WiseClick Training will, within 1 business day:

a) provide written confirmation to the student that his or her appeal has been received and is under consideration; and
b) log the appeal into the CLOUD ASSESS.

28. Director to appoint a panel to consider the appeal

Once an appeal has been received the Director must, within 5 business days, appoint a panel of 3 senior staff to consider and decide on the appeal.

When appointing staff to the panel the Director must:

a) take all reasonable steps to prevent any perceived (or actual) conflict of interest; and
b) appoint a panel chairperson.

29. Director may serve on, or chair any panel

Notwithstanding section 28 a) the Director may choose to:

a) act as a member of any appeal panel; and/or
b) act as chairperson on any appeal panel.

Panel considers appeal

30. Panel to gather all relevant information

(1) The panel members have a responsibility to be thorough in their examination to ensure that a properly informed decision can be reached. The members of the panel (under the direction of the chair) must:

a) examine all information provided by the student making the appeal; and
b) seek out and examine any other documentation that may relate to the appeal; and
c) where possible interview any person or persons that are likely to be able to provide additional information relevant to the appeal, which could include:
    i. the student making the appeal (subject to section 31), or;
    ii. any other person with relevant knowledge.

(2) The panel chairperson shall be responsible for arranging:

a) all meetings of the panel; and
b) such investigations as may be required under subsection (1).

31. Student appearance before the panel

(1) A student making an appeal:

a) always has a right to meet with the panel in person if he or she so chooses, but;
b) is under no obligation to meet with the panel, and may freely refuse any request to do so.

(2) Where a panel wishes to meet with an appellant in order to obtain additional information but the student has refused – the panel chairperson shall make all reasonable attempts to provide an alternative means for the student to provide the information.

32. Panel to keep appropriate documentation

To ensure the transparency and accountability of the appeals process the panel must:

a) record accurate minutes of all meetings; and
b) ensure that the minutes are signed by all those present at the meeting (whether panel members or not); and
c) ensure that any other records relevant to the panel's investigations, deliberations and decisions are properly kept to allow the appeal process to be reviewed at a later time if necessary.

Decision of the panel

33. Panel to decide outcome

Panel members will decide the outcome of the appeal after collecting and duly considering all relevant information. Panel members are expected to form decisions based on the evidence at hand and to be at all times, fair and impartial and to have due regard for the principles of natural justice.

34. Timeframe allowed

The panel must come to a decision on the outcome of the appeal no later than 15 business days after formation of the panel.

35. Appeal outcome decided by vote

(1) The appeal will be decided by the outcome of a simple vote of the panel members. The vote is to be:

a) conducted during a meeting of the panel; and
b) conducted by the panel chair; and
c) open and transparent, with the vote of each member noted in the minutes of the meeting.

(2) Where the Director is not serving on the panel, the chair will advise the Director within 1 business day of the panel's decision.

36. Director may grant some relief where appeal has been denied

(1) In cases where the panel votes to deny an appeal the Director may:

a) at the request of any member of the panel; or
b) independently,

decide to offer some form of relief or compromise to the student notwithstanding the decision to deny the appeal itself.

(2) Whether or not to grant any relief or offer any compromise, and the form and extent of such relief or compromise, are entirely at the discretion of the Director.

Steps taken following an appeal decision

37. Issue Notice of Appeal Decision

(1) Within 3 business days of the panel reaching a decision a *Notice of Appeal Decision* must be sent to the student. A *Notice of Appeal Decision* is a letter, signed by the Director that:

a) includes the subject line *Notice of Appeal Decision*; and
b) notifies the student of the decision of the panel; and
c) explains the reasons for the decision; and
d) where the appeal has been upheld, explains what steps WiseClick Training will take to rectify the situation; or
e) where the appeal has been denied:
    i. provides information to the student on how they may take the matter further if they are not satisfied with the panel's decision; and
    ii. where the Director has decided to offer some relief in accordance with section 36, provides a clear explanation of the Directors offer

iii. advises of due date for claimant to accept or reject the Appeal Decision and sets a timeframe for WiseClick Training to implement the relief and/or penalties agreed.

(2) The panel chair shall be responsible for arranging for the notice to be sent.

38. Where the appeal is upheld

In cases where a student's appeal has been upheld the Director must so far as practical and possible, take steps to reverse the original decision that led to the appeal.

39. Where the appeal is denied

In cases where:

a) an appeal has been denied; but
b) the Director has decided to offer some relief to the student in accordance with section 36; and
c) the student has agreed to accept the compromise or relief offered then,

the Director must act in accordance with her offer.

40. All documentation to be appropriately archived and database records updated

Once an appeal has been dealt with:

a) a copy of the *Notice of Appeal Decision* must be added to the student's official records; and
b) all other records relating to the appeal must be properly archived to ensure they can be reviewed at a later time if necessary; and
c) the appeal record must be updated (and closed) in the CLOUD ASSESS student management system.

Seeking further recourse

Where a person has not been satisfied with WiseClick Training's procedures on complaints and appeals and wishes to take the matter further the following contact information may be useful:

Organisation	Contact Information	Type of complaint
Training Accreditation Council	www.tac.wa.gov.au	Issues in relation to WiseClick Training's conduct as a Registered Training Organisation
Department of Mines, Industry Regulation and Safety (Consumer Protection)	https://www.commerce.wa.gov.au/consumer-protection/making-complaint	Consumer Issues
Western Australian Industrial Relations Commission	www.wairc.wa.gov.au/	Employment issues
Equal Opportunity Commission (WA)	http://www.eoc.wa.gov.au	Issues related to discrimination