

Complaints and Appeal Policy

Relevant standard: Standards for Registered Training Organisations (RTOs) 2015, Clause 6.1, 6.3, 6.4, 6.5 and 6.6.

Australasian College of Care Leadership and Management (ACCLM) is committed to providing a fair and transparent complaint handling process.

What is a complaint?

A complaint is generally negative feedback about services or people which has not been resolved internally by ACCLM.

Who does this policy apply to?

This policy applies to and may involve issues concerning the conduct of:

- ACCLM as an organisation, its trainers, assessors or other staff;
- Third party services provided on behalf of ACCLM, its trainers, assessors or other staff; or
- A learner of ACCLM

This is an important point to note in understanding that this policy has a broad application and is not simply relevant to complaints that may be made by learners. A complaint may be made by an employer about ACCLM or by the trainer about the conduct of the learner. Throughout this policy, we refer to the person making a complaint as simply the complainant.

Early Resolution of Complaints

In all cases, issues that arise during training and assessment that are the source of frustration or are in dispute should be resolved at the time they occur between the persons involved. It is often the case that complaints can be avoided by proper communication and respect between persons involved.

Relationship to Continuous Improvement

Frequently, the complaints handling process will explore weaknesses in the training and assessment or administrative system that can flow into the continuous improvement system as opportunities for improvement. This outcome of complaint handling is positive and should be actively applied by all persons involved. It is for this reason that complaints received from stakeholders should be seen in a positive light and as opportunities for improvement.

Making a Complaint

A complaint may be received by ACCLM in any form and does not need to be formally documented by the complainant in order to be acted on. Complaints may be made by any person.

The complaints policy must be publicly available. This means that the complaints policy and procedure must be published on the ACCLM website.

To make a complaint, the person is recommended to complete the ACCLM– Complaint Form. This form is available via our website or can be obtained from the ACCLM by emailing admin@acclm.edu.au.

The completed complaint form is to be submitted to the Director of Studies electronically via admin@acclm.edu.au.

If a complainant has any difficulty assessing the required form or submitting the complaint to ACCLM, they are advised to contact us immediately.

A written record of all complaints is to be kept by ACCLM including all details of lodgement, response, and resolution. The complaints register within the learner management system is to be used to record the details of the complaint and to maintain a chronological journal of events during the complaint handling process. Records relating to complaints handling must be stored securely to prevent access to unauthorised personnel.

The complaint is referred to the PRINCIPLE EXECUTIVE OFFICER; whereby the PRINCIPLE EXECUTIVE OFFICER reviews the complaint and determines if investigation or consultation is required; or if the matter can be solved internally.

Complaints are to be handled in the strictest confidence. No ACCLM representative is to disclose information to any person without the permission of ACCLM. A decision to release information to third parties can only be made after the complainant has given permission for this to occur. This permission should be given using the Information Release Form.

Communicating the Complaint Handling Policy and Procedure

The complaints handling policy must be:

- Publicly available on the ACCLM Website
- Integrated into the ACCLM Learner Handbook
- Included in the ACCLM Policy and Procedure

Complaint Handling Timeframe

- Written acknowledgement by ACCLM **no later than 48 working hours** from the time the complaint is received. This acknowledgement is intended to provide the complainant assurance that ACCLM has received the complaint and will review the relevant issues and provide a response as soon as practical. The acknowledgement must inform the person that they will receive a written response.
- The handling of a complaint is to commence within **seven (7) working days** of the lodgement of the complaint and all reasonable measures are taken to finalise the process as soon as practicable.
- A written response must be provided to the complainant within **fourteen (14) working days** of the lodgement of the complaint.
- As a benchmark, ACCLM should attempt to resolve complaints as soon as possible. A timeframe to resolve a complaint within **thirty (30) calendar days** is considered acceptable and in the best interest of ACCLM and the complainant.
- A complainant should also be provided with regular updates to inform them of the process of the complaint handling. Updates should be provided to the complainant at a minimum of **two (2) weekly intervals**.
- Complaints must be resolved to a final outcome within **sixty (60) calendar days** of the complaint being initially received. Where ACCLM Chief Executive Officer considers that more than 60 calendar days are required to process and finalise the complaint, the PRINCIPLE EXECUTIVE OFFICER must inform the complainant in writing, including reasons why more than 60 calendar days are required.

Principles of Natural Justice and Procedural Fairness

A complainant is to be provided an opportunity to formally present his or her case at no cost. The principles of Natural Justice and Procedural Fairness must be incorporated into the complaint handling process to ensure that decision-making is fair and reasonable. Natural justice must be observed when it affects the rights, interests, or legitimate expectations of individuals. The following principles are to be applied:

- **Principal Executive Officer bias.** Where the Principal Executive Officer of ACCLM feels that they may have bias or there is a perception of bias process or where the person making the complaint is not satisfied with how the matter has been handled, the complainant is to be referred directly to an independent third party for consideration and response.

- **Responding to Allegations.** Where a complaint involves one person making allegations about another person, it is a requirement for ACCLM to hear both sides of the matter before making any judgements about the complaint should be settled. A person who will be affected by a decision made by ACCLM as a result of a complaint has the right to be fully informed of any allegations and to be provided adequate opportunity to be heard and respond. The person has the right to:
 - Put forward arguments in their favour,
 - Show cause why a proposed action should not be taken,
 - Deny allegations
 - Call for evidence to disprove allegations and claims,
 - Explain allegations or present an innocent explanation, and
 - Provide mitigating circumstances (information aimed at reducing the severity, or seriousness of something).

ACCLM also has an obligation to fully consider the substance of allegations and the response provided by parties before making a decision. Decisions must be communicated to the complainant and the relevant person's subject of allegations in writing. This is to include advising these persons of their right to seek a third-party review of decisions made by ACCLM.

- **Referring matters to authorities.** Where an allegation is made that involves alleged criminal or illegal activity and it is considered outside the scope and expertise of ACCLM to investigate the matter, then in these circumstances ACCLM reserves the right to report these allegations to law enforcement authorities. Persons related to the matter involving alleged criminal or illegal activity will be advised in writing if this course of action is being taken.
- **Third Party Review.** Where the person making a complaint is not satisfied with the handling of the matter by ACCLM, they have the opportunity for a body or person who is independent of ACCLM to review his or her complaint following the internal completion of the complaint handling process. Before a person seeks a review by an independent third party, they are requested to first allow ACCLM to fully consider the nature of the complaint and to respond to the person in writing. If after this has occurred, the person is not satisfied with the outcome, they have the right then seek a review by an independent third party. To request a review by an independent third party, the complainant should inform the Office Manager of their request who will initiate the process with the Chief Executive Officer.

In these circumstances, the ACCLM Chief Executive Officer will advise an appropriate party independent of ACCLM to review the complaint outcome (and its subsequent handling) and provide advice to ACCLM in regard to the recommended outcomes. The independent third party is required to respond with their recommendations within **fourteen (14) working days** of their review being requested. This advice is to be accepted by ACCLM as final, advised to the person making a complaint in writing, and implemented without prejudice.

Where the ACCLM appoints or engages an appropriate independent person to review a complaint, the ACCLM will meet the full cost to facilitate the independent review.

Unresolved Complaints

Once the complaint handling process has concluded; where the person making a complaint remains not satisfied with the outcome of the complaint handling procedure, the person is to be advised that they have the right to refer the matter to any external authority/agency that may be relevant to their complaint.

The following external agencies are nominated in the first instance as relevant points of referral the person may consider:

- In relation to consumer related issues, the person may refer their complaint to the **Office of Fair Trading**.
- In relation to the delivery of training and assessment services, the person may refer their complaint to the **National Training Complaints Service** via the following phone number: 13 38 73 or visit the website at <https://www.dewr.gov.au/national-training-complaints-hotline>.
- In relation to matters relating to privacy, the person may refer their complaint to the **Office of the Australian Information Commissioner** via the following details:
<https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint> or call 1300 363 992.

This guidance is also communicated to learners within the Learner Handbook and also within the publicly available policies and procedures on the ACCLM website. It is expected that the above agencies will investigate the persons' concerns and contact the ACCLM for information. External agencies will typically request a copy of any record of how the complaint was handled by the person. ACCLM is to ensure that the person is provided with a written response that they may use for this purpose.

The ACCLM is to cooperate fully with agencies such as the National Training Complaints Service, the Office of Fair Trading, or ASQA that may investigate the handling of a complaint. ACCLM considers that it would be extremely unlikely that a complaint is not able to be resolved quickly within ACCLM internal arrangements.

Record Management of Complaint Records

Records relating to complaints will be presented in two formats. There will be electronic records in the form of email correspondence and other documents which are communicated electronically and hard copy records which are submitted by the complainant or generated by Australasian College of Care Leadership and Management. There is also a record of the complaint maintained within the ACCLM learner management system. This includes the details about the complaint and a diary log that records the progress of the complaint handling and closure. This record also records identified opportunities for improvement that result from complaints handling.

All records regardless of their format will be saved in a digital format into a secure folder located on the ACCLM file storage. Each file is to be clearly labelled with the document title or subject and the date on which the document was received or generated. This folder must only be accessible to persons authorised by the Chief Executive Officer. Records stored on the learner management system are to be accessible only to administrators and managers.

To ensure records are maintained in a safe and suitable condition, the following is to apply:

- Records must be kept securely to prevent them from being accessed by any non-authorised personnel.
- Records must be kept confidential to safeguard information and to protect the privacy of complainants.
- Records must be kept to avoid damage by fire, flood, termites, or any other pests.
- Electronic data storage must be safe from destruction by fire or flood and should take account of the risk of component failure of a single storage device. Electronic data is also to be backed-up off site.

A correspondence record must be made for each complainant making a complaint. All email and letter communication should be retained with the complainant correspondence record within the complaint handling file.

Period of Retention of Complaints Records

ACCLM is to retain records relating to complaints handling for a minimum of five (5) years.

Destruction of Complaints Records

ACCLM PRINCIPLE EXECUTIVE OFFICER is the only person who can authorise (in writing) the destruction of complaint handling records. Records are only to be authorised for destruction after the retention period has lapsed. Documents identified for destruction are to be shredded before being recycled.

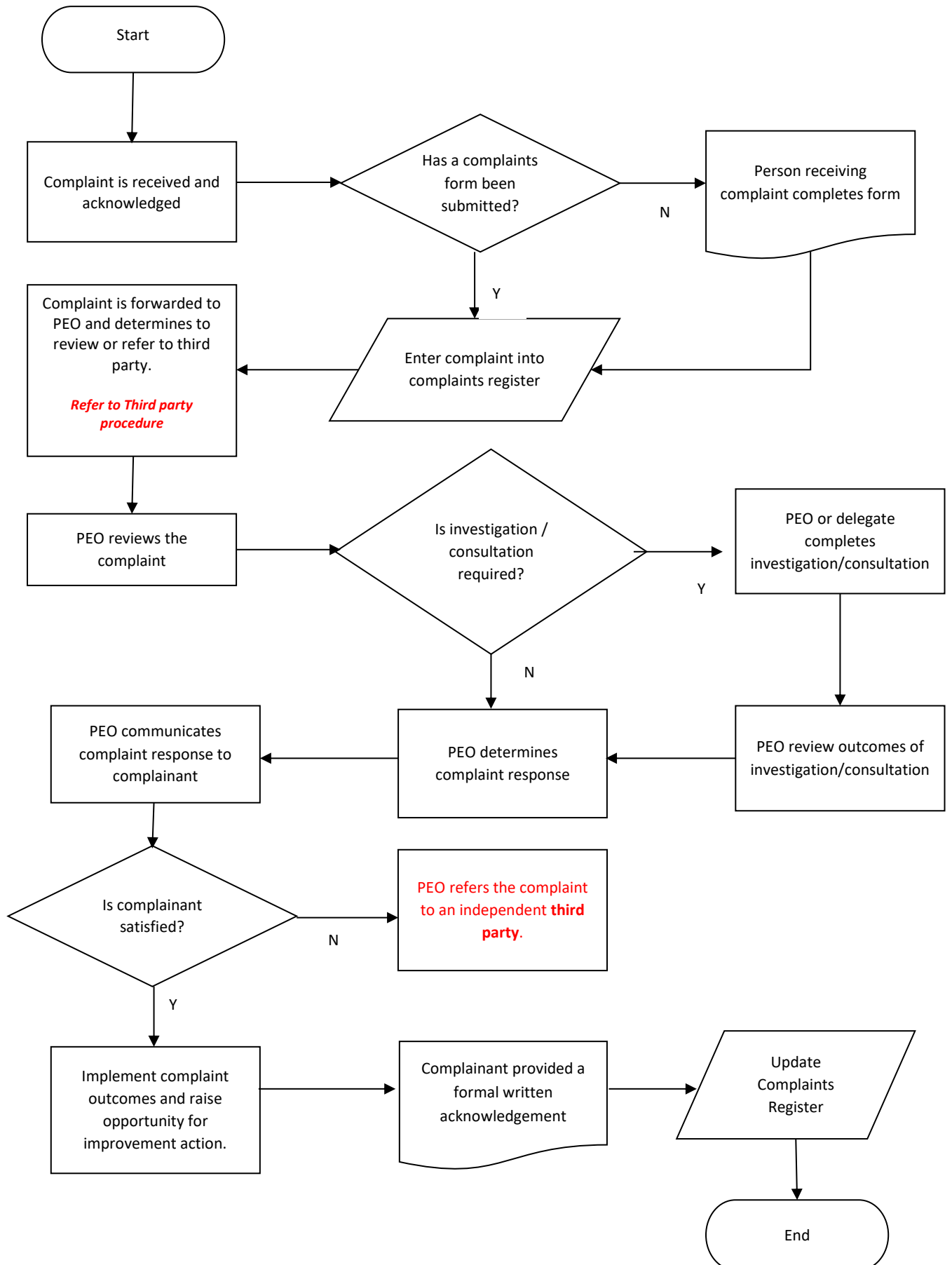
Complaint Handling Procedure

ACCLM will apply the following procedure to its complaint handling:

- a) A complaint may be received in any form (written or verbal) although persons seeking to make a complaint are recommended to complete the complaint form which is available to them on the website. There is no time limitation on a person who is seeking to make a complaint.
- b) The complainant must be provided a written acknowledgement as soon as possible and no later than 48 hours from the time the complaint is received using the written acknowledgement email template. The acknowledgement must inform the complainant that they will receive a written response within 14 days and explain the complaints handling process and the person's rights and obligations.
- c) The complaint must be entered into the complaints and appeals register. The complaints and appeals register identifies the complainant, its relation with ACCLM, the nature of the complaint, findings/outcomes, any links with the Continuous Improvement report, and the dates received & closed. Prior to entering the complaint form into the register, check if the person has not already submitted a complaint if it is accurately recorded, or if it has been recorded as a subsequent contact.
- d) The complaint is forwarded to the Chief Executive Officer for review. They will then determine if the complaint requires further investigation or consultation.
- e) Where a complaint is made about or involves allegations about another person, ACCLM is obliged to inform this person about this complaint or allegation and provide them the opportunity to respond and present information in response to the issues raised.
- f) Where a complaint is received by the ACCLM which involves allegations about alleged criminal conduct, the ACCLM are to recommend the person making the complaint refer the matter to the relevant State or Territory Police Service.
- g) The Principal Executive Officer reviews the outcomes of the investigation/consultation and determines the complaint response within an acceptable timeframe. The complaints response letter template can be used to identify the findings and outcomes to the complainant.
- h) ACCLM shall maintain the enrolment of the complainant during the complaint handling process.
- i) Decisions or outcomes of the complaint handling process that find in favour of the learner shall be implemented immediately.

- j) The complainant is entitled to be heard with access to all relevant information and with the right of reply ensuring natural justice and procedural fairness is applied at every stage of the complaint process.
- k) ACCLM must request written acknowledgement from the complainant once the complaint has been resolved.
- l) Complaint handling procedures should conclude with an analysis of the circumstances to identify any opportunities for improvement.
- m) The complaint must be accurately updated and recorded in the Complaints Register.

Complaints Handling Process



Third Party Review Process

