



Complaints & Appeals Procedure

1. Scope

These procedures outlines the steps Churchill Education implements to resolve concerns, issues and difficulties in relation to:

- Churchill Education services, including Recognition of Prior Learning and Corporate Training
- Churchill Education Assessors
- Churchill Education staff
- A student, prospective student or past student of Churchill Education

Complaints and Appeals include, but are not restricted to, matters of concern to a student relating to training delivery and assessment, the quality of the training, student support, discrimination or bias, harassment and sexual harassment.

This Procedure does not extend to Churchill Education staff alleging workplace discrimination, harassment, sexual harassment or bullying. This is covered by a separate internal Equal Employment Policy.

2. Purpose

The purpose of this Procedure is to outline in detail how Complaints and Appeals are dealt with and the various responsibilities and roles of complainants, staff, managers and other stakeholders.

3. Definitions

Appeals: An appeal is when a person seeks a review of the decision made by Churchill Education. Appeals could be related to academic or non-academic matters. Examples of possible appeals could be related to a complaint outcome, an enrolment, an assessment result and termination of enrolment and refund of monies.

Complaint: An expression of dissatisfaction with a service, decision or action of Churchill Education, its Assessors, staff or students. Complaints can be of an academic or non-academic matter. This includes Churchill Education's services, or the performance, behaviour and conduct of staff or representatives, or the complaints handling process itself. A complaint may be made in person, by phone, email or in writing.

Complainant: A person making the complaint.

Persons: Any student, prospective student, individual, entity (including government agencies), group or member of the public who is affected by the actions of the Churchill Education.

Respondent: A person who responds to a consumer complaint.

Staff: Churchill Education's employees or contractors.

4. Principles of Effective Complaints Management

4.1 Overview

The Complaints & Appeals Procedure is based on the following principles:

People should be encouraged to voice their concerns at the point of service as soon as they feel unsatisfied. Staff may then be able to resolve the matter without delay.

Wherever possible, complaints should be resolved at the point from which they originate

Information about how and where to complain should be well publicised to students, personnel and other interested parties

Complaint management mechanisms should be easily accessible to all complainants. The process should be easy to find, use and understand.

4.2 Objectivity

Each complainant should be addressed in an equitable, objective and unbiased manner through the complaints handling process.

The principles of objectivity include:

Openness: to ensure both personnel and complainants understand the complaints handling process

Impartiality: to ensure a balanced consideration of all information/evidence is undertaken before a complaint can be resolved without fear or favour

Confidentiality: to ensure the complainants and other parties details are protected.

Accessibility: to ensure all parties concerned are aware of the complaints handling process and the lodged complaints progress.

Completeness: to ensure all available information/evidence has been collected from both sides.

Equity: to ensure equal treatment to all people.

Sensitivity: to ensure each case is considered on its merits, paying due care to individual differences and needs.

4.3 Complainants Rights

Where a complaint is raised, they have the right to have that complaint:

Received and addressed in strict confidence;

Addressed in a spirit of helpful cooperation and sensitivity; and

Resolved promptly.

When a complaint cannot be resolved to the satisfaction of the complainant, customers have the right to be referred to an external body.

4.4 Staff Rights

The Complaints & Appeals Policy and the Complaints & Appeals Procedures are designed to identify opportunities for improving consumer satisfaction with the delivery of education services and enhance the relationship between the parties. However, it is recognised that complaints will sometimes name individual staff.

Churchill Education recognises that staff have certain rights, including the right to appropriate feedback and communication on work performance, fair and consistent treatment and reasonable avenues of redress. These rights are to be respected at all times, particularly in complaints where staff are cited.

5. Complaints Handling

5.1 Receiving a Complaint

When Churchill Education or its agents/sales agents is approached by a person wishing to make a complaint they should consider the following:

What are the complainant's expectations?

Does the complainant need assistance in making the complaint?

5.2 The Complainant's Expectations

A person making a complaint will have expectations as to how their complaint should be handled and may require assistance in making the complaint.

To manage complainant expectations, you should:

Explain the complaint handling process to the complainant or tell them where to get information about it

If the matter is to be referred, explain why and to whom

Confirm with them that you have fully understood their complaint and ask them what outcome they are seeking

Outline the possible outcomes, including whether or not the outcome they are seeking is reasonable

Provide realistic timeframes for dealing with the matter

Ensure that any promises made are followed through.

5.3 Assessing a Complaint

When a complaint is made, the person receiving it must assess what action needs to be taken.

Steps taken in assessing a complaint are:

Identifying whether or not the complaint is a special case

Assessing the level of seriousness of the complaint

Selecting the appropriate course of action

Certain kinds of complaints are treated as special cases because they are covered by specific legislation, policies and procedures, and must be dealt with accordingly.

All complaints must be checked to ensure that the correct policy and procedure is followed and this must occur before any further action is taken. Seek assistance from the contact person nominated below if in doubt. Any complaint covered by the following special cases must be referred even when there is a suspicion that the complaint may be false, vexatious or misconceived.

5.4 Deciding How to Deal with a Complaint

There are four questions to ask when assessing a complaint and determining how to deal with it:

1. Is the complaint a special case?

- If the complaint is covered by another policy, use that policy to deal with the matter. For example, *Students Complaints & Appeals Procedure*
- If the complaint must be referred to a particular team of Churchill Education or to an external agency, make the appropriate referral or referrals.

See the list at *Identifying special cases*

2. Is the complaint serious?

- If the complaint is considered less serious, informal resolution is appropriate. This is discussed at *Assessing Seriousness*. If the complaint is serious or cannot be resolved informally then decide:

- 3. Is the complaint about a service, procedure or system or is it about the conduct of a person?**
- If the complaint is about a service, procedure or system, the Remedy and Systems Improvement procedure will apply.
 - If the complaint is about a person but is less serious (but could not be dealt with by informal resolution) the Negotiation procedure will apply.
 - If the complaint is about a person and is serious, the Investigation procedure will apply.

4. Who can approve the procedure?

A manager **can** approve all matters except special cases and those that proceed to Investigation.

5.5 Special Cases

Possible Criminal Matters

If the complaint involves possible criminal conduct of any kind, the Chief Executive Officer shall contact the police. Advice is available from Legal Services if in doubt about whether the alleged behaviour may be a crime.

Possible Corrupt Conduct

If the complaint could involve inducements, corrupt conduct or maladministration, it is to be referred to the Chief Executive Officer.

Possible Vulnerable Party

If the complaint could involve overbearing conduct, abuse of authority, relationship or if the complainant is in a vulnerable position in relation to the other party by virtue of age, disability, culture or socio-economic disadvantage, it is to be referred to the Chief Executive Officer.

Possible Discrimination

If the complaint is about behaviour that is unlawfully discriminatory or involves unlawful vilification on the basis of race, sex, marital status, disability, HIV/AIDS, homosexuality, age, transgender or carer's responsibilities, refer to the Chief Executive Officer.

Assessing A Complaint: Assessing Seriousness

When assessing a complaint, if you consider it is not a special case, you then need to decide whether or not the matter is serious. In assessing the seriousness of a complaint consider the following:

1. A matter is considered less serious if it involved a minor breach or complaint and is not seen to be part of a pattern of conduct that would lead to disciplinary/remedial action.
2. A serious breach is one which, if proven, could amount to serious breach of the Standards for Registered Training Organisations (2015) and/or VET Guidelines and could include:
 - A breach of legislation, policy, procedure or contract likely to lead to disciplinary/remedial action, or
 - Conduct of a criminal nature.

If you need assistance in deciding whether or not a complaint is 'serious', seek advice from a manager. You must document your reasons not to act on a complaint.

5.6 Assessing a Complaint: Selecting the Appropriate Course of Action

In matters assessed as less serious, informal resolution should be attempted in the first instance.

See *Informal Resolution* for guidance.

In circumstances in which it is not appropriate or not possible to resolve a matter with informal resolution, there are three formal procedures available.

In general, the procedure that will apply will depend on whether or not the complaint is about the conduct of a person and, if it is, whether or not the matter is considered to be serious. In some instances, it may

be necessary to apply more than one procedure.

5.7 Procedures Available and Their Application

Remedy and systems improvement procedure is used for a complaint that is about policies, procedures or systems rather than a person.

Negotiation procedure is used for a complaint about a person that is not about an alleged serious breach of legislation, policy, procedure or contract. It will apply to complaints which, while assessed to be less serious, for some reason, have not been able to be resolved informally.

Investigation procedure is used for a complaint about a person that is about an alleged serious breach of legislation, policy, procedure or contract. This procedure is applicable only in matters involving allegations of potential misconduct, can only be initiated by senior managers and must immediately be briefed up to the Chief Executive Officer.

5.8 Selecting the appropriate formal procedure or referral

	Remedy & Systems Improvement	Negotiation	Investigation
Criminal Conduct	Not applicable	Not applicable	Special case requiring referral. Contact Police .
Corrupt Conduct including Inducements & Fraud	Not applicable	Not applicable	Special case requiring referral. Refer to Director.
Vulnerable Party	Not applicable	Not applicable	Special case requiring referral. Refer to Director.
All Other Complaints	Complaints about policies, procedures or work practices	Complaints about the behaviour or decisions of staff other than an alleged serious breach of legislation, policy, procedure or contract.	Complaints that individuals have committed a serious breach of legislation, policy, procedure or contract.

5.9 Managing a Complaint

If possible, it is in the interests of all concerned that the complaint is resolved by informal resolution and without recourse to the formal procedures available.

For a complaint about a policy or procedure, organisational cultures, or similar issues, use the remedy and systems improvement procedure.

For a less serious complaint about a person, unsuitable for, or not resolved by informal resolution, use the negotiation procedure. The investigation procedure must be applied for a complaint about an employee, which, if proven, could amount to a serious breach under Industry standards.

5.10 Providing Support

The person managing the complaint is responsible for monitoring the well-being of all parties involved in or affected by the complaint. When there is a complaint, whether assessed to be serious or not, a variety of people may be affected by the complaint and the process related to it.

The person dealing with the complaint is responsible for monitoring the well-being of all parties involved in or affected by the complaint. Complaints that are not handled sensitively and with sufficient support

provided may result in illness or other disruption to the workplace. Consideration should be given to:

Support for the complainant, whose needs may vary according to whether the complainant is a student, parent or care-giver, employee or other person. The complainant can have a support person present at all meetings dealing with the complaint.

The respondent may need careful support and may be anxious of what might happen. The respondent can have a support person present at all meetings dealing with the complaint. It could be that others, indirectly involved, also need support.

Support for the person managing the process. This may include assistance with the process.

5.11 Employees in need of further assistance

Involved employees may experience difficulty in dealing with the complaints resolution process. In some cases, it may seem that an involved employee is suffering from a medical condition. If there is evidence of this at any time prior to or during the complaints process, it may indicate the need for an independent health assessment.

Employees may also need to be medically assessed to confirm that they are well enough to be involved in the complaints resolution process. This may apply, for example, where a staff member presents a medical certificate indicating unfitness due to stress, anxiety or depression. Options for managing such a situation should include referral the employee for a health assessment.

5.12 Support

Churchill Education recognises that there are times when those involved would like to be accompanied or assisted by another person during the Complaint and Appeals process.

We allow such assistance or support, but the cost of providing such support/assistance must be met by each respective party.

Churchill Education will not bear any cost in the provision of support or assistance in any form.

6. Informal Resolution

Informal resolution should be used to resolve any matter which is not identified as a special case and which is assessed as 'less serious', such as minor complaints and disputes.

There could be exceptions such as when one party is fearful or intimidated by the other party.

While managers have specific responsibilities for handling and attempting to resolve such matters, the complainant and the respondent also have a responsibility to resolve the problem and to seek and accept realistic outcomes.

Both parties need to be prepared to be conciliatory and recognise that resolution may require compromise on both sides. A mediation service might be considered.

This can be discussed with the relevant Manager.

The procedure that is suggested is that the parties be provided the opportunity to:

- state the cause of their concern
- exchange facts and beliefs
- clarify events
- listen
- apologise for any behaviour that may have distressed the other party
- explain their point of view
- consider the other person's point of view
- recognise that this is an opportunity to change behaviour that is perceived as unsuitable, or is

hurtful to another.

In such instances, a written record should be made of the issue and action. If this does not succeed, then the formal process may be used.

7. Formal Procedures

Any matter which is assessed to be 'less serious' should be resolved using informal resolution unless there is some reason why this approach is considered inappropriate. A formal procedure should only be applied in those situations where it is not appropriate or not possible to resolve a matter informally.

Formal procedures available are:

- Remedy and Systems Improvement Procedure
- Negotiation Procedure
- Investigation Procedure

7.1 Remedy and Systems Improvement

If the complaint is about a policy or procedure, organisational culture, or similar issues then it could be an opportunity for systems improvement.

Remedy is the action taken to correct or rectify a situation for an individual. This means addressing any claim that the complainant has been treated poorly or unfairly by the system.

Systems improvement is the process of improving a system to prevent future problems.

At times, remedy and systems improvement may arise out of complaints dealt with under either Negotiation or Investigation procedures.

7.2 Steps in the Remedy and Systems Improvement Procedure

This procedure applies whether or not the complaint is anonymous. The extent of record keeping can vary according to circumstance.

Step 1 – Assess if remedy and/or systems improvement is warranted

Step 2 – Immediate remedy

Step 3 – Refer matter to the manager

Step 4 – Refer matter to Chief Executive Officer

Step 5 – Assess if remedy and/or systems improvement is warranted

7.1.1 Step 1 – Assess if remedy and/or systems improvement is warranted

In some cases neither remedy nor systems improvement will be possible as the matter is covered by legislation or other government policy or procedures or due to resource limitations. In other cases, short term change is not possible but the suggestion or complaint could inform long term development. If so, explain this to the complainant.

7.1.2 Step 2 – Immediate remedy

If remedy and/or systems improvement is warranted, and the person receiving the complaint has authority to do so, then remedy the problem if possible within 20 working days of receipt and notify the complainant.

Keep the Chief Executive Officer informed of the problem and the action taken.

Manage implements systems improvement if needed.

7.1.3 Step 3 – Refer matter to the manager

If improvement action is warranted but not possible at the previous step due to lack of delegated authority, refer the complaint to the manager responsible for the system, program or policy, advising the complainant.

If possible that person will:

- Remedy and notify complainant within 20 working days of receipt , and
- Implement systems improvement if needed.

7.1.4 Step 4 – Refer matter to Chief Executive Officer (CEO)

If there appears to be good grounds for a change to the system, program or policy but this is not possible at the previous step due to lack of delegated authority, refer the matter to the CEO.

If possible, that person will:

- Remedy and notify complainant within 20 working days or advise complainant of proposed action.
- Implement systems improvement if needed.

Timeframes are indicative to assist prompt action. Where possible they should be adhered to or bettered, but can be extended when there is good reason. Advise the complainant if longer timeframes are required.

7.3 Possible Outcomes

Remedy may involve one or more of the following:

- Providing explanation and reasons if not previously provided
- Dismissing the complaint, e.g. If the decision accords with legislation or government policy or related workplace policy or procedure
- Concluding that the complaint has been substantially resolved
- Reaching a compromise solution
- Upholding the complaint and implementing specific action such as overturning a decision, giving an apology or providing a service not previously provided
- Addressing or referring the issue for system improvement.
- Systems improvement may involve one or more of:
 - Referral for consideration of policy change
 - Policy development or revision
 - Process improvement (i.e. Changes to procedures and workplace practices)
 - Program review
 - Expert assistance, staff development or performance improvement
 - Improved implementation (e.g. Issuing updated documentation or reminders)
 - Monitoring compliance
 - Terminating agreement with sales agent, agent and/or contractor
 - Other action to ensure that the matter is handled appropriately in future.

8. Investigation

8.1 Investigation Procedure

The decision that an investigation will take place can only be made by a manager or Chief Executive Officer. It may require the assignment of an investigator who reports back to the manager or Chief Executive Officer.

The purpose of an investigation of a complaint is to establish and document relevant facts, reach appropriate conclusions based on the available evidence, and determine a suitable response. The nature and scope of the investigation required in response to a complaint will depend on the circumstances of each case and any relevant statutory requirements.

An investigation should incorporate the following four principles:

1. Procedural fairness for both complainant and respondent
2. Timeliness to ensure that opportunity for further misconduct and the potential for bitterness is minimised
3. Confidentiality for all parties, where practicable and appropriate
4. Meticulous recordkeeping, including recording of reasons for all significant investigation related decisions. This procedure may result in a recommendation that remedial or disciplinary action be considered.

8.2 Steps in the Investigation Procedure

Step 1 – Complaint recipient refers the matter to the Chief Executive Officer or manager, who refers it to the appropriate delegate.

Step 2 – Delegate considers the matter and determines whether or not a coordinated approach is needed.

Step 3 – Delegate checks for previous action re the complaint.

Step 4 – If appropriate, delegate commences investigation or appoints an investigator to do so.

Step 5 – Investigation is conducted.

Step 6 – On receiving the Investigation Report, Delegate takes action and provides advice as needed.

8.2.1 Step 1 – Refer matter to appropriate delegate

Obtain or put the complaint or allegation in writing or provide or arrange assistance (e.g. an interpreter) to enable the complaint to be set out in writing. Have the complainant sign and date the complaint (if possible). As oral complaints are accepted, the person receiving an oral complaint or allegation (e.g. by telephone) should set it out in writing.

The person receiving the complaint or allegation refers the matter to Chief Executive Officer or manager who refers it to the appropriate delegate as soon as possible.

8.2.2 Step 2 – Co-ordination

Where a set of allegations appears to require the attention of more than one specialist group, then a decision is made whether:

- The allegations should be split and assigned to separate parties who will investigate and report separately
- A multi-disciplinary team should be formed to investigate and report in a coordinated manner, or
- One party should conduct the investigation on behalf of the other parties.

Similarly, if multiple complaints are received concerning similar incidents involving the same person or workplace, then co-ordination will be required.

Immediate action should be taken to identify one delegate best able to manage the matter and other parties should be notified of that decision. Procedures must be put in place to ensure that all parties are aware of their roles and that they liaise with the coordinator. It will be the responsibility of the coordinator to ensure that there is consistency, that all elements are considered and that the final report to the delegate provides a holistic view.

8.2.3 Step 3 – Consider previous action

Action should include checking for previous investigations or management action regarding the complaint. Procedures to prevent the unknowing re-opening of a previously closed matter should include:

- being alert to the time elapsed since the events in question
- checking records systems

8.2.4 Step 4 – Initiate investigation

- Confirm that investigation is the appropriate procedure and that special cases do not apply.
- Acknowledge the complaint or allegation in writing.

8.2.5 Step 5 – Investigation is conducted

Once Investigation has been completed, the next step is implemented.

8.2.6 Step 6 – Action to be taken

Upon receipt of the completed investigation report the manager or Chief Executive Officer will:

- Consider the report and recommendations. If recommendations are accepted, the delegate will implement those within their delegation and refer other recommendations, as appropriate. Other recommendations should be discussed with relevant parties and outcomes documented.
- Notify complainant/person making allegation of the outcome, within 10 working days, providing reasons for the decision reached.
- Ensure that there is a process in train to notify the respondent of the outcome.
- Store file securely, in accord with filing and record keeping requirements.

Possible Outcomes Following Investigation

- No further action
- Staff disciplinary action
- Staff remedial action, including being placed on a performance improvement program
- Sanctions
- Termination of agreement
- Remedy and/or systems improvement
- Referral for police action
- Referral to industry body/association, governing authority

Disciplinary action may include:

- Dismissal
- Restricted access to scope of registration
- The withholding of payments until certain actions have been taken

Remedial action may include:

- Requirement to attend to certain remedial actions
- A caution or reprimand
- Counselling
- Training and development
- Monitoring conduct or performance
- Implementing a plan addressing unsatisfactory performance
- The issuing of a warning that certain conduct is unacceptable or that performance is not satisfactory
- Any other action of a similar nature

9. Appeal

The complainant and other parties must be advised of the ability to seek an Appeal of the decision and the timeframe for doing so when notified of the outcome of the complaint. A complainant can request an appeal or review if they are dissatisfied with the outcome of their complaint.

There are two grounds for seeking an Appeal namely:
incorrect use of the complaint procedure to the detriment of the complainant and/or
the outcome/decision is unreasonable, inconsistent, made without obvious relationship to the facts or
circumstances or is irrational.

9.1 Internal Appeal

If the complainant is dissatisfied with the outcomes of their complaint, they may lodge an Internal Appeal. There is no cost to lodging an Internal Appeal. Appeals should be lodged in writing and directed to the Director within 14 days from receipt of the outcome of the complaint.

The Director will either deal with the issue personally or arrange for it to be dealt with by an appropriate management representative or committee who have not been involved with the complaint. If the Director should be excluded on the grounds of conflict of interest or perception of partiality, the Chief Executive Officer will nominate an appropriate alternative person to deal with the appeal.

At no time will the person who dealt with the initial complaint be part of the Appeal committee. The internal appeal process will commence within 48 hours from the time the Director receives written notification from the complainant expressing their dissatisfaction/appeal. The complainant will receive written notice that their appeal is being reviewed.

The person or committee conducting the Appeal shall:

- Review all relevant material
- Make further inquiries, if necessary
- Make a determination, if possible, within 15 working days of receipt. If the decision is delayed, advise the complainant, with reasons
- Advise parties in writing of the decision and the reasons for the decision
- Meet with the parties, if required
- Determine whether further action is necessary if meetings with the parties are held, the parties may have a support person present.

All parties involved will receive a written statement of the outcomes, including reasons for the decision within 14 days of the appeal being lodged. If the process will take longer than 60 days from the appeal being received, the complainant will be notified in writing of the reason for the delay and kept informed about the ongoing progress both in writing and through phone contact.

All parties are also advised of the availability of an External Appeals process.

9.2 External Appeal

Should the issue still not be resolved to the complainant's satisfaction, they may lodge an External Appeal by contacting the National Training Complaints Hotline on 13 38 73.

Such external bodies will charge a fee to consider such appeals.

The purpose of the external appeals process is to consider whether Churchill Education has followed its Student Complaints and Appeals Procedure. It is not to make a decision in place of Churchill Education's decision.

For example, if a student appeals against his or her assessment results and goes through Churchill Education's internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.

Following receipt of the outcome of the external appeal, Churchill Education will immediately implement the decision and convey the outcome to the complainant and other involved stakeholders.

If an appeal is against Churchill Education's decision to defer, suspend or cancel a domestic student's enrolment due to misbehaviour, Churchill Education only needs to await the outcome of the internal

appeals process (supporting the provider) before implementing its decision to change the student's enrolment status.

10. Recording of Complaints & Appeals

Complaints and Appeals will be recorded and reviewed regularly to identify systemic or recurring instances and to identify opportunities for continual improvement. This will allow Churchill Education to eliminate or mitigate the likelihood of reoccurrence, enabling us to constantly improve our service to stakeholders.

All documentation regarding complaints should be placed on the official Complaints Register.

Documentation regarding complaints shall be retained in perpetuity.

An annual submission of the Register of Complaints should be reported to the CEO and will include:

- Number of complaints received; and where appropriate,
- Amount of time taken to resolve the complaints; and
- Service improvements made as a result of the complaints received.

11. Version Control

Version No	Approval Date	Authorised By	Sections Modified and Summary of Changes
2.0	30/05/2016	CEO	Appeals section modified Added Internal & External Appeals Recording of Complaints modified
3.0	29/01/2020	CEO	Removed references to training, added references to RPL & Corporate Training.