

TPOL-04 Complaints and Appeals Policy

1. Purpose

St John Ambulance Australia is dedicated to delivering quality training in line with Standards for Registered Training Organisations (SRTOs 2015). The organisation has established policies and procedures to address allegations related to staff, participants, and third-party providers.

This policy aims to maintain fair and reasonable training services, providing a platform for addressing issues and resolving complaints efficiently and effectively.

The primary objective is to ensure professional conduct among St John Ambulance Australia staff, offering participants a clear complaint registration process while keeping all parties informed of ensuing actions and outcomes. This organization-wide approach to managing complaints and appeals in vocational education and training emphasizes consistency, systematization, and responsiveness. Feedback and complaints are seen as opportunities to enhance knowledge and identify trends, contributing to continual improvement in the organization's operations.

2. Policy Statement

St John Ambulance Australia (SJAA) is committed to the highest standards of education and professional services and providing an effective, efficient, timely, fair, and confidential process for managing, responding to, and resolving complaints and appeals.

St John Ambulance Australia acknowledges the participants' right to lodge a complaint/appeal when they are dissatisfied with the training and /or assessment services and experiences provided by St John Ambulance Australia.

St John Ambulance Australia will ensure that participants have access to a fair and equitable process for expressing complaints, and that St John Ambulance Australia will manage the complaint with fairness and equity.

In doing so, St John Ambulance Australia:

- a) has written procedures in place for collecting and managing complaints in a constructive and timely manner.
- b) ensures that these procedures are communicated to all staff, third party partners and participants.
- c) ensures that all necessary documentation and resources are in place to enable participants to submit a complaint and appeal.
- d) ensures that each complaint/appeal and its outcome is recorded in writing; and

- e) ensures that participant complaints/appeals and their outcomes are fed into continuous improvement initiatives.
- f) ensures that each appeal is heard by an independent person or panel.
- g) ensures that each appellant has the opportunity to formally present his or her case.
- h) ensures that each appellant is given a written statement of the appeal outcomes, including reasons for the decision.
- i) takes appropriate action upon the subject of any appeal that is found to be substantiated; and
- j) utilizes outcomes of appeals to review current practices which may potentially lead to continuous improvement.

3. Definitions

The following words and expressions have the following specific meaning, as in the Standards for Registered Training Organisations (RTOs) 2015:

ASQA: Australian Skills Quality Authority.

Appeal: A dispute related to an assessment decision made by SJAA or a third-party providing assessment on behalf of SJAA.

Appeals Process: A process whereby a participant may dispute an assessment decision made by SJAA.

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.

Complaint: An expression of dissatisfaction or concern raised in relation to any aspect of SJAA's training, assessment, and related services, including both academic and non-academic matters.

- Academic matters include but are not limited to issues which relate to participant progress, attendance, assessment, course content or awards in a VET course of study.
- Non-academic matters include, but are not limited to, the general performance or decisions of the RTO, its trainers, assessors, other staff or third parties in the delivery of products or services, such as financial matters (fees, refunds, and payment terms) staff and participant behaviour or conduct, management of personal information, or facilities and resources. Non-academic matters do not include matters related to the subject or topic content of training and assessment, and assessment decisions.

Complainant: Any stakeholder (which may include but not be limited to a participant, trainer/assessor, employer, regulator, industry body or their representative), or any other relevant person who makes a complaint about any aspect of SJAA's training, assessment, and related services.

Complaints Process: A process by which a SJAA participant, member, potential participant, or other interested party, may raise a concern about SJAA's trainers/assessors, training and

assessment resources, policies, procedures, or services with a view to having them changed and improved.

Services: Services include training, assessment, related educational and support services and/or activities related to the recruitment of prospective participants. It does not include services such as participants counselling, mediation, or ICT support.

Standards: Standards for Registered Training Organisations (RTOs) 2015. The Standards are part of the VET Quality Framework

Third Party: An organisation that delivers training and assessment or provides other services on behalf of SJAA.

RTO: Registered Training Organisation. RTOs include entities registered by ASQA and other bodies in a non-referring State that is responsible for registration of training organisations under VET legislation for that State.

4. Scope

This policy and its associated procedure apply to:

- all participants - including potential participants - enrolled or seeking to enrol in a vocational education and training course of study with SJAA, or with third-party organisations delivering training, assessment, and related services on behalf of the SJAA registered training organisation.
- all SJAA staff and other persons involved in responding to complaints and appeals from participants and other stakeholders.

The policy applies to grievances, complaints and appeals arising between parties including participant-to-participant, participant-to-staff member, or participants involved in SJAA approved work or vocational placement activities.

5. Policy Principles

In managing complaints and appeals, St John Ambulance Australia will ensure that:

5.1 Principles

1. All prospective participants are provided with information about the SJAA RTO's complaints, appeals policy, and procedures before they enrol in SJAA accredited training. This information is also publicly available in the St John Ambulance Australia Participant Handbook, downloadable from the St John Ambulance Australia website.
2. Participants have the right to appeal assessment decisions if they believe they were treated unfairly or if they have grounds to dispute the decision.

3. The principles of natural justice and procedural fairness are applied throughout the entire complaints and appeal process.
4. Complaints and appeals are treated seriously, handled promptly, impartially, sensitively, and confidentially and do not affect the participant's progress in training. There is a defined procedure for making complaints and appeals.
5. All participants have the right to express concerns, problems, or lodge complaints about training, assessment services, or participant conduct.
6. All complaints and appeals are acknowledged in writing and finalised promptly.
7. Complaints and appeals must be lodged in writing within fourteen (14) calendar days of the incident or assessment result notification, unless there are extenuating circumstances that may have prevented lodgment of the complaint /appeal.
8. St John must acknowledge receipt of a complaint or appeal within 7 business days of receipt.
9. The National RTO Compliance Manager of St John Ambulance Australia must be informed of receipt of all complaints/appeals immediately.
10. The National Training Manager of St John Ambulance Australia may delegate responsibility for the resolution of the complaint.
11. The complaint resolution procedure involves consultation with the complainant and respondent, prioritizing discussion, cooperation, and conciliation.
12. The rights of both the complainant/appellants and respondent are protected throughout the resolution process, including separate initial interviews.
13. To maintain confidentiality, involvement in the resolution process is minimise.
14. Final decisions are made by the National Training Manager of St John Ambulance Australia or an independent party.
15. The complaint resolution procedure emphasizes mediation and education, recognizing that formal procedures and disciplinary action may be needed.
16. If the complaint process fails, an independent third party may review the matter, with costs communicated to the complainant.
17. Complaints and appeals, where possible, are to be resolved within thirty (30) calendar days of the initial application.
18. If a complaint/appeal takes more than 60 calendar days, the participant is informed in writing with reasons provided and regular updates.
19. If the appeal is not resolved satisfactorily, an independent third party may review the matter, with costs communicated to the appellant.
20. Independent assessors or panels hear each appeal, providing an impartial assessment.
21. Victimisation during the complaint resolution process is not tolerated.

22. All complaints are handled with staff confidentiality and do not impact on the participant's progress in training.
23. All complaints and appeals received by SJAA will be viewed as an opportunity for improvement to improve the quality of SJAA services. All complaints and appeals will be reviewed and analysed periodically by the National Training Team to identify opportunities for action or improvements with respect to policies, procedures, and practices.
- 24.

5.2 Types of complaints

A complaint may include allegations involving the conduct of:

- a) St John Ambulance Australia, its trainers, assessors, or other staff; or
- b) A third-party providing services on behalf of St John Ambulance Australia, its trainers, assessors, or other staff; or
- c) A participant of St John Ambulance Australia.

5.3 Grounds for Appeal

Valid grounds for an appeal against an assessment decision (where the participant feels the assessment decision is incorrect) could include the following:

- a) The judgement as to whether competency has been achieved and demonstrated was made incorrectly.
- b) The judgement was not made in accordance with the Assessment Plan.
- c) Alleged bias of the assessor.
- d) Alleged lack of competence of the assessor.
- e) Alleged wrong information from the assessor regarding the assessment process.
- f) Alleged inappropriate assessment process for the competency.
- g) Faulty or inappropriate equipment; and/or
- h) Inappropriate conditions.

5.4 Complaint Outcomes

An investigation into Complaint may result in one of the following outcomes:

- a) Complaint is upheld; in this event:
SJAA will address the concerns raised by the complainant and ensure that their grievance is appropriately resolved.
- b) Complaint is rejected/not upheld; in accordance with St John Ambulance Australia policy:
The original decision stands, and the complainant will be informed of the outcome along with any reasons for the decision.
The complainant may have the option to pursue further avenues of resolution if they disagree with the complaint outcome.

5.5 Appeal Outcomes

An investigation into an Appeal may result in one of the following outcomes:

- a) Appeal is upheld; in this event the following options will be available:
 - i. The original assessment will be reassessed, potentially by another assessor.
 - ii. Appropriate recognition will be granted.
 - iii. A new assessment shall be conducted/arranged.

- b) Appeal is rejected/ not upheld; in accordance with St John Ambulance Australia assessment policy the participant will be required to:
 - i. undertake further training or experience prior to further assessment; or
 - ii. re-submit further evidence; or
 - iii. submit/undertake a new assessment.

6. St John Ambulance Australia Responsibilities

The National Training Manager will be responsible to manage complaints in consultation with National RTO Compliance Manager of St John Ambulance Australia who is the Complaints Resolution Officer. The National Training Manager may delegate responsibility for the resolution of the complaint if necessary.

Details concerning the scope of the Complaints and Appeals Policy are to be clearly displayed throughout the organisation and contained within the Staff Induction Process, Participant Handbook and St John Ambulance Australia website.

7. Complaints and Appeals Process

All complaints and appeals shall follow the below process:

- a) Complaints and appeals are to be made in writing within fourteen (14) calendar days of the incident or notification of the assessment decision using the Complaints and Appeals Form. Where the complaint/appeal is lodged via email this will be captured in the form and documented by the National RTO Compliance Manager.
- b) Appeals against an assessment decision made by SJAA, including any third party, must be lodged by a SJAA participant within 14 days of having been notified of the assessment decision, unless there are extenuating circumstances that may have prevented lodgment of the appeal. In the case of appeals against assessment decisions, the local State or Territory Training Manager initially reviews the decision and the evidence used to make the decision. The assessor and the participant are interviewed separately to find out whether there is any relevant information not contained in the participant's file.
- c) All participants involved in any training or assessment activity conducted by SJAA or a third party have the right to seek redress if they believe that they have been treated unfairly or if they are not satisfied with any of the training or assessment activities or methods.

- d) A submitted complaint and appeals form will constitute a formal complaint/appeal from the participant. Further details of the complaint/appeal can be provided by the participant verbally.
- e) The National RTO Compliance Manager of St John Ambulance Australia must be informed of receipt of all complaints/appeals immediately.
- f) The National Training Manager of St John Ambulance Australia may delegate responsibility for the resolution of the complaint.
- g) In the case of a complaint, the National Training Manager of St John Ambulance Australia will initiate a transparent, participative investigation to identify the issues.
- h) Complaints and appeals will be processed in accordance with the Complaints and Appeals flowchart - Annex A & B.
- i) St John will aim to acknowledge receipt of a complaint or appeal within seven (7) business days of receipt.
- j) Complaints and appeals, where possible, are to be resolved within thirty (30) calendar days of the initial application.
- k) If a complaint or appeal (including any review process) takes more than 60 days to finalise, the complainant will be notified further explaining the cause of delay.
- l) In all cases the conclusion will be assessed by the National Training Manager of St John Ambulance Australia.
- m) If the outcome is not to the satisfaction of the Participant, they may seek an appointment with the National Training Manager of St John Ambulance Australia.
- n) If the participant is not satisfied with the decision, they have the option to seek outside assistance to pursue the complaint/appeal.
- o) All complaints and appeals received by SJAA will be viewed as an opportunity for improvement to improve the quality of SJAA services. All complaints and appeals will be reviewed and analysed periodically by the National Training Team to identify opportunities for action or improvements with respect to policies, procedures, and practices.
- p) If the person who lodged a complaint or appeal with a third-party organisation delivering services on behalf of SJAA remains unsatisfied with the outcome or any decision made regarding their complaint or appeal, they may raise their complaint or appeal with SJAA's National Training Manager.
- q) All complaints and appeals are recorded in a register that includes relevant details to allow analysis of matters over time and identify any common factors that may need action.
- r) Complainants with complaints about fees and refunds, who remain dissatisfied with the outcome of SJAA's complaint resolution process, will be referred to their State/Territory consumer protection agency.

8. Legislation

- National Vocational Education and Training Regulator Act 2011
 - Sections 21, 22, 22A
- Standards for Registered Training Organisations (RTOs) 2015
 - Standard 6: Clauses 6.1, 6.2, 6.3, 6.4 and 6.5.

9. Records Management and Associated Documents

All documentation regarding complaints concerning Access and Equity matters is maintained in accordance with the Records Management Policy. (See Records Management Policy)

- Training and assessment strategies
- Training and assessment resources
- Participant Handbook
- TAE Course Handbook
- Complaints and Appeals Lodgment Form
- Complaints and Appeals Progress Form
- Complaints and appeals register
- Continuous Improvement register
- Complaints and Appeals procedure
- Third parties' procedure for managing complaints and appeals.
- SJAA and St John State and Territory Associations websites.

10. Monitoring and Improvement

All complaints and appeals practices are monitored by the National Training Manager of St John Ambulance Australia and areas for improvement identified and acted upon. (See Continuous Improvement Policy)

11. Review

The policy will be reviewed every year by the National Training Manager. Triggers for additional reviews outside of the annual cycle may include, but not be limited to:

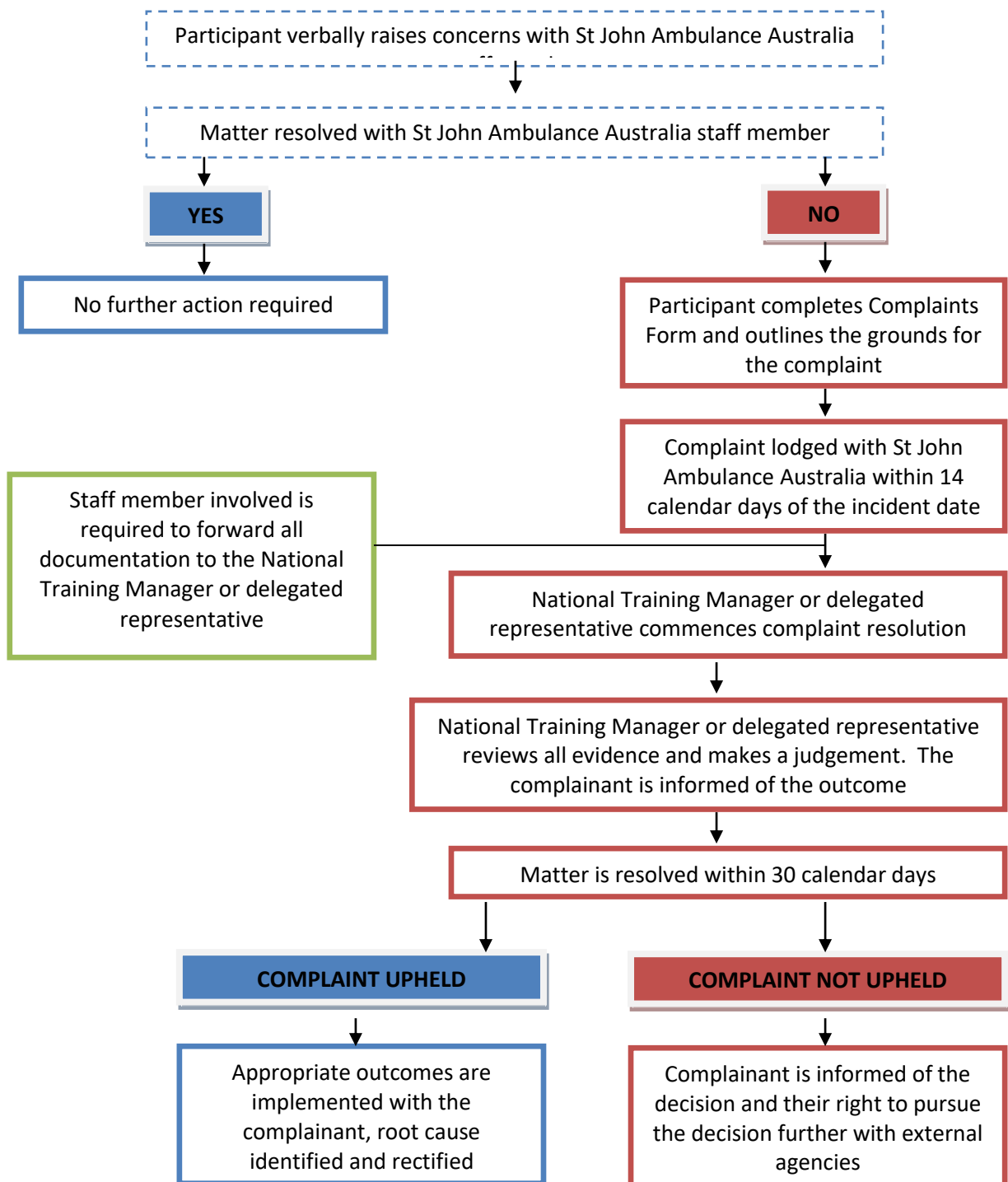
- Changes to business activity relating to this policy.
- New business activities impacting on this policy.
- Changes to internal controls relating to this policy.
- Changes to legislative and/or regulatory requirements.
- Legal advice received by SJAA indicating need for update or amendment.

12. Version History

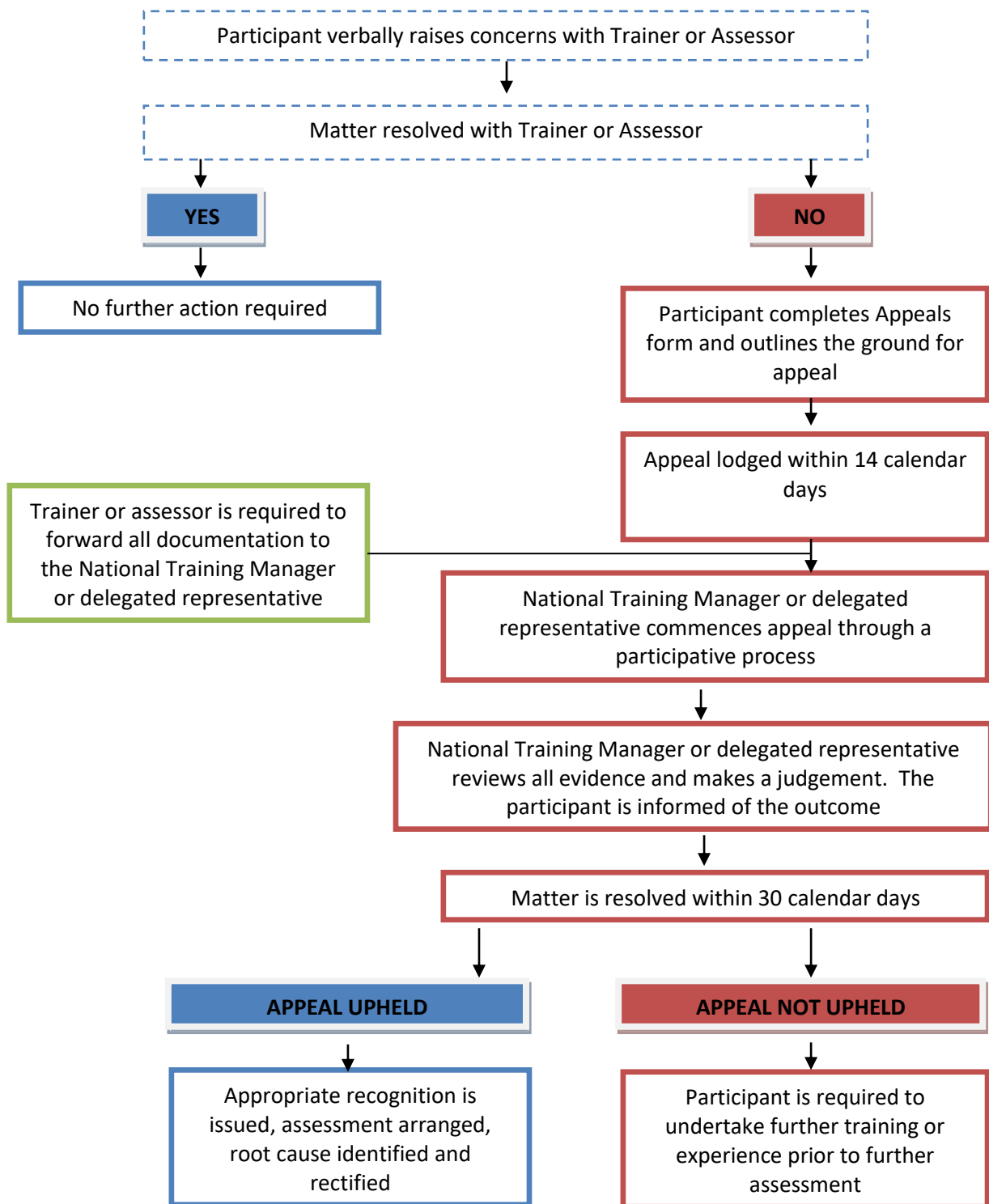
| Version No | Date | Changes | Approved by |
|------------|--------------|---|------------------|
| 2020V1 | March 2020 | <ul style="list-style-type: none"> - Template updated: Policy statement, purpose, scope, definitions, policy, responsibility, associated documents, review date and version history fields added. - Complaints and appeals are further referred to as Academic and Non-Academic matters. Added in definitions section and in bullet point 3 of the policy. - Added bullet point 6 SJAA will ensure complaints and requests for an appeal are acknowledged in writing and finalise within 30 days where possible. - Added bullet point 7 If a complaint or appeal (including any review process) takes more than 60 days to finalise, the Complainant will be notified further explaining the cause of delay. - Added bullet point 7 Appeals against an assessment decision made by SJAA, including any third party, must be lodged by a SJAA participant within 5 working days of having received the assessment decision. In the case of appeals against assessment decisions, the training manager initially reviews the decision and the evidence used to make the decision. The assessor and the participant are interviewed separately to find out whether there is any relevant information not contained in the participant's file. - Added bullet point 12 If the Complainant is not satisfied with the outcome, they may request the matter be referred to an external dispute resolution process by a body appointed for this purpose by SJAA. <p>Added bullet point 14 All complaints and appeals are recorded on a complaint register that includes relevant details to allow analysis of matters over time and identify any common factors that may need action.</p> | Steve Van Gerwen |
| 2020V2 | October 2022 | <ul style="list-style-type: none"> - Legislative context references added - Amendments to content to reflect and align with (i) current practice in managing and responding to complaints and appeals, and (ii) information contained in the current SJAA Participant Handbook. - Rewording of Review Date and potential review triggers. | Mark Molloy |
| 2024 V1.0 | January 2024 | <p>This Policy is updated to reflect the following:</p> <ul style="list-style-type: none"> - Update the document as per SJAA style guide. - Merged complaints and appeals policy and procedure to have consolidated approach and response time. - Added information in line with SRTOs and updated definition section as per SJAA practice. - Update the policy to reflect SJAA principles and | |

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| | | responsibilities including- SJAA, staff, contractor, and participant responsibilities. - Reset the version control to 1.0 since implementation of NovaCore Platform. | |
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ANNEX A: Complaints Process



ANNEX A: Appeals Process



Complaints Procedures

STEP 1 – Initial Review of Complaint

| No. | Who | Actions |
|-----|--------------------|--|
| 1.1 | Participant | a) Raises the concern with St John Ambulance Australia staff. |
| 1.2 | Staff | a) Attempt to resolve the complaint immediately. |
| 1.3 | Staff | a) If the matter is successfully resolved, complete the “ Complaints and Appeals Lodgement Form ” and submit to Admin for processing. b) If the matter is not resolved, advise Participant of their right to make a formal complaint referring them to the Complaints policy. c) Provide Participant with access to the “ Complaints and Appeals Lodgement Form ”. |
| 1.4 | Admin | a) Enter details of Complaint into Student Management system (SMS) b) Enter details of Complaint into Complaints and Appeals Register . c) Note actions on “ Complaints and Appeals Lodgement Form ”. d) Notify Director of the resolved Complaint. e) File “ Complaints and Appeals Lodgement Form ” (if appeal resolved) onto Participant file. |

STEP 2 – Lodgement of Complaint

| No. | Who | Actions |
|-----|--|---|
| 2.1 | Participant | a) Lodges a complaint in writing using the “ Complaints and Appeals Lodgement form ”. b) Submits within fourteen (14) days of the date of the issue. |
| 2.2 | Admin | a) Enter details of complaint into Complaints and Appeals Register . b) Note actions on “ Complaints and Appeals Lodgement Form ”. c) Print and commence “ Complaints and Appeals Progress Form ”. d) Provide all documentation to National RTO Compliance Manager for action. |
| 2.3 | National RTO Compliance Manager | a) On receipt of the complaint documentation, acknowledge receipt of the claim, in writing, to the participant within two (2) working days, this may be via email. b) Keep all documentation in a Complaints file, which will remain in place until the complaint is resolved. After which time all complaints documentation will be placed on the Participant file. |

STEP 3 – Processing the Complaint

| No. | Who | Actions |
|-----|--|---|
| 3.1 | National RTO Compliance Manager | a) Will contact National Training Manager and notify of the complaint/appeal received. b) Implement appropriate resolution techniques in consultation with National Training Manager to resolve the issue promptly to the mutual satisfaction of all parties. c) Inform any respondent(s) (if applicable) by letter/email, that a complaint has been received. This letter will be forwarded within 2 |

Complaints Procedures

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| | | (two) working days of receipt of the original formal complaint. |
| 3.2 | National RTO Compliance Manager | <ul style="list-style-type: none"> a) Review, investigate and mediate to resolve the complaint within thirty (30) days. Actions which may be taken include, but are not limited to: <ul style="list-style-type: none"> i. Discussing the facts of the complaint with the complainant. ii. Where appropriate and applicable, discuss the complaint with the respondent giving details of the complaint and complainant, giving cause to procedural fairness. iii. Where appropriate and applicable, encourage and facilitate the disputants to engage in mediation on an informal level. iv. Interview all parties individually, including any witnesses. v. Conduct interviews privately and confidentially vi. Where applicable, report the outcome of the meeting with the respondent to the complainant. vii. Seek preferred outcome from each of the parties. |
| 3.3 | National RTO Compliance Manager | <ul style="list-style-type: none"> a) Determine a resolution to resolve the complaint, within St John Ambulance Australia policies. b) Advise all parties of the outcome of the complaint in writing, within five (5) working days. |
| 3.4 | National Training Manager | <ul style="list-style-type: none"> a) Confirm all parties are satisfied with the outcome of the complaint. b) If Participant is dissatisfied with outcome, advise the Participant of their right to further progress the appeal through the External Arbitrator. (See to Step 5) c) Note actions on "Complaints and Appeals Progress Form". |

STEP 4 – Finalising the Complaint

| No. | Who | Actions |
|-----|--|---|
| 4.1 | National RTO Compliance Manager | <ul style="list-style-type: none"> a) Complete all necessary documentation including the "Complaints and Appeals Progress form", noting actions and outcomes of the complaints resolution process. b) Place all documentation in the client's complaints file and provide to admin for completion. c) Implement agreed actions and /or administrative arrangements. d) Monitor the learning environment to ensure that the behaviour/incident does not re-occur. |
| 4.2 | Admin | <ul style="list-style-type: none"> a) Enter details of complaint outcome into Student Management system (SMS) b) Enter details of complaint outcome into Complaints and Appeals Register. c) Note actions on and complete the "Complaints and Appeals Progress Form". d) Place all documentation from complaint file onto Participant file. |
| 4.3 | National RTO Compliance Manager | <ul style="list-style-type: none"> a) Ensure that the issue, policy and procedures relating to any substantiated complaint is reviewed and progressed through continuous improvement processes, as appropriate |

Complaints Procedures

STEP 5 – Referral to External Arbitrator

| No. | Who | Actions |
|-----|---|---|
| 5.1 | National RTO Compliance Manager or Participant | <ul style="list-style-type: none"> a) Contact and engage the External Arbitrator for a review of the complaint, providing all relevant documentation. b) Cooperate with External Arbitrator for a review of the complaint. |
| 5.2 | External Arbitrator | <ul style="list-style-type: none"> a) Review, investigate and mediate the complaint with all relevant parties and make a ruling. b) Prepare a formal written report on the investigation, providing a copy to both Director St John Ambulance Australia and complainant. c) St John Ambulance Australia will abide by any resolutions as recommended by the External Arbitrator. |
| 5.3 | National RTO Compliance Manager | <ul style="list-style-type: none"> a) If the complaint is upheld, go to Step 4.1. |
| 5.4 | National RTO Compliance Manager | <ul style="list-style-type: none"> a) If the complaint is rejected notify the complainant in writing that the original decision is to stand. b) Go to Step 4.1. |