

LEADERSHIP
MANAGEMENT
AUSTRALIA



Complaints and Appeals Policy and Procedure

Leadership Management Australia

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1. PURPOSE

- 1.1 The purpose of this policy and procedure to outline Leadership Management Australia's Pty Ltd (LMA) approach to managing dissatisfaction, formal complaints, and appeals of assessment decisions lodged by Participant and/or fellow Participants undertaking our programs. It provides a transparent approach for all complaints and appeals to be addressed in a fair, efficient and confidential manner.
- 1.2 LMA is committed to providing quality training and assessment services to Participants and their employers. We value feedback from Participants, staff and employers as an opportunity for continuous improvement. Any person who is dissatisfied with the services delivered by LMA, our staff and/or third parties on our behalf, is encouraged to raise the issue at the earliest opportunity to enable it to be addressed promptly.
- 1.3 This policy and procedure ensure compliance with Standard 6 of the Standards and applicable State and Territory Funding Contract requirements.

2. Definitions

ASQA means Australian Skills Quality Authority, the national VET regulator and the RTO's registering body

Appeal means a request for an assessment decision made by LMA to be reviewed

DET means Department of Education and Training

Complaint means a person's formal expression of dissatisfaction with any product or service provided by LMA.

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

Standards means the Standards for Registered Training Organisations (RTOs) 2015 from the VET Quality Framework

3. POLICY

3.1 Quality Training and Assessment Services

- 3.1.1 LMA is committed to providing quality training and assessment services to Participants and their employers. We value feedback from Participants, staff and employers as an opportunity for continuous improvement. Any person who is dissatisfied with the services delivered by LMA, our staff and/or third parties on our behalf, is encouraged to raise the issue at the earliest opportunity to enable it to be addressed promptly.
- 3.1.2 LMA's process for the settlement of complaints is underpinned by the principles of natural justice and procedural fairness. Complaints are responded to in a fair and unbiased way and those who are involved in the complaint are informed of the allegations and given an opportunity to present their side of the matter.
- 3.1.3 LMA's complaint policy and procedure is available available on the website.
- 3.1.4 In the first instance, the complaint should be managed informally, by the parties involved

and the Learning & Delivery Quality Manager. If the complaint is unable to be resolved to the satisfaction of the parties through the informal process, a formal written complaint may be lodged with the National Quality and Compliance Manager (NQ&CM).

3.1.5 Formal complaints will be investigated and dealt with in a reasonable timeframe and the outcomes documented. All parties to the complaint will have the opportunity to present their position and may nominate a support person to assist in presenting their position.

3.1.6 If a complainant is dissatisfied with the outcome of a formal complaint, the complainant can formally appeal the outcome. The complaint will then be referred to an appropriate independent arbitrator (such as an independent VET consultant) for appeal.

3.1.7 LMA agrees to abide by the decision of the independent arbitrator.

3.2 Nature of complaints and appeals

3.2.1 LMA responds to all allegations involving the conduct of:

- LMA, its Facilitators/trainers and assessors and other staff
- Any third-party providing services on behalf of LMA
- Any Participant or client of LMA.

3.2.2 Complaints may be made in relation to any of LMA's services and activities such as:

- The application and enrolment process
- Marketing information
- The quality of training and assessment provided
- Training and assessment matters, including participant progress, participant support and assessment requirements
- The way someone has been treated
- The actions of another Participant.

3.2.3 An appeal is a request for a decision made by LMA to be reviewed. Decisions may have been about:

- Course admissions
- Refund assessments
- Response to a complaint
- Assessment outcomes / results
- Other general decisions made by LMA.

3.3 Principles of resolution

3.3.1 LMA is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, LMA ensures that complaints and appeals:

- Are responded to in a consistent and transparent manner
- Are responded to promptly, objectively, with sensitivity and confidentiality
- Are able to be made at no cost to the individual
- Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.

3.3.2 LMA will inform all persons or parties involved in any allegations made as well as

providing them with an opportunity to present their side of the matter.

- 3.3.3 Nothing in this policy and procedure limits the rights of an individual to take action under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.

3.4 Timeframes for resolution

- 3.4.1 Complaints and appeals will be finalised as soon as practicable or at least within 30 calendar days unless there is a significant reason for the matter to take longer. In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated weekly on the progress of the matter until such a time that the matter is resolved.

3.5 Records of complaints and appeals

- 3.5.1 LMA will maintain a record of all complaints and appeals and their outcomes on the *Complaints and Appeals Register*, which will be securely stored according to the Privacy Policy and Procedures.

3.6 Making a complaint or appeal

- 3.6.1 Complaints about a particular incident should be made as soon as possible after the incident occurring and appeals must be made within thirty (30) calendar days of the original decision being made.

- 3.6.2 Complaints and appeals should be made in writing using the *Complaints and Appeals Form*, or other written format and sent to LMA's head office at 6A university Place Clayton Vic 3168 attention to the NQ&CM.

- 3.6.3 When making a complaint or appeal, provide as much information as possible to enable LMA to investigate and determine an appropriate solution. This should include:

- The issue you are complaining about or the decision you are appealing – describe what happened and how it affected you
- Any evidence you have to support your complaint or appeal
- Details about the steps you have already taken to resolve the issue
- Suggestions about how the matter might be resolved.

- 3.6.4 Your complaint or appeal will be acknowledged in writing within 3 business days and action will be taken towards addressing the complaint and appeal within 7 business days.

3.7 Resolution of complaints and appeals

- 3.7.1 Some or all members of the management team of LMA will be involved in resolving complaints and appeals as outlined in the procedures.

- 3.7.2 Where a complaint or appeal involves another individual or organisation, they will be given the opportunity to respond to any allegations made.

- 3.7.3 Where a third-party delivering Services on behalf of LMA is involved, they will also be included in the process of resolving the complaint or appeal.

- 3.7.4 Each party involved in the complaint or appeal may have a support person of their choice present at meetings scheduled to resolve the issue.
- 3.7.5 In the case of an assessment appeal, an assessor who is independent from the original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task.
- 3.7.6 Complaints and appeals will be finalised within thirty (30) calendar days unless there is a significant reason for the matter to take longer. In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated weekly on the progress of the matter until such a time as the matter is resolved.
- 3.7.7 The complainant or appellant will be advised in writing of the outcome of the process and the reasons for the findings made.
- 3.7.8 The enrolment status of Participant will be handled as follows:
- LMA will maintain a Participant's enrolment throughout the internal appeals processes. In the case of an external appeals process it will depend on the type of appeal as to whether LMA maintains the Participant's enrolment as follows:
 - If the appeal is against LMA's decision is based on the Participants misbehaviour, unsatisfactory course progress or attendance, the Participant's enrolment will be maintained until the external process is completed and has supported or not supported LMA decision to defer, suspend or cancel a Participant's enrolment.

3.8 Independent Parties

- 3.8.1 LMA acknowledges the need for an appropriate independent party to be appointed to review a matter where this is requested by the complainant or appellant and the internal processes have failed to resolve the matter. Costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by LMA.
- LMA will provide complete cooperation with the external mediator investigating the complaint/appeal and will be bound by the recommendations arising out of this process.
 - The NQ&CM will ensure that any recommendations made are implemented within twenty (20) days of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation.

3.9 External complaint avenues

3.9.1 Complaints can also be made via the following avenues:

- National Training Complaints Hotline:
<https://www.dewr.gov.au/national-training-complaints-hotline>
The National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency/authority/jurisdiction to assist with their complaint. Consumers can register a complaint with the National Training Complaints Hotline by:
 - Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally
 - Contact: <https://www.dewr.gov.au/about-department/contact-us/online-contact-form>
- Australian Skills Quality Authority (ASQA):
Complainants may also be lodged with LMA’s registering body, Australian Skills Quality Authority (ASQA).
ASQA can investigate complaints about LMA in relation to:
 - the quality of our training and assessment
 - our marketing and advertising practicesFor Participants:
 - ASQA may not be able to investigate the complaint if you do not include evidence that you have already exhausted our formal internal complaints process as above.
 - if your complaint does not fall within ASQA's jurisdiction, it may be resolved more quickly if you directly contact the agency responsible as listed on the relevant webpage below.
 - please refer to the relevant webpage below before making a complaint to ASQA:
 - o Information about the process and information you should provide is available here: <https://www.asqa.gov.au/students/complaints>
- Smart and Skilled (NSW):
In the unlikely event, that Participants undertaking funded training through NSW Smart and Skilled are dissatisfied with the manner in which a complaint has been handled by the LMA, they may refer the issue to Smart and Skilled on 1300 772 104 or www.smartandskilled.nsw.gov.au
- Skills Victoria:
If Participants are unable to resolve the issue with LMA directly, the next step is to contact the TAFE and Training Line for free advice on the complaints handling process here: <https://www.skills.vic.gov.au/s/making-a-complaint>
- Skills Tasmania:
If Participants are unable to resolve the issue with LMA directly, the next step is to contact Skills TAS here: https://skills.tas.gov.au/apprenticeships_and_traineeships
- Australian Capital Territory (ACT): Skills Canberra
If Participants are unable to resolve the issue with LMA directly, the next step is to contact Participants can contact Skills Canberra on (02) 6205 8555 or <https://www.act.gov.au/skills>
- Department of Youth Justice, Employment, Small Business and Training QLD:
If Participants are unable to resolve the issue with LMA directly, the next step is to contact Participants can contact: <https://desbt.qld.gov.au/training/apprentices>
- Skills South Australia:

If Participants are unable to resolve the issue with LMA directly, the next step is to contact Participants can contact Skills SA on phone: 1800 673 097 or email <https://skills.sa.gov.au/about-skills-sa>

- Australian Capital Territory (ACT): Skills Canberra

If Participants are unable to resolve the issue with LMA directly, the next step is to contact Participants can contact

- Jobs and Skills Western Australia

If Participants are unable to resolve the issue with LMA directly, the next step is to contact Participants can contact: <https://www.jobsandskills.wa.gov.au/lifeexperience>

3.10 Publication

- 3.8.1 This policy and procedure will be published in the Participant Handbook and on Leadership Management Australia's (LMA) website at: <https://lma.edu.au/Participant-information/>

Procedure

Refer to Standard 6, Clause 6.1, 6.2, 6.3, 6.4, 6.5 & 6.6

1. Complaints management

Procedure	Responsibility
<p>A. Receive and acknowledge complaint</p> <ul style="list-style-type: none"> • As per policy, complaints are to be made in writing by the complainant, attention to the NQ&CM. • The NQ&CM should review all complaints upon receipt. • Acknowledge receipt of complaint in writing by sending a letter to complainant within 3 working days of receipt and may contact the Complainant, their representative and other parties involved in the complaint to seek clarification of any information relevant to the complaint. Use <i>Complaint/ Appeal Acknowledgement Letter</i>. • Record details of the complaint on the <i>Complaints and Appeals Register</i>. • Commence process of investigation within 10 days of receiving the complaint. 	<p>National Quality and Compliance Manager Participants</p>
<p>B. Investigate the complaint</p> <ul style="list-style-type: none"> • Upon receiving the complaint, the matter is to be investigated to ensure all relevant information is available and it is accurate and complete. • Further details from the complainant, respondent or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face. Where the meeting is face to face, the complainant may be accompanied by a support person. • If the matter is in relation to a third-party delivering services on behalf of the LMA, the third party should be involved in the resolution of the complaint. • The NQ&CM will review the information and decide on an appropriate response. Where deemed necessary by the NQ&CM, the matter may be reviewed by other members of the management team to arrive at an appropriate resolution. • Note: The complaint must be completely resolved within 30 calendar days of receipt of the original complaint. If the matter is particularly complex and it is going to take longer to resolve, the complainant is to be advised in writing along with reasons for the extra time. They must be provided with updates on progress on a weekly basis thereafter until the matter is resolved. 	<p>National Quality and Compliance Manager Participants</p>
<p>C. Advise of the outcome and update records</p> <ul style="list-style-type: none"> • Provide a written response to the complainant outlining: <ul style="list-style-type: none"> – LMA’s understanding of the complaint – the steps taken to investigate and resolve the complaint – decisions made about resolution, with reasons for the decisions made – areas that have been identified as possible causes of the complaint and improvements to be recommended – their right to access the appeals process if they are not satisfied with the outcome of the complaints process. • Update the <i>Complaints and Appeals Register</i> so it includes the outcome of the complaint. • Update the <i>Continuous Improvement Register</i> if applicable for any improvements to be made as an outcome. 	<p>National Quality and Compliance Manager</p>

Procedure	Responsibility
<ul style="list-style-type: none"> Keep a copy of the complaint and supporting documents in the Complaints file and in the Participant or staff file (where relevant). 	
<p>D. Review complaints</p> <ul style="list-style-type: none"> Discuss the complaints process and its outcome at the next management meeting to consider whether there are any improvements to be made to prevent recurrence. 	<p>National Quality and Compliance Manager LMA Leadership Team</p>

2. Appeals management

Procedure	Responsibility
<p>A. Receive and acknowledge appeal</p> <ul style="list-style-type: none"> Upon receipt of a request for an appeal, acknowledge receipt of appeal in writing by sending a letter to appellant within 3 working days of receipt to ensure appellant receives it within 7 days. Use <i>Complaint/Appeal Acknowledgement Letter</i>. Record details of appeal on the <i>Complaints and Appeals Register</i>. 	National Quality and Compliance Manager
<p>B. Respond to assessment appeals</p> <ul style="list-style-type: none"> In the case of appeals against assessment decisions, the original assessment decision will be reviewed by having an assessor independent of the original decision, mark the assessment task again. The assessment decision made during the appeals process will be considered the actual assessment outcome for the task. Advise the Participant of the outcome of the appeal as per point G below. 	National Quality and Compliance Manager
<p>C. Respond to appeals against non-academic decisions</p> <ul style="list-style-type: none"> Upon receiving the appeal, the matter is to be investigated to identify the original decision made and the reasons for the decision. Further details from the appellant, respondent, the person who made the original decision, or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face. If the matter is in relation to a third-party delivering services on behalf of the LMA, the third party should be involved in the resolution of the appeal. The appellant may request for an independent party (mediator) to be involved in the process. Where this is requested by the appellant, they will bear the costs associated. Additionally, LMA may decide to call upon an independent mediator to assist to resolve the issue where a decision cannot be reached internally. This will be at LMA's cost. LMA'S Leadership team will review all relevant information and decide on an appropriate response. Note: The appeal must be resolved within 30 calendar days of receipt of the original appeal. If the matter is particularly complex and it is going to take longer to resolve, the appellant must be advised in writing along with reasons for the extra time. They must be provided with progress updates on a weekly basis thereafter until the matter is resolved. 	National Quality and Compliance Manager

<p>D. Advise appellant of the outcome and update records</p> <ul style="list-style-type: none"> • Provide a written response to the appellant outlining: <ul style="list-style-type: none"> – LMA's understanding of the reasons for the appeal – the steps taken to investigate and resolve the appeal – decisions made about resolution and reasons for the decisions – if relevant, areas that have been identified as possible causes of the appeal and improvements to be recommended – their right to, and information on, the external appeals process. • Update the <i>Complaints and Appeals Register</i> so it includes the outcome of the appeal. • Update the <i>Continuous Improvement Register</i> if applicable for any improvements to be made as an outcome. • Keep a copy of the appeal and supporting documents in the Complaints file and in the Participant or staff file (where relevant). • Discuss the appeal and its outcome at the next management meeting. 	<p>National Quality and Compliance Manager</p>
<p>E. Review appeals</p> <ul style="list-style-type: none"> • Discuss the appeal and its outcome at the next management meeting to consider whether there are any improvements to be made to prevent recurrence. 	<p>National Quality and Compliance Manager Leadership Team</p>

3. External complaint or appeal

Procedure	Responsibility
<p>A. External complaint or appeal</p> <ul style="list-style-type: none"> • If dissatisfied with the internal processes, the complainant/appellant may initiate an external complaint or appeal. • Additionally, a complainant or appellant who has been through the internal processes may request LMA to appoint an independent party to review the matter. • LMA will co-operate fully in the process of the external party investigating and reviewing the matter. This will include and not be limited to providing full access to the relevant Participant file/s and the internal complaints records where permitted to do so by law. All staff will be instructed to cooperate in such instances and to give an accurate account of the events as they understand them. 	<p>National Quality and Compliance Manager Leadership Team</p>
<p>B. Review external complaints or appeals</p> <ul style="list-style-type: none"> • In the event that the external party finds in favour of the Participant, immediately organise a management meeting to discuss the external process and its outcome. • At the meeting, discuss the decision made and actions to be taken to implement the decision, including both corrective/preventative actions. • Following the meeting immediately implement actions. • Advise the Participant of the outcome of the complaint or appeal and the actions taken. 	<p>National Quality and Compliance Manager Leadership Team</p>

Supporting Documents

- Complaints and Appeals Register
- Complaint/Appeal Acknowledgement Letter
- Continuous Improvement Register
- Complaints Flow Chart
- Appeals Flow Cart
- Training and Assessment Policy and Procedure (5.14)