

Complaint, Grievance and Appeal Policy



Purpose:

The purpose of this policy and procedure is to provide information and outline the steps for proceeding with a complaint, an academic and/or non-academic grievance or appeal with LWA.

Policy Outline:

Term	Definition
Complaint	A complaint alleges LWA is non-compliant with its regulatory obligations.
Academic grievances	Academic grievances are initiated by learners and relate to their progress, assessment, course content or awards in a VET course of study. Including complaints in relation to personal information that LWA holds in relation to the student.
Non-academic grievances	Non-academic grievances come from decisions made by LWA. Non-academic grievances cover issues such as harassment, discrimination, financial matters, payments, application procedures, exclusions from events and/or facilities.
Appeal	An appeal is an application by a student/complainant for reconsideration or review of an unfavourable decision made during a training/assessment investigation.
Complainant	Students who have lodged a complaint with LWA.
Respondent	The person or committee whose decision on an academic or nonacademic matter is the subject of the student complaint.
Decision maker	A person who is independent of the decision being reviewed.

LWA is committed to providing an effective, efficient, timely, fair and confidential procedure for handling learner complaints, grievances and appeal processes.

The LWA Management is responsible for the implementation of this policy and procedure and ensuring that all staff are fully trained in its operation and learners/complainants are aware of its availability.

Policy Detail:

LWA will manage complaints and appeals in a transparent manner which enables learners to be informed of, and to understand their rights and obligations and the RTO's responsibilities in relation to complaints and appeals under the [Standards for Registered Training Organisations \(RTOs\) 2015](#) (the Standards).

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LWA will manage and respond to complaints in relation to:

- the quality of training and assessment
- the quality of client service
- compliance with the VET Quality Framework, including allegations involving the conduct of:
 - the organisation, its trainers, assessors or other employees
 - a third-party providing services on LWA's behalf, its trainers, assessors or other employees
 - LWA learner /participant.

LWA will manage appeals or requests for a review of decisions, including assessment decisions, made by LWA trainers and assessors, or a third-party providing services on LWA's behalf.

Responsibilities

All LWA staff are responsible for:

- minimising the incident of complaints and grievances by conducting themselves in a manner consistent with LWA's Code of Conduct
- accurately and timely documenting complaints, grievances and appeals as outlined in this procedure
- ensuring all complaints and appeals are recorded and dealt with in a transparent manner in accordance with the principles of natural justice and procedural fairness
- ensuring learners are fully informed about LWA's processes for handling complaints, grievances and appeals
- assisting a complainant or appellant to resolve issues directly and informally with all parties involved
- assisting a complainant or appellant to lodge a formal complaint if an informal approach has not resolved the issue
- ensuring that complaints and appeals outcomes are used to inform continuous improvement strategies within LWA and are recorded on the LWA's Continuous Improvement Register.

The LWA Management is responsible for:

- ensuring that complaints and appeals are managed in a transparent manner in accordance with the principles of natural justice and procedural fairness
- offering an independent review of decisions, where required.

General principles of the complaint, grievance and appeal process

- Principles of natural justice and procedural fairness are followed at every stage of the complaint and appeal process. Anyone subject to a decision by LWA, or anyone who has allegations made against them, has a right of reply before a decision is made.
- The decision maker in the process is independent of the decision being reviewed.
- Each complainant/party lodging an appeal may be accompanied and/or assisted by a support person throughout the process.
- Complaints and appeals are handled in the strictest of confidence and records are secured.
- Complaints and appeals are handled in the strictest of confidence and records are secured.
- All complaints, grievances, appeals and outcomes are documented in LWA's Complaints and Appeals Register. Outcomes of complaints and appeals processes are used to inform continuous improvement activities.
- If a complainant raises a concern but is not willing to proceed with the complaint, they are advised that because of the requirements of procedural fairness, in most circumstances no further action can be taken by the RTO.
- Appeals of assessment outcomes are to be lodged within 28 days (4weeks) from when the learner was informed of the assessment outcome.
- Investigations into plagiarism and cheating will be handled in accordance with the Plagiarism and Cheating Policy and will follow the principles of natural justice and procedural fairness.

Informal complaints, grievances and appeals

- It is expected that prior to initiating a formal complaint and appeal process, the parties involved will attempt to resolve concerns directly wherever possible. It is expected that many concerns will be resolved in the first instance.
- It is expected that all parties will participate in good faith in resolving concerns so that LWA maintains a respectful learning environment.
- Learners are encouraged to raise concerns directly with the teacher/assessor, particularly where the concerns are adversely affecting the learning environment.

Formal complaints, grievances and appeals procedures

1. When parties involved in an informal process and are unable to successfully resolve the concern, then a formal complaint, grievance or appeal may be lodged with the LWA in writing using the [LWA Complaints, Grievances and Appeals Form](#) (with assistance where required). A copy of the form is provided to the complainant, and it records the following information:
 - complainant's full name, address, phone/email address
 - details of the concern raised by the complainant
 - the complainant's desired outcome
 - reasons outlining the escalation to a formal process
 - if the complaint relates to another party, that party's full name and position
 - the particulars of the decision or finding in dispute (for a review of decision).

2. LWA acknowledges receipt of all complaints, grievances and/or appeals in writing. The acknowledgement outlines the anticipated review period.
3. LWA records the complaints, grievances and/or appeals in LWA's Complaints, Grievances and Appeals Register.
4. When LWA considers more than 60 calendar days are required to process and finalise the complaint, grievance and/or appeal, LWA will inform the complainant or appellant in writing. Reason/s why more than 60 calendar days are required will be clearly outlined. Regular updates will be provided to the complainant or appellant on the progress of the matter.

Determination of outcome

1. Where LWA resolved a complaint, grievance and/or appeal, they will inform the complainant of the outcome in writing within 60 days (2 months). Decisions or outcomes in favour of the party are implemented immediately.
2. Outcome/s and action/s are documented in LWA Complaints, Grievances and Appeals Register. All documentation is securely filed.
3. If a complaint cannot be investigated by LWA (for whatever reason), then LWA management will inform the complainant and refer them to the most appropriate body.

Internal review of outcome/s

1. Where a complainant is dissatisfied with the outcome or LWA is unable to make a determination, the complainant can appeal and request a review of the decision from a third party. The complainant has 28 days (4 weeks), to be lodged in writing, a review of decisions or outcome.
2. Requests for appeal or review of decisions are referred to the Management who will identify and assign an internal review officer within LWA, but independent of the decision. A Management may be assigned as an independent reviewer.
3. LWA acknowledges receipt of the request for internal review in writing. The acknowledgement outlines the anticipated review period and the designated review officer. The review process and review officer are recorded in LWA's Complaints, Grievances and Appeals Register.
4. The review officer makes a determination and advises the appellant of the decision or outcome in writing. Decisions or outcomes of appeal or review process that find in the favour of the appellant are implemented immediately.
5. The reviewer will notify LWA staff of the outcome and action to be implemented. Documentation is securely filed, and the outcome and continuous improvement action is recorded in LWA's Complaints, Grievances and Appeals Register.

Independent third-party review of a determination

1. Where the appellant is dissatisfied with the outcome of the internal review they can appeal and request a review of the decision from an independent external third party. Appeals or requests for independent third-party review of decisions are to be lodged in writing within 28 days (4 weeks) of the decision or outcome.
2. Requests for appeal or review of decisions are referred to an independent third party or external mediator, determined by the Management.

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3. LWA acknowledges receipt of the request for independent third-party review in writing. The acknowledgement outlines the anticipated review period and the independent review officer. The review process and review officer's name are recorded in LWA's Complaints, Grievances and Appeals Register.
4. LWA discloses any costs associated with a third-party review, so all parties are aware of any costs they may incur.
5. The independent review officer makes a determination to LWA Management. LWA advises the appellant of the decision or outcome in writing. Decisions or outcomes of the appeal or review process that are found in the favour of the appellant are implemented immediately.
6. The LWA Management will notify staff of the outcome and actions to be implemented. Documentation is securely filed, and the outcome and continuous improvement action is recorded in LWA's Complaints, Grievances and Appeals Register.

Approval Authority:

This Policy and procedures are approved by the Management of LWA, and the control copy is maintained within the management system and as such all hard copies need to be verified.

Documents Referenced:

- AQTF – Standard 2 (2.2, 2.3, 2.6, 2.7)
- VRQA – Guideline 2 (2.8)
- ASQA – Standard 1, (1.12, 1.8), 2 (2.1-2.2), 6 (6.1-6.6)

Document History and Version Control

Version	Author	Date	Approved by	Brief description
2.0	Mary Hobbs	30/11/2018		Updated document to align with Standards
2.0	Mary Hobbs	3/12/2018	Director	Updates and new version approved
2.1	Mary Hobbs	06/02/2024	Mary Wallace	Formatting Insertion new logo