

<h1>Complaints, Grievances & Appeals Policy</h1>		BCA National Policy Manual Policy Number: BCAP0005 Date of Issue: 18/08/2015 Date Reviewed: 16/04/2018 Review Date: 16/04/2019 RTO Code: 91758 CRICOS Code: 03419D	
		Authorised by: RB	Issued to: RTO staff

1. Purpose

Confirm BCA National Training Groups (BCA National) commitment and undertakings to all stakeholders in the fair, just and reasonable management of complaints and appeals.

2. Definitions

BCA National defines a complaint as an expression of dissatisfaction with any aspect of the service or training we have provided. It is distinct from feedback where a client, student or other person or agency gives advice or comment on what the organisation does or the service delivered.

Natural justice and procedural fairness are used to ensure that decision making is fair and reasonable. It underpins the rights of all parties to be heard and informed without bias.

Appeals are regarded as a formal request for a change in or a confirmation of a decision. Appeals can be made in regards to an assessment decision or in regards to the initial outcome of a complaint.

This policy covers both academic and non-academic matters. Academic matters include those which relate to:

- Student progress
- Assessment
- Course content, or
- Awards in a VET course or study.

Non-academic matters include those related to:

- Enrolment in a course,
- Personal information about the student which is held by BCA National.

International students

- BCA National will respond to any complaint or appeal made regarding BCA National or our education agents or any related third party where BCA National has an arrangement to deliver the international students course or related services.

3. Policy Statement

BCA National has a commitment to excellence however on occasion complaints and appeals will occur. BCA National views complaints and appeals as an opportunity to improve the organisation, its processes and materials.

Any person or organisation who feels dissatisfied with their learning experience, the conduct of staff or parties representing BCA National (including trainers, assessors, contractors, students and third parties, a decision or with assessment outcome, has the right to access the complaints and appeals policy and process. Any person or company making a complaint or lodging an appeal will be treated in a respectful manner by all staff involved. The objective performance indicators are

1. That the complaint or appeal is resolved quickly, objectively and to the client's satisfaction with the process.
2. The organisation learns from the experience and carries through the process to continuous improvement.

All complaints and appeals:

- Will be treated in a fair, efficient, transparent and timely manner and in accordance with the principals of natural justice / procedural fairness
- Will be treated confidentially
- Will ensure that the views of each complainant and respondent are respected and that any party to a complaint or appeal is not discriminated against nor victimised
- Will be documented
- Persons lodging a complaint can have a support person present at any face to face meetings.
- Complaints and appeals are free of charge or at minimal cost to students

As a result of a complaint or appeal BCA National will review the service or process with a view to implementing changes to reduce the risk or eliminate recurrence of the complaint or appeal.

4. Informal Complaints (Grievance)

Informal complaints usually relate to minor disputes or difficulties that can usually be expected to be resolved without an independent assessment or assistance. These are defined as grievances.

1.1 The student is encouraged to resolve the problem directly with their trainer or training coordinator. Students will be made aware of who their trainer and training coordinator is at the start of the course as well as the their responsibilities.

1.2 All complaints need to be taken seriously.

1.3 If the trainer or training coordinator feels that the issue is above their understanding, skill set or responsibilities they will need to involve the Member of the Executive Team .

1.4 It is important the trainer or training coordinator establishes a timeline in relation to when a decision/ action will be taken in relation to the complaint.

1.5 The length of time to remedy an issue will often vary depending upon the issue. However, all staff need to attempt to resolve issues as quickly as possible to ensure the matter is addressed in a timely fashion, and to prevent the complaint from escalating unnecessarily.

1.6 The complaint, although informal, must be documented and added to the Complaints Register. Where applicable, the details of the complaint might also be added to BCA National's Continuous Improvement Register.

1.7 If the issue is more serious, the complaint may go straight to the procedure for a Formal Complaint (see below).

5. Formal Complaints

5.1 Stage One

Formal complaints should be submitted in writing to the National Operations Manager. The complaint should outline when and where the incident occurred, a brief outline of the incident, any witnesses and what the complainant is expecting as part of the resolution. The complaint will be acknowledged in writing within 48 hours of receipt and assessment commenced within ten (10) working days. Should a complaint be expected to take longer than 60 days to resolve, BCA National will notify the Complainant when acknowledging the complaint and also of its commitment to provide regular progress reports. The National Operations Manager (the responsible officer, within BCA National) will then assess the grievance, determine the outcome, and advise the Complainant in writing of their decision, including the reasons for the decision, within fourteen days. Note: where a complaint is directed at this Manager, the CEO will appoint a suitable, independent staff member to assess the complaint and determine the outcome. The Complainant will be advised of their right to access Stage Two of this procedure if they are not satisfied with the outcome of Stage One and wish to appeal the decision.

5.2 Stage Two

If the Complainant is not satisfied with the outcome of Stage One they may lodge an appeal in writing with the CEO, BCA National Level 2, Refinery Drive Pyrmont NSW 2009 PO Box 568 Pyrmont NSW 2009. The Complainant's complaint will be reviewed and determined by the CEO. Note: where a complaint is directed at the CEO, the BCA National Board will appoint a suitable, independent staff member to assess the complaint and determine the outcome. The Stage Two Reviewer will conduct all necessary consultations with the Complainant and other relevant persons and make a determination. The Complainant will be advised in writing of the outcome, including the reasons for the decision, within fourteen days.

The Complainant will be advised of their right to progress to Stage Three of the grievance procedure if they consider the matter unresolved.

5.3 Stage Three

If the Complainant is not satisfied with the outcome of Stage Two they may request that the matter be referred to an external dispute resolution process by a body appointed for this purpose by BCA National. The external body used for VET Student Loan appeals is the VET Student Loans Ombudsman <http://www.ombudsman.gov.au/about/vslo> (except in matters relating to the re-crediting of a student's FEE-HELP balance). Reviews of decisions relating to the re-crediting of a student's FEE-HELP balance are heard by the Administrative Appeals Tribunal (see Refund Policy for details).

The external body used in the case of International Students is the Overseas Students Ombudsman <http://www.ombudsman.gov.au/about/overseas-students/international-students>. Each party appearing before the Ombudsman may be accompanied or assisted by another person at the review, at that party's cost. The decision of the Ombudsman is final and BCA National will act on any decisions made by the Ombudsman within 14 days of receipt of the decision. Appeals relating to Academic Matters

BCA National's appeals process is concerned with a student's right to request changes to decisions of an official nature, usually in relation to academic or procedural matters (e.g. assessment results or certificate issuance).

In the case of a student's appeal against specific assessment decisions, the student should first discuss the decision(s) with the relevant trainer or assessor and request a reconsideration (a grievance). The trainer or assessor will hear the student's appeal, make fair judgement to the best of their ability as to whether change(s) are required and then discuss their final decision with the student. If the student is still dissatisfied with the trainer or assessor's decision, they have the right to take the appeal to the State Manager. The formal notice of a request for an assessment appeal (the notice) is required to comply with the following requirements:

- The notice should be in writing, addressed to (name of position here) and be submitted within 14 days of notification of the outcome by the assessor.
- The notice must outline the qualification code and name as well as the code(s) and name(s) of the units which the student is seeking a review, together with an outline of their concerns as well as expected outcome.
- The notice of request for an assessment appeal must be submitted within the specified timeframe of 14 days otherwise the original result will stand.

If a student's appeal needs to be deferred due to emergency circumstances, such as in the case of serious illness or injury, a medical certificate supporting the case must be forwarded to management. The notice of deferral must be submitted within 5 working days of the conclusion date displayed on the medical certificate. It is the responsibility of the State Manager to ensure adherence to the appeal procedure and that resolution is sought in all reasonable circumstances. This includes informing and assisting students with the appeal procedure and appointing an independent assessor.

If the student is still not satisfied with the resolution of the assessment appeal after following and exhausting BCA National's internal assessment appeals procedure, the student may contact the vocational education and training sector's regulator, ASQA, through contacting the ASQA Hotline on: 1300 701 801 between 9.00 am and 7.00 pm Eastern Standard Time (EST), Monday to Friday.

6. Decision Making Process

The decision making process will be based on facts and evidence presented by the complainant and on, facts and evidence gathered from all stakeholders by the BCA National investigating officer.

The complainant or appellant will be regularly updated on the progress of the matter.

7. Record Keeping

BCA National will securely maintain records of all complaints and appeals and their outcomes on the students file and will take corrective action to mitigate or eliminate the likelihood of reoccurrence through the continuous improvement process.

All parties who have used BCA National's Complaints, Grievance and Appeals procedure are able to access their records of that instance. In all other instances these records will be kept strictly confidential.

8. Smart and Skilled consumer protection

Consumers play an important role in promoting quality training. The Smart and Skilled Quality Framework includes measures for students and potential students (consumers) to ensure that they are well informed of their rights and given a clear avenue for complaint. Information on consumer rights and obligations relation to Smart and Skilled is available on the Smart and Skilled website <https://smartandskilled.nsw.gov.au/>. Consumers may also make enquiries to the Customer Support Centre.

Consumers must first make their complaint to the Registered Training Organisation. BCA National will follow our complaints and appeals process as outlined above in all instances a complaint is made by a Smart and Skilled consumer and have identified the Chief Executive Officer as the dedicated consumer protection officer (rachel.burke@bcanational.com 1300 69 35 65).

Students are required to sign a Learner Agreement prior to their first training session which outlines consumer rights and obligations and BCA National's obligations in relation to consumer protection.

A documented consumer protection system is available on our website as per our complaints and appeals processes documents.

9. Legislation

Legislation which applies to this policy

1. Standards for Registered Training Organisations 2015
2. Competition and Consumer Act 2010 (Formerly the Trade Practices Act 1974)
3. VET Student Loans Act 2016
4. Equal Employment Opportunity (Commonwealth Authorities) Act 1987

10. Contact details

Should you wish to make a complaint or appeal you should contact your designated Training Coordinator, named in your Introductory Course Material, or a BCA National representative in the first instance. BCA National representatives can be contacted at:

Sydney Office

Level 2, Tablet House 60 Bowman Street (PO Box 568) Pyrmont NSW 2009
 T + 61 2 9555 4188
 1300 69 35 65
 F + 61 2 9555 7374

Darwin Office

37 Gregory St. Parap NT 0820
 PO Box 91 Parap NT 0804
 PH +61 8 8942 3580
 F + 61 2 9555 7374

Alternatively you can email a member of the training team firstname.lastname@bcanational.com.

The table below represents the escalation point and the BCA National team member responsible.

<i>Type of complaint</i>	<i>Initial Contact</i>	<i>2nd Level escalation</i>	<i>3rd level escalation</i>	<i>External /final escalation</i>
Informal	Trainer or Training coordinator	Member of the Executive Team	CEO	Formal Complaint Process
Formal Complaint	Training Coordinator / or Trainer	National Operations Manager	CEO	External Party

Academic	Any contact point within BCA National	Escalation to Manager of the complaint recipient	CEO	External Party
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11. Responsibility

- Training Coordinator
- Management Team
- National Operation Manager
- Trainers/assessors
- Chief Executive Officer (consumer protection officer for Smart and Skilled)
- Australian Skills Quality Authority
- VET Student Loans Ombudsman
- Overseas Students Ombudsman
- Compliance Manager

12. Related documents and forms

- P0017 Student complaint and appeal process
- P0018 Student assessment appeal process
- BCAP0116 Quality Assurance System

<i>Policy author</i>	Justine Steward	Date: 16/04/2018
<i>Approved by</i>	Rachel Burke	Date : 16/04/2018
<i>Approver signature</i>		
<i>Entered in policy register by</i>	Justine Steward	Date: 17/04/2018