

# Complaints and Appeals Policy & Procedure

## 1. Policy

This policy/procedure supports BCTA to provide a process for complaints and appeals to be heard and actioned. This includes any allegations involving the conduct of

- the BCTA, its trainers, assessors or other staff;
- a third-party providing services on the BCTA's behalf, its trainers, assessors or other staff; or
- a learner of the BCTA

All complaints and appeals received by Building and Construction Training Australia (BCTA) will be viewed as an opportunity for improvement.

Despite all efforts of Building and Construction Training Australia (BCTA) to provide satisfactory services to its students and clients, complaints may occasionally arise that require formal resolution. The following procedures provide students and clients the opportunity to have any issues relating to a substantiated complaint or appeal resolved and resolutions reached that attempt to satisfy all parties involved. This complaints and appeals process will be at no cost to the student or client (unless referred to a third party; see procedure for more details).

## 2. Procedure

The complaints and appeals policy and procedure and applicable form is made available to all students, potential students, and clients by directly contacting BCTA, through the BCTA's website, and within the student information handbook.

### 2.1 General Complaints

Where possible all non-formal attempts shall be made to resolve the issue. This may include advice, discussions, and general mediation in relation to the issue and the complainant's issue. Any staff member can be involved in this informal process to resolve issues but once a complainant has placed a formal complaint / appeal the following procedures must be followed:

- Any student, potential student, or third party may submit a formal complaint to Building and Construction Training Australia (BCTA) with the reasonable expectation that all complaints will be treated with integrity and privacy. There is no cost for accessing the internal complaints and appeals process.
- Complainants have the right to access advice and support from independent external agencies / persons at any point of the complaint and appeals process. Use of external services will be at the complainant's costs unless authorised by the CEO.
- Any person wishing to submit a formal complaint or appeal can do so by completing the 'Complaints and Appeals Form' and state their case providing as many details as possible. This form can be gained by contacting Student Administration at BCTA, or through the BCTA website.
- All formally submitted complaints or appeals are submitted to the Student Administration. Complaints are to include the following information:
  - Submission date of complaint
  - Name of complainant;
  - Nature of complaint;

- Date of the event which lead to the complaint
- Attachments (if applicable)
- Once a formal complaint is received it is to be entered into the ‘Complaints and Appeals Register’ which is monitored by the CEO regularly. The information to be contained and updated within the register is as follows:
  - Submission date of complaint
  - Name of complainant
  - Description of complaint / appeal
  - Determined Resolution
  - Date of Resolution
- A complainant may be assisted or accompanied by a support person regardless of the nature of the issue or complaint throughout the process at all times.
- The Administration Officer shall then refer the matter to the appropriate staff to resolve or make a decision on the complaint within 10 working days and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint. In the unlikely event that the complaint is not finalised within 60 calendar days, BCTA shall ensure that the complainant shall be provided reasons for the delay, and will be regularly kept informed and updated of the progress of the matter.
- Once a decision has been reached the Administration Officer shall be required to inform all parties involved of any decisions or outcomes that are concluded in writing. Within the notification of the outcome of the formal complaint the complainant shall also be notified that they have the right of appeal. To appeal a decision BCTA must receive, in writing, grounds of the appeal. Complainants are referred to the appeals procedure.
- The Administration Officer shall ensure that BCTA will act immediately on any substantiated complaint. If the internal or any external complaint handling or appeal process results in a decision that supports the complainant, the registered provider must immediately implement any decision and/or corrective and preventative action that is required and advise the complainant of the outcome.
- Copies of all documentation, outcomes and further action required will be placed into the ‘Complaints and Appeals Register’ by Student Administration and on the student’s file / complainants file.

## **2.2 Appealing a Decision**

All complainants have the right to appeal decisions made by Building and Construction Training Australia (BCTA) where reasonable grounds can be established. The areas in which a complainant may appeal a decision made by Building and Construction Training Australia (BCTA) may include:

- Assessments conducted
  - Deferral, suspension, or cancellation decisions made in relation to the student's enrolment
  - Or any other conclusion / decision that is made after a complaint has been dealt with by Building and Construction Training Australia (BCTA) in the first instance.
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- To activate the appeals, process the complainant is to complete a 'Complaints and Appeals Form' which is to include a summary of the grounds the appeal is based upon. The reason the complainant feels the decision is unfair is to be clearly explained and help and support with this process can be gained from Student Administration Department.
  - The Administration Officer shall then determine the validity of the appeal and organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate.
  - The process for all formally lodged appeals will begin within 10 working days of the appeal being lodged.
  - The Administration Officer shall ensure that Building and Construction Training Australia (BCTA) acts on any substantiated appeal.
  - Where an appeal has been lodged it will be defined into one of the following categories and the appropriate procedures followed:

### **General appeals**

- Where a complainant has appealed a decision or outcome of a formal complaint, they are required to notify Building and Construction Training Australia (BCTA) in writing within 20 working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal.
- The appeal shall be lodged through Student Administration and they shall ensure the details of the appeal are added to the 'Complaints and Appeals Register'.
- The Administration Officer shall be notified and shall seek details regarding the initial documentation of the complaint and shall make a decision based on the grounds of the appeal.
- The complainant shall be notified in writing of the outcome with reasons for the decisions, and the 'Complaints and Appeals Register' updated. The complainant shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The complainant is required to notify Building and Construction Training Australia (BCTA) if they wish to proceed with the external appeals process.

### **Assessment appeals**

- Where a student wishes to appeal an assessment they are required to notify their Trainer & Assessor in the first instance. Where appropriate the Trainer & Assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The Trainer & Assessor shall complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.
- If this is still not to the student's satisfaction, the student shall formally lodge an appeal by submitting a written letter outlining their reasons for the appeal. They shall lodge this with student administrations department and the appeal shall be entered into the 'Complaints and Appeals Register.'
- The Administration Officer shall be notified and shall seek details from the Trainer & Assessor involved and any other relevant parties. A decision shall be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a 'third party'. The third party shall be another Trainer & Assessor appointed by Building and Construction Training Australia (BCTA).
- The student shall be notified in writing of the outcome with reasons for the decision, and the 'Complaints and Appeals Register' updated. The student shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The student is required to notify Building and Construction Training Australia (BCTA) if they wish to proceed with the external appeals process.

## 2.3 External Appeals and Further Information:

### External Appeals:

In addition to the above internal processes, if students enrolled with Building and Construction Training Australia (BCTA) are still dissatisfied with the decision of BCTA, they may wish to seek legal advice or submit an application with an external dispute resolution process by a relevant body appointed for this purpose (See below for contact details).

Where BCTA is informed that the student has accessed external appeals processes:

- BCTA will maintain a student’s enrolment until the external appeal process is finalised.
- BCTA will comply with the findings of the external appeals process.
- Where a decision or outcome is in favour of the complainant Building and Construction Training Australia (BCTA) shall follow the required action and recommendation from the relevant external appeals organisation to satisfy the student’s grievance as soon as practicable.

The decision of the independent mediator is final and any further action the student wishes to take is outside BCTA’s policies and procedures. The student shall be referred to the appropriate government agencies and this information can be gained from the CEO.

- All records and correspondence in relation to an external appeal shall be maintained with the initial complaint and internal appeal documentation within the ‘complaints and appeals register’ and the student file for a minimum of 5 years.

The Dispute Settlement Centre of Victoria (DSCV) is a free dispute resolution and mediation service funded by the Victorian Government and may be able to assist resolve any outstanding complaint or issue with the complaint handling process. Further details and office locations for this service are available from <http://www.disputes.vic.gov.au/>

Organisation:	Disputes Settlement Centre of Victoria ( <a href="http://www.disputes.vic.gov.au/">http://www.disputes.vic.gov.au/</a> )
Contact Point:	<u>Melbourne Office:</u> Level 4, 456 Lonsdale Street Melbourne VIC 3000 Tel: 1300 372 888 Fax: 8684 1311

### Further information

If, after BCTA’s internal complaints and appeals processes have been completed, you still believe BCTA is breaching or has breached its legal requirements, you can submit a complaint to the ASQA. See <https://www.asqa.gov.au/students/complaints>