

TPOL-003 Complaints and Appeals

Availability of Complaints and Appeals Policy and Procedures

1. SJAATAS will ensure that the complaints and appeals policy is available to the general public and potential and current participants are able to access the policy on the SJAATAS website.

Participant acknowledgment

2. On enrolment, participants will be made aware of availability of the complaints and appeals policy and procedure and participant's acknowledgment of receiving the same will be sought via a written acknowledgment during the enrolment process.

Complaints and Appeals Process

Making a complaint

3. In the first instance, participants are encouraged to discuss the complaint, appeal, concern or grievance with the Facilitator of the course in which they are enrolled.
4. Failing satisfactory resolution of the grievance with the Facilitator, the participant may lodge a written complaint or appeal with the Training Manager/Administrator via email to training.administrator@stjohntas.org.au
5. Where a complaint is raised by anyone other than a participant about the policies, procedures, services or products offered by SJAATAS, the person may lodge a written complaint with the Training Manager/Administrator via training.administrator@stjohntas.org.au
6. Depending on the circumstances of each individual case, SJAATAS may need to inform any person who is the subject of an investigation or allegation, or whose interests are likely to be affected adversely by a decision.
7. A person making a complaint or seeking appeal may, at any point during the complaint or appeals process, engage a support person or advocate.
8. At any time during a complaint or appeals process, SJAATAS reserves the right to refer the matter for expert legal advice.

Timeframe

9. SJAATAS aims to finalise all complaints or appeals in a timely manner.
10. SJAATAS will acknowledge receipt of a complaint or appeal within 7 business days of receipt.

11. SJAATAS aims to investigate and finalise a complaint or appeal within 30 business days of acknowledgment of receipt of the complaint.
12. Where the investigation and/or finalisation of a complaint or appeal is expected to exceed 30 days, SJAATAS will inform the complainant in writing, including the reason(s) for extension, and regularly update them on the progress of the matter.
13. Complaints proceedings must be commenced within one year of the alleged event in question.
14. Appeals must be received within 14 days of the decision being received by the participant.

Records management

15. All complaints and requests for appeals should be made in writing to SJAATAS.
16. All complaints and appeals received by SJAATAS will be registered on the Complaint Register and assigned a unique identifier code.

16.1 The code used will be created using the date the complaint was received, plus a number indicating how many complaints have been received for the year. Example – 19052405 (this being the 5th complaint received for the year).
17. All complaints and appeals will be treated privately and confidentially, and in accordance with the SJAATAS Privacy Policy.
18. Electronic records of all complaints and appeals will be kept for 7 years.
19. All correspondence and associated documentation pertaining to the complaint will be retained by SJAATAS in an electronic format. This correspondence and documentation will be stored on SJAATAS secure server, with access limited to SJAATAS training management staff including, but not limited to:
 - Documentation of receipt of complaint
 - Acknowledgement of complaint
 - Initial assessment of the complaint
 - Investigation of complaint
 - Response to complaint
 - Communication of the decision
 - Closing the complaint.
19.1 All documentation listed above will be placed in a separate folder within the complaints folder. The individual folder will be named using the unique identifier complaint number assigned to that complaint.
20. A complainant or person seeking appeal has the right to access certain documentation pertaining a complaint or appeal lodged by them, except where SJAATAS believes information in SJAATAS's possession may damage the effectiveness of the investigation, SJAATAS has been counselled otherwise by legal experts or a statutory

authority or where SJAATAS believes that serious risk to personal safety or substantial amount of SJAATAS funds may be at risk.

Investigation of complaints

21. Complaints will be investigated by the Training Operations Manager ('the investigator'). The Training Manager will be informed of the existence of the complaints and will be kept updated as to the progress of the complaint as it is dealt with. The Training Operations Manager or Training Manager will advise of any conflict of interest and omit themselves from proceedings where a conflict exists. In the case of such conflict, the other party, namely the Training Operations Manager or Training Manager, (or where required the CEO) will manage the complaints process.
22. The investigator will ensure that where a complaint involves allegations against another person (the 'respondent'), the complainant has the right, under the principle of natural justice, to put forward their case to the investigator. Similarly, the respondent has the right of reply (e.g. to put their case, answer, address or to show cause for their actions).
23. The investigator may meet with the complainant as part of the investigation. In any such meeting, the person who lodged the complaint has the right to have a support person or advocate accompany them to the meeting.
24. The investigator may meet with any person against whom allegations have been made in a complaint. In any such meeting, this person has the right to have a support person or advocate accompany them to the meeting.
25. The investigator, having reviewed all the evidence, will make a decision in relation to the complaint and inform the complainant, and any other relevant party, of the decision.

Any complaint dealt with will be handled within the privacy guidelines of the business and shall not be open outside of the investigation process for discussion, except for informing senior management of SJAATAS of the complaint or management thereof.

Investigation of Appeals

26. Appeals will be investigated by the relevant Team Leader or the Training Manager ('the appeals investigator'), as per the process mentioned in point 21 above. The Training Operations Manager or Training Manager will advise of any conflict of interest and omit themselves from proceedings where a conflict exists. In the case of such conflict, the CEO will manage the appeals process.
27. In an appeal, the appeals investigator will advise the Facilitator/Assessor who made the initial assessment decision that an appeal has been lodged and invite the Facilitator to put their case to the investigator.
28. The appeals investigator will, in an appeal, request another Facilitator/Assessor, who is accredited to deliver the course in which the participant was enrolled, to review the assessment evidence.

29. The appeals investigator may meet with the appellant as part of the investigation. In any such meeting, the appellant has the right to have a support person or advocate accompany them to the meeting.
30. The appeals investigator may meet the Facilitator/Assessor whose assessment is the subject of the appeal. In any such meeting, the Facilitator/Assessor has the right to have a support person or advocate accompany them to the meeting.
31. The appeals investigator, having reviewed all the evidence, will make a decision in relation to the appeal and inform the person lodging the appeal, and any other relevant party, of the decision.

Complaints and SJAA

32. If the complainant or appellant is dissatisfied with the response to their complaint or appeal, they have a right to seek mediation via an independent third-party. A mediator can be appointed by the Australian Mediation Association or other agreed independent body. The costs associated with mediation are to be paid by the party who lodged the complaint or appeal.
33. Where a complaint or appeal is raised by a participant of SJAATAS, the participant is to first seek resolution using SJAATAS's formal complaints and appeals procedure. Failing satisfactory resolution of the grievance with SJAATAS, the participant may lodge a written complaint or appeal with the SJAA National Manager- Training and Innovation via email to training@stjohn.org.au
34. Where a complaint is raised by anyone other than a participant about the policies, procedures, services or products offered by SJAATAS, the person is to first seek resolution using SJAATAS's formal complaints and appeals procedure. Failing satisfactory resolution of the grievance with SJAATAS, the person may lodge a written complaint with the SJAA National Manager- Training and Innovation via email to training@stjohn.org.au
35. Where a party does not agree to the nominated independent third-party mediator, a different third-party mediator may be nominated, but any expenses, fees or charges incurred as a result of changing mediator will be borne by the party requesting the change.
36. If the matter is not resolved during mediation, the National Manager - Training and Innovation will refer the participant to the National Training Hotline – contact number 13 38 73