



Complaint and appeals policy

Scope:

This policy applies to complaints and appeals raised by learners, employers or trainees.

NDA takes all forms of complaints and disputes seriously. NDA deals with the complaint/dispute in a mature and supportive manner. NDA believe complaints/disputes are opportunities for continuous improvement and any positive or constructive feedback is acted upon.

NDA complaints policy:

NDA manages and responds to complaints involving the RTO, our trainers and assessors, employees, our learners, employers.

- Complaints received will be dealt with in a timely manner
- The objective with any complaint will be to find an immediate solution that satisfies all parties involved
- Any verbal complaint and its resolution will be addressed in a safe environment such as a private office away from public areas
- The principles of natural justice and procedural fairness will be upheld for every complainant
- Every learner shall have access to an NDA employee to express any concerns or issues they may have
- Decision making on complaints will be fair, practical, un-biased and the decision maker will not be involved in the complaint itself
- The resolution of complaints will follow dispute resolution techniques
- It is the complainant's right to take their complaint further if they are dissatisfied with the result obtained from NDA:
 - They may take their complaint to the Australian Skills Quality Authority (ASQA). Details for contact are on their website <http://www.asqa.gov.au/>
- All complaints will be acknowledged in writing to the complainant within 7 business days of receipt:
 - Where a resolution is more than 60 calendar days the complainant is informed in writing the reasons for the delay
 - Complainants are regularly updated (in writing) on progress
- Records of complaints will be maintained by NDA
- Complaints are reviewed regularly by an NDA Director and the General Manager to identify potential causes, and appropriate action will be taken to eliminate or mitigate the likelihood of reoccurrence

NDA complaints and appeals procedure:

The following steps in the Complaints and Appeals Process are:

First point of resolution:

1. Any learner, employer or trainee with a complaint or appeal is encouraged to raise the matter directly with any NDA employee
2. The NDA employee* will explain to the complainant that NDA has a formal procedure for addressing and recording complaints and that they are obliged to follow the procedure
3. The [complaint and dispute form](#) is completed by the NDA employee* and the complainant
4. The complaint and form is immediately referred by the NDA employee to the RTO Manager, Director and General Manager
5. The RTO Manager shall immediately contact the complainant concerned and discuss the matter, obtain all the facts and evidence (put in writing), and attempt to mediate a resolution
6. If a resolution is achieved this will be advised to the client in writing via email. The form and other evidence is recorded in the relevant O-drive folder
7. If no resolution is made, then a formal meeting or phone discussion can be requested by the complainant. This meeting will be arranged and held with the RTO Manager, Director and General Manager, and can be on the phone or in person
8. The complainant has the right to bring an advocate to all meetings/discussions during the complaints process. NDA will keep notes of the discussion or meeting, and the complainant will be provided with a copy

*If the nature of the complaint directly involves the NDA employee, another employee or manager will take responsibility for processing the complaint.

Resolution by RTO Manager:

The RTO Manager will provide the complainant with a Complaint and Appeals form to complete and email back, if the complaint involves an NDA employee, or the form has not already been filled in. Any other formal complaint of a serious nature, made against NDA should be presented in writing to the RTO Manager, preferably via email.

- The RTO Manager will address the complaint as quickly as possible
- The complainant will have the opportunity to discuss the complaint/appeal with the RTO Manager
- Once considered the complaint, all decisions will be documented and presented either face to face or via email to the complainant

Resolution by Director/General Manager:

If the complaint remains unresolved by the RTO Manager or if the complaint involves the RTO Manager, the complainant can direct their complaint to NDAs Director and/or General Manager. A modified process is undertaken in hope of reaching a solution.

Resolution by Governing body:

If the complaint remains further unresolved and/or complainant is unsatisfied with result they may contact the Australian Skills Quality Authority (ASQA). Contact details are on the website - <http://www.asqa.gov.au/>

Documentation and timeliness of response:

It is the responsibility of all NDA employees dealing in the process to document (in writing) the steps taken to resolve the complaint. All complaints are acknowledged in writing to the complainant within 7 business days of receipt. Complainants are regularly updated (in writing) on progress. Resolution in most cases will not exceed 14 business days. Where a resolution is more than 60 calendar days the complainant is informed in writing the reasons for the delay and proposed date for solution. Communication in writing is preferred via email. Throughout process complainant and other parties are regularly updated on progress.

Appeals Process:

Learners have the right to appeal an assessment decision made by their assessor. If the assessor believes the learner is not yet competent in the unit of competency they will complete the not yet competent section on the competency records. This includes the date for reassessment and strategies to address gaps in performance, as well as a comments section. This decision is discussed with the learner at the assessment visit, over the phone or via email.

If the learner wishes to appeal the assessment decision they should first discuss with their assessor. Still unsatisfied the learner can ask for re-assessment with another NDA assessor. This needs to be in writing to the RTO Manager, identifying the reasons for re-assessment. This appeal must be lodged with 1 month of the original assessment result.

If the complainant is still unsatisfied the appeal can be referred to NDA Director or General Manager. If the appeal is unresolved or learner unsatisfied the last point of contact is ASQA. Throughout this process all dealings will be documented and recorded in writing. The learner will receive copies of all documentation.

NDA anticipate appeals are resolved in a timely and appropriate matter that satisfies the learner and all parties involved.

Records:

All records (e.g. forms, emails, letters etc.) throughout the complaints and appeals process are maintained and stored securely on NDA's server. Complaints are reviewed regularly by NDA Director and General Manager, to identify potential causes and appropriate action is taken to eliminate or mitigate the likelihood of reoccurrence.