

COMPLAINTS AND APPEALS POLICY AND PROCEDURE

0 DEFINITIONS

Appeal: claim for a review of competency outcome using independent judges or a claim against a non-academic decision

Client: an external customer who notionally pays for the work KMR Safety First performs

Complaint: any aspect of involvement with KMR Safety First that causes resentment that results in a documented complaint usually caused by a breakdown in the processes used within KMR Safety First. They may or may not affect the competency determination

Customer: a person that benefits from their involvement with KMR Safety First; internal customers are staff members who rely on performance by other staff members. External customers are those who are outside the organisation and derive benefits from our work

Staff Member: an individual who may be employed or contracted by KMR Safety First to support the operation of KMR Safety First or to deliver or assess its courses

Third Party Training Arrangements: KMR Safety First has written agreements (third party training agreements) in place with a number of organisations who can train and assess approved courses under the auspices of KMR Safety First. These organisations are termed KMR Safety First Training Partners. Where possible, a KMR Safety First Training Partner will note on their website that they have a training arrangement in place with KMR Safety First

KMR Safety First will ensure that all KMR Safety First Training Partners follow the same RTO guidelines. Wherever KMR Safety First is noted, it will refer to both KMR Safety First and to the KMR Safety First Training Partner

1 COMPLAINTS

- 1.1 KMR Safety First/KMR Safety First Training Partner will adhere to the [National Complaints Code](#) to respond to complaints about vocational education and the organisation itself. This may include:
 - The RTO
 - RTO Staff
 - Learners of KMR Safety First/KMR Safety First Training Partner
 - KMR Safety First Training Partner or a Third Party providing service's on KMR Safety First's behalf, its trainers, assessors or other staff
- 1.2 Where verbal complaints are received, they can be discussed with the trainer or person involved and preferably resolved
- 1.3 If there is a need to formalise the issue or to define the outcome, then the complaint is documented on a Complaints Form ([F004](#)) and submitted to the General Manager by the complainer. Complaint will be recorded on the Complaint and Appeal Register ([R003](#))
- 1.4 The complaint will be acknowledged in writing to the person raising the complaint
- 1.5 Complaints cannot be anonymous because this is considered unfair as ongoing discussion cannot take place to resolve the issue between all parties

- 1.6 KMR Safety First will ensure the principles of natural justice and procedural fairness is adopted at every stage of the complaint and if required the appeal process. In the interests of transparency, the matter will be discussed with all parties involved
- 1.7 Information submitted to a trainer or any staff member is treated with respect and taken as an opportunity to improvement the organisation's practices and Management System. Privacy requirements and learner/ individual rights are maintained
- 1.8 Written learner and staff complaints, irrespective of the nature of the complaint, are advised to the Chief Executive Officer by the General Manager
- 1.9 Complaints either by learners or staff members lodged via a Complaints Form that have been found to be true are then recorded onto an Improvement Request (F010) by the General Manager for processing as required under Clause 2
- 1.10 Complaints must be investigated fairly and objectively by the General Manager or Chief Executive Officer in consultation with the learner and all other stakeholders. Privacy requirements and learner rights are maintained: the complainant has the right to attend the investigation and to request that a support person to be present
- 1.11 The subject matter will result in a change being made to the policies and procedures manual, the staff handbook and the learner handbook as these are the mechanisms of control. Documents will be changed and all stakeholders will be kept in the loop until the final; documented change has been completed.
- 1.12 Details of the investigation are given in writing to the complainant stating the outcomes and reasons for the decisions made. The close out of the improvement request is noted on the Register of Continuous Improvement (R007). The subject of the complaint will then be then monitored for an appropriate period to confirm that the changes have been made successfully
- 1.13 A copy of the all documentation, in particular the complaint and the outcome, is placed in the learner's file
- 1.14 Where more than 60 days are required to process and finalise the complaint, KMR Safety First will inform the complainant in writing why more than 60 days are required and will provide regular progress updates
- 1.15 Where the resolution requires a documented change to policies and procedures, the General Manager notifies the Chief Executive Officer of the change to ensure that the procedure for document change as listed in the "Version Control Policy" (P008) is followed with the appropriate records made
- 1.16 The complaints process will be subject to internal audit and to annual review

2 APPEALS FOLLOWING COMPLAINTS

- 2.1 When the complaint is not resolved to the satisfaction of the complainant, they may lodge the complaint with an independent body. Currently Australian Emergency Care Providers Ltd (AECPL) is the mediator of choice. The Appeal will be recorded on the Complaint and Appeal Register ([R003](#)). The appeal will be acknowledged in writing to all relevant parties. If the appeal is not received within 7 working days of the complainant receiving the decision regarding the outcome of the complaint, the matter will be considered closed
- 2.2 The cost of independent mediation is borne by the losing party
- 2.3 If a learner chooses to access Australian Emergency Care Providers Ltd, then KMR Safety First shall maintain the learner's enrolment until such time as the complaint/appeals process is resolved.

- 2.4 The complainant can select their own independent mediator
- 2.5 The person or body which hears the external complaint or appeal must be independent of, and external to, the registered provider. In order to be considered independent and external, the person or body would generally:
 - be separated in structure from both parties involved in the complaints and appeals process
 - have no personal or professional interest in the outcome of the complaints or appeals process
 - have no influence on the policy setting of the provider
 - be financially and administratively independent of the provider; and
 - not have the same directors or managers as the provider.
- 2.6 When reviewing their external complaints handling process, a provider should ensure it is confident of its impartiality and that its procedures are fair and open.
- 2.7 If the complaints procedures listed in Clause 1 does not resolve the matter, or if the alleged offender is an active respondent to the appeal, then the complainant formally approaches the General Manager using the Appeals Form ([F005](#)) to request this appeals process be triggered
- 2.8 The General Manager will organise a meeting with Australian Emergency Care Providers Ltd agent, the Chief Executive Officer and the complainant
- 2.9 The General Manager records the Learner's dispute on an Improvement Request (F010) which is then recorded in the Register of Continuous Improvement (R007) by the General Manager
- 2.10 The General Manager assembles the following information or documents:
 - (a) Past Learner record;
 - (b) Attendance registers;
 - (c) Assessment tools and assessment data; and
 - (d) Any other supporting documents.
- 2.11 Where more than 60 days are required to process and finalise the appeal, KMR Safety First will inform the appellant in writing why more than 60 days are required and will provide regular progress updates
- 2.12 The matter is then referred to Australian Emergency Care Providers Ltd who is an independent mediator to whom the appellant may deliver their own version of the problem with a support person be present
- 2.13 Australian Emergency Care Providers Ltd then considers the issues raised and attempt to resolve the appeal to the satisfaction of the appellant
- 2.14 If this internal (or any external) complaint handling or appeal process results in a decision that supports the learner, then the decision/corrective and preventive action shall be implemented
- 2.15 The submission and the final outcome of the appeal is recorded and communicated to all parties in writing, including the Chief Executive Officer. The communication must contain the outcome of the appeal and the reasons for the decisions made. A copy of the communication is placed in the learner file
- 2.16 No further appeal mechanism exists beyond this point in the appeals process

Related Standard/s: Clause 5.2, 6.1-6.5