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BRUSH FARM
CORRECTIVE SERVICES ACADEMY
CORRECTIVE SERVICES NSW

Complaints & Appeals Policy and Procedure

CSNSW Academy | RTO 90075



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1 Purpose

This policy and procedure outlines steps for managing complaints and appeals regarding the delivery and assessment of Nationally Recognised Training (NRT) leading to the issuance of an outcome in alignment with the Australian Qualifications Framework (AQF).

This document supports the Standards for Registered Training Organisations (RTOs) 2015 – Clause 1.1 to 1.4, 1.7, 2.2, 5.4, 6.1 to 6.6 and the CSNSW Academy operational requirements.

2 Scope

This document is not intended to replace or manage matters defined within the *DCJ Code of Ethical Conduct* or other related policies and procedures. This document relates to all parties involved in delivering, completing, or assessing NRT training products; this includes, but is not limited to:

- CSNSW Academy staff.
- Any third parties providing services on behalf of CSNSW Academy; and
- Learners of CSNSW Academy.

Other complaints, feedback and suggestions for improvement which do not relate to the delivery and assessment of NRT are managed through the *CSNSW Academy Customer Feedback Policy and Procedure*.

3 Definitions

Complaint	Any expression of dissatisfaction with an action or service of the CSNSW Academy. In the context of this policy and procedure the complaint will relate to the delivery and assessment of NRT.
Appeal	Where a learner of CSNSW Academy disputes a decision that has been made in relation to delivery and assessment of NRT which requires a review.
Satisfactory	Where a learner has successfully demonstrated application of knowledge and skill to the standard of performance required for a specified task. A consistent application of satisfactory tasks relating to a unit of competency will deem a learner competent in that unit.
Not Yet Satisfactory	Where a learner has not yet successfully demonstrated application of knowledge and skill to the standard of performance required for a specified task.
Competent	A consistent application of knowledge and skills to the standard of performance required in the workplace. It embodies the ability to transfer and apply skills and knowledge to new situations and environments. A consistent application of competent units relating to a qualification delivery structure will deem a learner competent in that qualification.

Not Yet Competent	Where a learner has not yet successfully demonstrated a consistent application of knowledge and skills to the standard of performance required in the workplace.
Natural justice	Relates to the process that is fair and free from bias.
Procedural Fairness	An undertaking to ensure fair and proper procedure is followed by those involved in the decision-making process.
Day(s)	Refers to calendar day(s).

4 Policy Statement

As an RTO, CSNSW Academy must ensure that all complaints and appeals related to NRT are recorded, acknowledged, and dealt with fairly, efficiently, and effectively. This policy and procedure outlines steps to manage complaints and appeals in the context of CSNSW Academy training and assessment processes.

All complaints and appeals will be managed in accordance with the principles of natural justice and procedural fairness.

4.1 Responsibility

CSNSW Academy staff are to ensure that they provide training and assessment in accordance with the Standards for Registered Training Organisations (RTOs) 2015 and the relevant CSNSW Academy organisational policies, procedures, standards, and guidelines. It is the responsibility of all staff delivering training and assessment on behalf of CSNSW Academy to ensure that learners are made aware of this policy and procedure.

Learners are required to acknowledge that they have been informed about the *CSNSW Academy Complaints & Appeals Policy and Procedure* on commencement of their training.

It is the responsibility of the Director, CSNSW Academy and Operational Training (or appointed delegate) to ensure that all complaints and appeals are effectively managed in accordance with this policy and procedure document. The Manager, Continuous Improvement and Compliance Unit (or appointed delegate) is to manage the communication, reporting, and recording of complaints and appeals documentation.

It is the responsibility of the Appeal Panel to:

- Review the grounds for appeal lodgement (including all supporting documentation)
- Determine the outcome based on evidence provided; and
- Specify and outline the required action to attain an acceptable resolution outcome.

5 Legislative Context

National Vocational Education and Training Regulator Act, 2011
Standards for Registered Training Organisations (RTOs) 2015
Privacy and Personal Information Protection Act 1998
Disability Standards for Education 2005
Disability Discrimination Act 1992

6 Changes and Updates

All policies and procedures are subject to ongoing revision to reflect systems and operational improvements.

Documentation posted on the CSNSW Academy website is considered the current version. It is the responsibility of the user of this document to ensure that the most current version is being applied.

7 Monitoring and Evaluation

This policy and procedure will be reviewed three (3) years from the date of implementation, or earlier should a review be warranted.

8 Procedure

8.1 Procedures for Complaint

A flowchart of this process is provided at **Annexure A**.

8.1.1 Making a Complaint

Prior to lodging a written complaint, learners should always attempt to discuss and resolve issues with the CSNSW Academy staff member responsible for their training and assessment and/or respective Training Unit Manager (TUM). Most of the time these issues can be resolved by informal discussions.

Complainants are to be offered additional support including consultation with their Direct Line Manager. If the complaint relates to the Direct Line Manager and/or the TUM, the learner should contact the Director, CSNSW Academy and Operational Training for guidance and supporting consultation.

8.1.2 Submitting a Written Complaint

If verbal discussions fail to resolve the matter, then a CSNSW Academy Complaint Form (**Annexure B**) or/email correspondence outlining the complaint is to be submitted to the respective TUM.

A written complaint about a TUM is to be forwarded to the Director, CSNSW Academy and Operational Training.

8.1.3 Resolving a Written Complaint

The TUM or the Director, CSNSW Academy and Operational Training will provide acknowledgement of receipt of the written complaint within seven (7) days of receipt. The written complaint will be reviewed and where necessary an interview with the complainant will be conducted within fourteen (14) days of receipt of acknowledgement. This interview may occur if the submitted CSNSW Academy Complaint Form fails to identify sufficient information and/or evidence to resolve the matter. The complainant may select to have a support person present at the interview.

In the case of the complaint relating to any allegations against a training coordinator, trainer,

assessor or learner, a separate interview with this person is to be conducted to determine the appropriate resolution and/or action. A support person may be present for any person involved and an independent CSNSW Academy staff member is to be present in this interview.

The TUM will finalise the complaint and provide feedback to the Complainant within twenty-one (21) days of acknowledgement of the CSNSW Academy Complaint Form.

If the complainant considers that this process has failed to resolve their complaint, they can lodge an appeal in relation to this decision as outlined in **(section 8.2)**.

8.1.4 Recording the Complaint

The TUM will provide the submitted CSNSW Academy Complaint Form, CSNSW Academy Complaint Outcome Form **(Annexure C)** and all associated documentation or alternative correspondence sources such as emails to the Manager, Continuous Improvement and Compliance Unit to update the Complaints and Appeals Register.

A new EDRMS container will be created for the complaint and all related documentation is to be saved within. Access to the EDRMS container is restricted to the Director, CSNSW Academy and Operational Training and the Manager, Continuous Improvement and Compliance Unit.

If the complaint is received and managed by the Director, CSNSW Academy and Operational Training, the recording of complaint documentation will be as outlined in **(section 8.1.4)**.

8.1.5 Reporting a Complaint

The Complaints and Appeals Register is used to:

- Monitor timeframes taken to address the complaint.
- Document the outcome of the complaint; and
- Identify potential continuous improvement actions that may result of the complaint.

The complaint will be tabled at the next CSNSW Academy Managers' Meeting if continuous improvement learnings require further discussion around possible broader CSNSW systemic risks.

8.2 Procedure for Appeals

A flowchart of this process is provided at **(Annexure D)**.

8.2.1 Prior to Appeal

Learners should always attempt (and be encouraged) to speak to their trainer and/or assessor in the first instance to resolve any outstanding issues. If the matter is not resolved, then contact should be made with the TUM about their concerns prior to lodging an appeal. Many issues can be easily and quickly clarified and resolved through informal discussion and feedback.

8.2.2 Submitting an Appeal

An appeal must be submitted in writing by the learner to the Director, CSNSW Academy and Operational Training (or appointed delegate) on the Appeal Lodgement Form **(Annexure E)**

within seven (7) days of receiving written notification of the outcome of the complaint or assessment result from the relevant TUM.

8.2.3 Appeal Process

Throughout the appeal process the learner will be referred to as the '**appellant**' from receipt of the Appeal Lodgement Form.

The Director, CSNSW Academy and Operational Training will advise the appellant's TUM and forward the Appeal Lodgement Form to the Manager, Training Operations (or appointed delegate) within seven (7) days of receipt.

The Manager, Training Operations (or appointed delegate) will ensure notification of receipt is forwarded to the appellant. Throughout the appeal process the Manager, Training Operations (or appointed delegate) is to ensure that timeframes are monitored and managed as outlined below.

Within twenty-one (21) days of receiving the Appeal Lodgement Form, a panel must be convened to consider the appeal. An appropriate Convenor will be nominated if the Manager, Training Operations (or appointed delegate) is unavailable or elects for such to occur.

Manager, Training Operations (or appointed delegate) will organise with the Director, CSNSW Academy and Operational Training (or delegated Convenor) for the appropriate panel member notifications to be made and request the complaint and/or assessment documentation from the relevant TUM.

The Appeal Panel will be formed as follows:

- Convenor.
- Respective Training Unit Manager (or appointed delegate).
- Director, CSNSW Academy and Operational Training (or appointed delegate).
- A union representative – (if requested); and
- A human resources representative.

It is important to note that union and human resource representatives are included on the Appeal Panel to ensure transparency of the process, not to 'represent' the appellant.

The time and date scheduled must be suitable to the appellant and nominated panel members.

Prior to the Appeal hearing date all relevant information regarding the lodged appeal will be coordinated by the Manager, Training Operations (or appointed delegate) in conjunction with the respective Training Unit Manager (or delegated officer). This information will be forwarded to the Appeal Panel Members two (2) days prior to the hearing date.

8.2.4 Appeal Hearing

Prior and/or during the appeal hearing the appellant may present evidence to support their case for appeal to the panel. This can be done in person, in writing or other methods such as teleconference or a virtual meeting that has been organised with the support of the Manager, Training Operations. A teleconference or a virtual meeting may be the appellant's preferred option due to distance/travel.

The appellant may elect to have a support person present at the appeal hearing. The elected

support person is not to provide evidence and/or make any representation for the appellant.

The evidence presented to the Appeal Panel will relate only to the matters of concern raised by the appellant in the Appeal Lodgement Form.

8.2.5 Assessment Appeal Decisions

8.2.5.1 Assessment Appeal Upheld

Should the appeal be upheld, the recommended course of action will be determined by the Appeal Panel and advice subsequently provided to the appellant.

8.2.5.2 Assessment Appeal Dismissed

Should the appeal be dismissed, the original decision will stand. If the appellant remains dissatisfied with the outcome may then request the Director, CSNSW Academy and Operational Training to have the decision reviewed by an independent third party as outlined in **(section 8.2.10)**.

8.2.6 Advising of Appeal Decision

The Convenor will inform the appellant and all relevant stakeholders of the appeal hearing outcome in writing within seven (7) days of the hearing taking place. The report will be forwarded to the Manager, Training Operations, retained, and saved in the relevant EDRMS container for the appeal, along with a copy of all material used in the appeal hearing decision.

8.2.7 Updating Student Records to reflect Appeal Outcome

The relevant TUM (or appointed delegate) will organise for the Student Information System (SIS) and/or Learning Management System (LMS) to be updated to reflect the appeal outcome as required.

8.2.8 Appeal Records

Appeal records are maintained in strict accordance with the Privacy and Personal Information Protection Act 1998.

Entry of Appeal Lodgement Form details within the Complaints and Appeals Register is the responsibility of the Manager, Training Operations.

Complaints and Appeals Register access is restricted to the Director, CSNSW Academy and Operational Training CSNSW, the Manager, Training Operations and the Manager, Continuous Improvement and Compliance Unit.

A new appeal container will be created in EDRMS for each appeal that has been lodged by the Manager, Training Operations with restricted access as outlined above. The EDRMS container number for appeal documentation will be updated within the Complaints and Appeals Register.

All correspondence relating to the appeal will be placed in the respective EDRMS container. These records will include the outcome and details of any corrective or preventative actions associated with the appeal hearing decision.

8.2.9 Reporting on the Appeal Process

The appeal hearing report provided by the Convenor may make recommendations to the appropriate TUM and/or CSNSW Academy Management. These recommendations may be tabled at the next CSNSW Academy Managers' Meeting if continuous improvement learnings require further discussion around possible broader CSNSW systemic risks.

If there is any matter arising from the appeal hearing that indicate a systemic issue requiring continuous improvement action, then this will be recorded on the Complaints and Appeals Register by the Manager, Training Operations.

8.2.10 External Independent Review of Appeal

If the appellant continues to consider that the CSNSW Academy appeal process has failed to resolve their appeal, the appellant can request an external review (independent of the RTO and appellant). To request an independent external review of the appeal hearing decision, a written request by the appellant is to be forwarded to the Director, CSNSW Academy and Operational Training within seven (7) days of receiving the Appeal Hearing Report from the Convenor.

The Director, CSNSW Academy and Operational Training (or appointed delegate) will organise a suitable independent third-party to review the appeal hearing decision within seven (7) days of receiving the request form the appellant. Documentation of the complaint and appeal process is to be provided to the independent third-party reviewer within seven (7) days of agreed engagement.

Prior to engagement, the independent third-party reviewer must confirm that they will be able to complete this review within twenty-eight (28) days from the date of the agreed engagement. Consideration should be made to seek another independent third-party reviewer if this is not achievable.

8.2.11 Delay in resolution of Appeal

When requesting an independent third-party review, the appellant is to be informed of the timeframes as outlined in **(section 8.2.10)** and that the resolution of their complaint and appeal could potentially exceed sixty (60) days. The Director, CSNSW Academy and Operational Training (or appointed delegate) will advise the appellant if there are any delays in the completion of the independent third-party review (i.e., a departure from timeframes as outlined in **(section 8.2.10)**, with systematic status updates to be then provided.

9 Associated Documents

DOCUMENT	REFERENCE
Procedure for Complaint – Flowchart	Annexure A
CSNSW Academy Complaint Form	Annexure B
CSNSW Academy Complaint Outcome	Annexure C
Procedure for Appeal – Flowchart	Annexure D
CSNSW Academy Appeal Lodgement Form	Annexure E
Complaints and Appeals Register	D12/236393

Continuous Improvement Register	D22/1032586
Learner Rights and Responsibilities	bfcsa.nsw.gov.au
CSNSW Academy - RTO Code of Practice	bfcsa.nsw.gov.au
CSNSW Academy - Assessment Policy and Procedure	bfcsa.nsw.gov.au
CSNSW Academy - Assessment Validation Policy and Procedure	bfcsa.nsw.gov.au
CSNSW Academy - Plagiarism Policy and Procedure	bfcsa.nsw.gov.au
DCJ Code of Ethical Conduct	intranet.dcj.nsw.gov.au
Standards for Registered Training Organisations (RTOs) 2015	asqa.gov.au

10 Document Information

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11 Document History

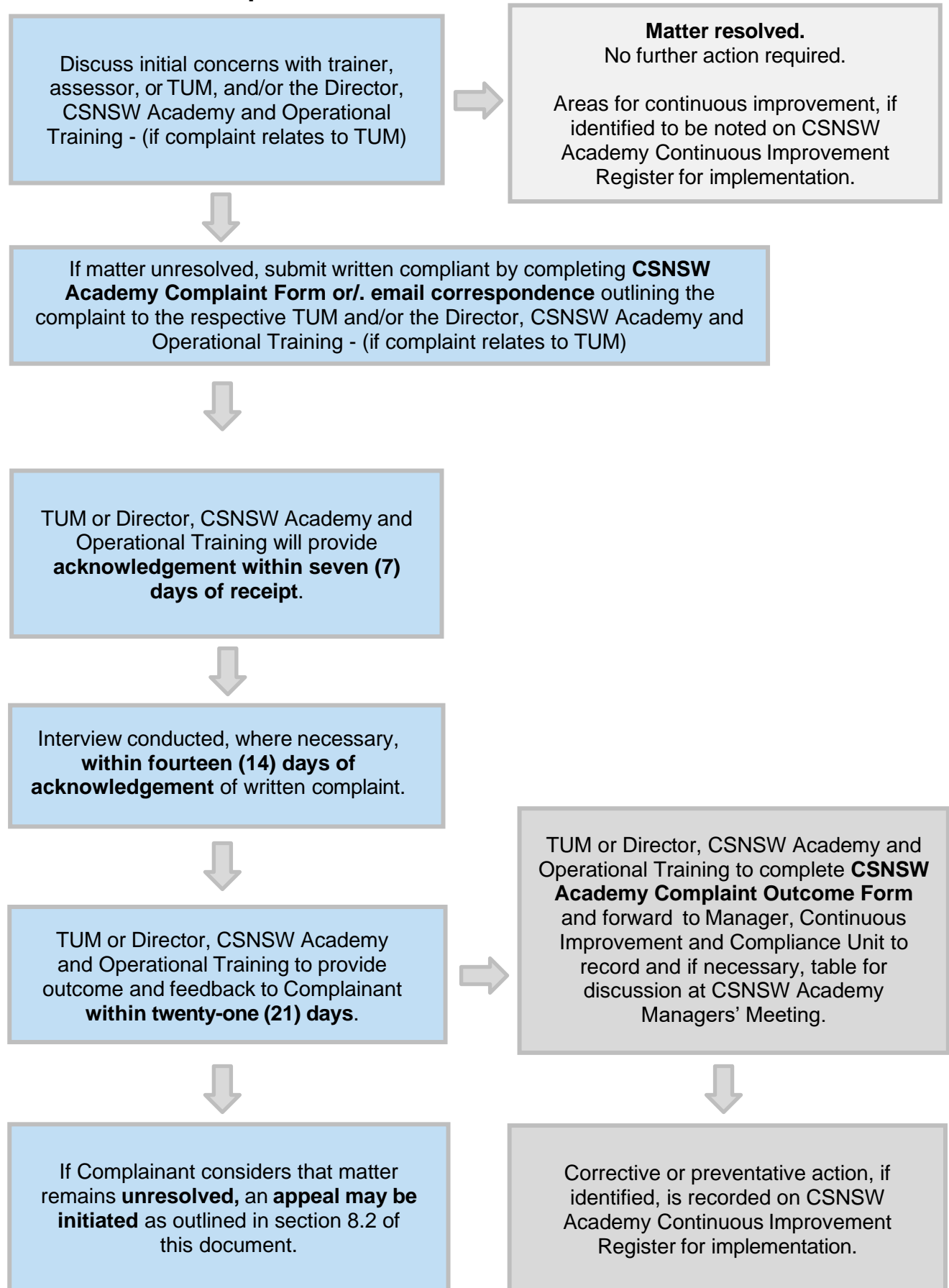
Version	Date	Reason for Amendment
V 11	19 NOV 2021	Continuous improvement of appeals processes and update of supporting templates.
V 12	12 MAY 2023	Update to align with implementation of new operating models in support of the strategic priorities of as part of the Towards 2030 Strategic Plan at the CSNSW Academy.

-End of Document-



Annexure A

Procedure for Complaint – Flowchart



Annexure D

Procedure for Appeal – Flowchart

