



## Complaints and Appeals Policy and Procedures

*Standard 6: Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively*

### Policy Statement

ComSafe, as an RTO, has a complaints and appeals policy specific to its RTO operations and responds to complaints in relation to the quality of training and assessment; the quality of client service; and compliance with the VET Quality Framework, including allegations involving the conduct of:

- ComSafe's RTO,
- Its Trainers (assessors) or other RTO support staff
- Client/participants of the RTO
- Any third parties providing services on behalf of ComSafe.

ComSafe manages complaints and appeals in a transparent manner which enables participants to be informed of, and to understand their rights and obligations and the RTO's responsibilities in relation to complaints and appeals under the Standards for Registered Training Organisations (RTOs) 2015 (the Standards).

### Complaints and Appeal Procedure General Principles

1. ComSafe (RTO No: 91235) will ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process by allowing anyone subject to a decision by the RTO, or anyone who has allegations made against them, to a right of reply before a decision is made.
2. The decision maker in the process is independent of the decision being reviewed.
3. Each complainant or party lodging an appeal may be accompanied and/or assisted by a support person throughout the process.
4. Complaints and appeals are handled in the strictest of confidence and records are secured in accordance with the AMSA Recordkeeping policy and Australian Privacy Principles in AMSA's electronic records management system.
5. All complaints, appeals and outcomes are documented in ComSafe's **RTO Complaints and Appeals Register**. Outcomes of complaints and appeals processes are used to inform continuous improvement activities.
6. If a complainant raises a concern but is not willing to proceed with the complaint they are advised that because of the requirements of procedural fairness, in most circumstances no further action can be taken by the RTO.
7. Appeals of assessment outcomes are to be lodged within 28 days of when the assessment outcome is informed to the learner.
8. Complaints may be made to any member of staff, who will then notify the Manager, ComSafe.
9. An appeal can be made to the RTO (ComSafe) to request a review of a decision, including assessment decisions.
10. Appeals should be made to the trainer/assessor in the first instance, but can also be made to Manager, ComSafe.
11. Any staff member can receive a complaint or appeal. Where possible, complaints are resolved immediately. In all instances the Manager, ComSafe should be made aware.
12. All complaints and appeals are heard and resolved within 60 calendar days of receipt. If ComSafe considers that more than 60 calendar days are required to process and finalise the complaint or

appeal, the complainant or appellant will be informed of the reasons for the extended timeframe in writing and will be regularly updated on the progress of the matter.

13. ComSafe will maintain a secure Complaints and Appeals Register, documenting all complaints and appeals received, as well as actions taken and decisions made.
14. ComSafe will undertake a continuous improvement process that includes reviewing both the details in the Complaints and Appeals Register, and the complaints and appeals policy and procedures, and taking appropriate corrective action to eliminate or mitigate the likelihood of the same problems occurring again.

### Informal Complaints and Appeals

1. It is expected that prior to initiating a formal complaint and appeal process, the parties involved will attempt to resolve concerns directly wherever possible. It is expected that many concerns will be resolved in the first instance.
2. It is expected that all parties will participate in good faith in resolving concerns so that the RTO maintains a respectful learning environment.
3. Clients are encouraged to raise concerns directly with the Trainer, particularly where the concerns are adversely affecting the learning environment.

### Procedures

#### Stage 1 – Lodging a Formal Complaint or Appeal

Where the parties involved are unable to successfully resolve the concern directly, then a formal complaint or appeal may be lodged with ComSafe in writing using the [RTO Complaints and Appeals Form](#) (with assistance where required). A copy of the form is provided to the complainant, and it records the following information:

- complainant's full name, address, phone/email address;
- details of the concern raised by the complainant;
- the complainant's desired outcome;
- reasons outlining the escalation to a formal process;
- if the complaint relates to another party, that party's full name and position; and
- the particulars of the decision or finding in dispute (for a review of decision).

All complaints/appeals lodged verbally or in writing shall be documented and referred to the Manager, ComSafe. The Manager, ComSafe will acknowledge receipt of all complaints and appeals in writing and record it on ComSafe's Complaints and Appeals Register. The acknowledgement outlines the anticipated 60 calendar days review period.

Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the complainant or appellant will be informed in writing, outlining reasons why more than 60 calendar days are required, and regularly updates the complainant or appellant on the progress of the matter.

#### Stage 2 - Determination of Outcome

Where ComSafe determine that they have the decision making capacity they make a determination and inform the complainant of the outcome in writing within 60 days. Decisions or outcomes of the complaint or appeals process that resolve the complaint or appeal and find in the favour of the party are implemented immediately.

The outcome and action implemented will be documented by the Manager, ComSafe, Deputy Manager or RTO Compliance Officer and noted in the **RTO Complaints and Appeals Register**. Documentation is securely filed and the outcome and continuous improvement action is also to be noted.

If a complaint cannot be investigated by the RTO (for whatever reason), then the Manager, ComSafe will inform the complainant at this point and refer them to the most appropriate body.

#### Stage 3 - Internal Review of Determination

Where ComSafe is unable to make a determination or the complainant is dissatisfied with the outcome they can appeal and request a review of the decision from a third party. Appeals or requests for review of decisions are to be lodged in writing within 28 days of the decision or outcome.

Requests for appeal or review of decisions are referred to the Manager, ComSafe who will escalate to the CEO who may review or assign an internal review officer within FRNSW, but independent of the RTO or decision.

The review officer makes a determination and advises the appellant of the decision or outcome in writing. Decisions or outcomes of appeal or review process that find in the favour of the appellant are implemented immediately.

The outcome and action to be implemented together with documentation, is to be securely filed and the outcome and continuous improvement action noted in ComSafe's Complaints and Appeals Register.

#### **Stage 4 – Independent Third Party Review of Determination**

Where the appellant is dissatisfied with the outcome of the internal review they can appeal and request a review of the decision from an independent external third party. Appeals or requests for independent third party review of decisions are to be lodged in writing within 28 days of the decision or outcome.

Requests for appeal or review of decisions are referred to an independent third party or external mediator, determined by the Chief Executive Officer or Manager, ComSafe.

As an RTO, ComSafe discloses any costs associated with a third party review, so all parties are aware of any costs they may be incurred. ASQA is not able to act as the independent third party for reviewing complaints.

The independent review officer makes a determination to ComSafe. The appellant will be informed of the decision or outcome in writing. Decisions or outcomes of the appeal or review process that find in the favour of the appellant are implemented immediately and noted in ComSafe's **RTO Complaints and Appeals Register**.

#### **Overview of Resolution Process**

To resolve any complaint/appeal, the Manager, ComSafe, or Deputy or CEO may:

- Discuss the issue/s with the staff member to whom the complaint/appeal was made
- Give the complainant/appellant an opportunity to present their case (they may be accompanied by other people as support or as representation)
- Give the relevant staff member, third party or student (as applicable) an opportunity to present their case. They also may be accompanied by other people as support or as representation.

If necessary, refer to an independent or third party panel for review of the decision. (The independent review must not have had previous involvement with the complaint/appeal, and must include: an independent person/SME, a ComSafe representative and a Training Officer)

All parties are informed of the outcome and noted in ComSafe's RTO Complaints and Appeals Register.

#### **Internal Staff Complaints**

Workplace complaints from FRNSW personnel are managed in accordance with FRNSW Resolving Workplace Complaints Policy and will be referred to Professional Standards for determination.

# ComSafe Training Services

Workplace Emergency Response Professionals

The Commercial Division of Fire & Rescue NSW - RTO: 91235

Web: [www.comsafe.com.au](http://www.comsafe.com.au) | T: 1800 78 78 48 | E: [comsafe@fire.nsw.gov.au](mailto:comsafe@fire.nsw.gov.au)



## Complaints and Appeals Form

COMPLAINT

APPEAL

### Personal Details:

Surname	<input type="text"/>	Title	<input type="text"/>
Given Name	<input type="text"/>		
Address	<input type="text"/>		
Contact No	Home: <input type="text"/>	Mobile: <input type="text"/>	
Email	<input type="text"/>		
Employer	<input type="text"/>		

### Training Program:

Program Title	<input type="text"/>	Date	<input type="text"/>
Trainer's Name	<input type="text"/>		

### Details of Complaint / Appeal

Details / reason for your submission / concern

Occurrences leading up to this submission

*(Outline any steps/actions taken prior to submitting your formal complaint/appeal)*

Return form to [comsafe@fire.nsw.gov.au](mailto:comsafe@fire.nsw.gov.au) attention Manager, ComSafe

Details of any other parties involved  
(include full name and position, if known)

Outcomes you are seeking from this process

By signing this form, I certify that the information contained within is true and correct.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

**Office Use Only – Overview of process outcome and actions**

	No of Attached Docs:	RTO Ref No:

\_\_\_\_\_  
*RTO Signatory*

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Date*