

## Complaints and Appeals Policy and Procedure

### 1. Purpose of the policy

1.1 This policy outlines ICAN Learn's policy and procedures in managing the complaints and appeals process.

### 2. Complaints and Appeals Policy

2.1 ICAN Learn's Management shall ensure that all complaints and appeals are dealt in accordance with the principles of natural justice and procedural fairness and remains publically available.

2.2 All complaints and appeals shall be subject to notification within ICAN Learn's management meeting and require the implementation of ICAN Learn's complaints and appeals process.

2.3 ICAN Learn will manage and respond to allegations involving the conduct of:

- a) ICAN Learn, its trainers, assessors or other staff;
- b) a third party providing services on ICAN Learn's behalf, its trainers, assessors or other staff; or
- c) a learner of ICAN Learn.

### 3. Application of the policy

3.2 This Policy applies to all casual, part time and full time employees ICAN Learn and current and future students of ICAN Learn.

### 4. Commencement of the policy

4.1 This Policy will commence from 1st January, 2017

### 5. Policy review

5.1 This policy will be reviewed annually from the time of commencement

### 6. Complaints and Appeals Procedures

6.1 Learners may choose to submit a complaint to ICAN Learn staff via the Informal Process or Formal Process. (Please note 'ICAN Learn staff' will be considered to include third parties or partnering organisation staff).

#### 6.2 Informal process

6.2.1 Learners may submit a complaint (verbally or in writing) directly to ICAN Learn's staff with the purpose to resolve a complaint through discussion and through mutual agreement. All complaints received will be acknowledged in writing by ICAN Learn's Management.

- 6.2.2 ICAN Learn staff are required to explain to the Learner the Informal, Formal and complaints and appeals processes available to them.
- 6.2.3 Learners may be accompanied by a third party of their choice to support them in the informal process discussion.
- 6.2.4 All informal complaints when finalised shall be reported to ICAN Learn's Management by ICAN Learn's staff (via a stakeholder feedback form) for further review and consideration for potential continuous improvement actions, regardless of whether the complaint was resolved or not.
- 6.2.5 All informal complaints that are not resolved with Learners by mutual agreement with ICAN Learn's staff will require the completion of the formal complaints process.

### 6.3 Formal Process

- 6.3.1 When a Learner wishes to submit a formal complaint or is dissatisfied with the attempt to resolve a complaint informally (directly with staff) the Learner may submit a formal complaint to ICAN Learn's management utilising the '**Student Complaint Form**'.
- 6.3.2 ICAN Learn's Management will respond in writing to all formal Learner complaints within 5 days of receipt of a 'Student Complaint Form'.
- 6.3.3 When a Complaint is recognised as requiring more than 60 calendar days to resolve ICAN Learn's management must inform the complainant in writing, including reasons why more than 60 calendar days are required; and regularly update the complainant on the progress of the matter.
- 6.3.4 ICAN Learn's Management shall respond to formal complaints from Learners in writing proposing a resolution to the complaint.
- 6.3.5 The ICAN Learn Management responses to the complainant shall include information and procedures concerning the complainant's right to appeal the proposed solution and request for an independent adjudicator.
- 6.3.6 All formal complaints when finalised shall be reported to ICAN Learn's Management by ICAN Learn's staff (via a stakeholder feedback form) for further review and consideration for potential continuous improvement actions, regardless of whether the complaint was resolved or not.

## **7. Appeals Process**

**7.1** In the event of a Learner advising that they are dissatisfied with the proposed solution for a formal complaint to ICAN Learn's management, the Business and Sector Development Manager shall provide an additional opportunity to provide a solution and shall apply the External Appeal process.

### **7.2 External Appeals**

**7.2.1** The Executive Officer shall advise the Learner that an Independent Third party shall be sought to consider the nature of the complaint and a possible further resolution at no cost to the Learner.

**7.2.2** The selection of the Independent Third party shall be communicated with the Learner and the selection must be with the mutual agreement of the Learner.

**7.2.3** ICAN Learn's management shall make contact with the Independent Third party and provide all documentation related to the formal complaint and Learner contact details.

**7.2.4** Independent adjudication responses must be within 7 days from the date that all formal complaint documentation is provided to the Independent Adjudicator.

**7.2.5** When an Appeal process is recognised as requiring more than 60 calendar days to resolve ICAN Learn's management must inform the appellant in writing, including reasons why more than 60 calendar days are required; and regularly update the appellant on the progress of the matter.

**7.2.6** On receipt of the formal complaint documentation the Independent Third party shall make contact with ICAN Learn's Management staff and the Learner and arrange a suitable time for further discussion pertaining to the formal complaint.

**7.2.7** All Independent Third Party proposed solutions shall be final and be reported to ICAN Learn's management and the Learner in writing and will require immediate implementation by both parties.

## **8. Assessment result appeals**

**8.1** All appeals from Learners relating to assessment results must be received in a period no longer than 3 months following the competency decision.

### **8.2 Assessment Appeals Procedure**

- 8.2.1** Staff delivering training and assessment services on behalf of ICAN Learn will be required to:
- i. Provide timely guidance to all course participants regarding the assessment appeals procedure.
  - ii. Clarify any aspects of the assessment results that a student does not understand.
  - iii. Provide each student that requests an assessment appeal with the required '**Assessment Appeal form**'.
  - iv. Communicate directly via email as soon as possible with ICAN Learn's management on any advice (verbal or written) provided by a student that they are seeking to appeal an assessment decision.
  - v. Schedule a meeting with the student and ICAN Learn's management when a completed assessment appeal form is received from a student.
  - vi. Communicate any outcome decision by ICAN Learn's management to uphold or overturn an assessment appeal to the student's by completing the assessment appeal form clearly identifying the reason for the outcome.
  - vii. All assessment appeals will be processed by ICAN Learn's staff and management within 10 days of receipt of an appeal. All assessment appeals must be maintained on the students file.
  - viii. Student records will be adjusted to comply with ICAN Learn's management appeal outcome decisions.

## **9. Complaints and appeals records**

- 9.1** ICAN Learn's management shall maintain records of all complaints and appeals and their outcomes and reference complaints and appeals in ICAN Learn's Management meeting minutes identifying potential causes of complaints and appeals and takes appropriate corrective actions to eliminate or mitigate the likelihood of reoccurrence.
- 9.2** Records of all Informal, Formal complaints and appeals will be recorded in ICAN Learn's Review meeting minutes and all written student complaints records will be retrievable through the Student Complaints PCFs.
- 9.3** ICAN Learn's management will maintain a Complaints and Appeals Register