

COMPLAINTS HANDLING POLICY

Purpose

This Policy has been developed to provide guidance to both Students and Employees on the way EduNex Training receives and manages Complaints.

Scope

This Policy applies to and may involve issues concerning the conduct of:

- EduNex Training as an organisation, it's Trainers, Assessors or other Staff;
- Students of EduNex Training.

This Policy has a broad application and is not simply relevant to Complaints that may be made by Students. A Complaint may be made by an Employer about EduNex Training or by the Trainer about the conduct of the Student. Throughout this Policy we refer to the person making a Complaint as simply the Complainant.

Policy

EduNex Training is committed to providing a fair and transparent Complaints handling process.

What is a Complaint?

A Complaint is an expression of dissatisfaction made in relation to an action, decision or omission within the responsibility and control of EduNex Training, a Staff Member or a Student, where a response or resolution process is expected wherever possible.

Early Resolution of Complaints

In all cases, issues that arise during training and assessment that are the source of frustration or are in dispute should be resolved at the time they occur between the persons involved. It is often the case that Complaints can be avoided by proper communication and respect between persons involved. Sometimes, it will not be possible and in these cases, you are encouraged to come forward and inform us of your concerns with the confidence that you will be treated fairly. Your Trainers have been instructed to bring all complaints to the attention of EduNex Training Management.

Relationship to Continuous Improvement

Frequently, the Complaints handling process will expose weaknesses in the training and assessment or administrative system that can flow into the continuous improvement system as opportunities for improvement. This outcome of Complaints handling is very positive and should be actively applied by all persons involved. It is for this reason that Complaints received from stakeholders should be seen in a positive light and as opportunities for improvement.

Making a Complaint

A Complaint may be received by EduNex Training in any form and does not need to be formally documented by the Complainant in order to be acted on. Complaints may be made by any person.

To make a Complaint, the person is recommended to complete the EduNex Training - Complaint Form. This form is available via our website www.edunex.edu.au or can be obtained from the EduNex Head Office.

It is important to identify in your complaint in the Complaints and Appeals Form whether your concerns are related to:

- The RTO
- The Trainer/Assessor
- Another Student

The completed Complaint Form is to be submitted to the General Manager either in hard copy or electronically via the following contact details:

Suite 5, Level 3, 13 - 15 Lake Street

Caroline Springs, VIC 3023

Email: info@edunex.com.au

If a Complainant has any difficulty accessing the required form or submitting the Complaint to EduNex Training, they are advised to contact EduNex Training Head Office immediately at the following phone number:

1300 EDUNEX (1300 338639)

Complaint Handling Procedure

EduNex Training will apply the following procedure to its Complaints Handling:

- A Complaint may be received in any form (written, verbal) although persons seeking to make a Complaint are recommended to complete the Complaint form which is available to them on the website. The person who is seeking to make a Complaint, should lodge the Complaint within **12 months** of the situation arising or incident occurring.
- A person who makes a Complaint must be **provided a written acknowledgement** as soon as possible and **not later than 24 hours** from the time the Complaint is received. This acknowledgement is intended to provide the Complainant assurance that EduNex Training had received the Complaint and will review the relevant issues and provide a response. The acknowledgement must inform the Complaint that they will receive a written response within 14 days.
- Written acknowledgement should be provided using the Complaint Acknowledgement Email template.
- A written record of all Complaints is to be kept by EduNex Training including all details of lodgement, response and resolution. The Complaints Register is to be used to record the details of the Complaint and to maintain a chronological journal of events during the Complaint handling process. Records relating to Complaint handling must be stored securely to prevent access to unauthorised personnel.
- A Complainant is to be provided an opportunity to formally present his or her case at no cost.
- Each Complainant may be accompanied and/or assisted by a support person at any relevant meeting.
- Where a Complaint is made about or involves allegations about another person, EduNex Training is obliged to inform this person about this Complaint or allegation and provide them the opportunity to respond and present information in response to the issues raised. This may be achieved through direct meetings or meeting via an electronic means. EduNex Training must maintain a detailed record of these meetings in the form of a record of conversation. At all times information must be handled sensitively and treated in confidence. Persons involved in a dispute or Complaint should be reminded to treat each other with respect and conduct themselves in a professional and courteous manner.

- Where a Complaint is received by EduNex Training which involve allegations about alleged criminal conduct, EduNex Training are to recommend the person making the Complaint refer the matter to the relevant State or Territory Police Service.
- The Complaints Policy must be publicly available. This means that the Complaints Policy must be published on the EduNex Training website.
- The handling of a Complaint is to commence within **seven (7) working days** of the lodgement of the Complaint and all reasonable measures are taken to finalise the process as soon as practicable.
- The Complainant is to be provided a written response to the Complaint, including details of the reasons for the outcome. A written response must be provided to the Complainant within **fourteen (14) working days** of the lodgement of the Complaint.
- Complaints must be resolved to a final outcome within **sixty (60) calendar days** of the Complaint being initially received. Where EduNex Training CEO or General Manager considers that more than 60 calendar days are required to process and finalise the Complaint, the CEO or General Manager must inform the Complainant in writing, including reasons why more than 60 calendar days are required. As a benchmark, EduNex Training should attempt to resolve Complaints as soon as possible. A timeframe to resolve a Complaint within thirty (30) calendar days is considered acceptable and in the best interest of EduNex Training and the Complainant. A Complainant should also be provided with regular updates to inform them of the progress of the Complaint handling. Updates should be provided to the Complainant at a minimum of **two (2) weekly intervals**.
- EduNex Training shall maintain the enrolment of the Complainant during the Complaint handling process.
- Decisions or outcomes of the Complaint handling process that find in the favour of the Student shall be implemented immediately.
- Complaints are to be handled in the strictest of confidence. No EduNex Training representative is to disclose information to any person without the permission of EduNex Training CEO or General Manager. A decision to release information to third parties can only be made after the Complainant has given permission for this to occur. This permission should be given using the Information Release Form.

- Complaints are to be considered and handled to ensure the principles of natural justice and procedural fairness are applied at every stage of the Complaint handling process. This means that the Complainant is entitled to be heard with access to all relevant information and with the right of reply. The Complainant is entitled to have their Complaint heard by a person that is without bias and may not be affected by the decision. Finally, the decision must be made based on logical evidence and the decision-maker must take account of relevant considerations, must act for a proper purpose and must not take into account irrelevant considerations.
- The following guides are relevant to our area of delivery:
 - Further guidance on principles of natural justice and procedural fairness can be accessed at the following link: [Principles of Natural Justice and Procedural Fairness](#)
 - A good practice guide for Complaint handling, created by the Victorian Ombudsman can be accessed at the following link: <https://www.ombudsman.vic.gov.au/Complaints/Complaint-Handling-Guide>
- Complaint handling procedures should conclude with an analysis of the circumstances to identify any opportunities for improvement.

Informing Persons and Responding to Allegations

Where a Complaint involves one person making allegations about another person, it is a requirement for EduNex Training to hear both sides of the matter before making any judgements about how the Complaint should be settled. A person who will be affected by a decision made by EduNex Training as a result of a Complaint has the right to be fully informed of any allegations and to be provided adequate opportunity to be heard and respond. The person has the right to:

- Put forward arguments in their favour,
- Show cause why a proposed action should not be taken,
- Deny allegations,
- Call for evidence to disprove allegations and claims,
- Explain allegations or present an innocent explanation, and

- Provide mitigating circumstances (information aimed at reducing the severity, seriousness, of something).

EduNex Training also has an obligation to fully consider the substance of allegations and the response provided by parties before making a decision. Decisions must be communicated to the Complainant and relevant persons subject of allegations in writing. This is to include advising these persons of their right to seek a third-party review of decisions made by EduNex Training.

Where an allegation is made that involve alleged criminal or illegal activity and it is considered outside the scope and expertise of EduNex Training to investigate the matter, then in these circumstances EduNex Training reserve the right to report these allegations to law enforcement authorities. Persons related to the matter involving alleged criminal or illegal activity will be advised in writing if this course of action is being taken.

Third Party Independent Review

Where the person making a Complaint is not satisfied with the handling of the matter by EduNex Training, they have the opportunity for a body or person that is independent of EduNex Training to review his or her Complaint following the internal completion of Complaint handling process. Before a person seeks a review by an independent person, they are requested to first allow EduNex Training to consider the nature of the Complaint to fully respond to the person in writing. If after this has occurred, the person is not satisfied with the outcome, they can then seek a review by an independent person. To request a review by an independent person, the Complainant should inform EduNex Training of their request who will initiate the process with the CEO or General Manager.

In these circumstances, the EduNex Training CEO or General Manager will advise of an appropriate party independent of EduNex Training to review the Complaint outcome (and its subsequent handling) and provide advice to EduNex Training in regard to the recommended outcomes. The independent third-party is required to respond with their recommendations within **fourteen (14) working days** of their review being requested. This advice is to be accepted by EduNex Training as final, advised to the person making a Complaint in writing and implemented without prejudice.

Where the EduNex Training appoints or engages an appropriate independent person to review a Complaint, the EduNex Training will meet the full cost to facilitate the independent review. Where the person seeking an appeal objects to this appointment and requests to engage a person or organisation, they nominate to undertake the review, the EduNex

Training may seek the person making a Complaint to contribute to the cost of engaging this person to undertake the review. This is advised to the person making a Complaint within the Student Handbook.

Where a Complaint is received by EduNex Training and the Chief Executive Officer feels that they may be bias or there is a perception of bias, then the Complaint is to be referred directly to an independent third-party for consideration and response as outlined above.

Unresolved Complaints

At full conclusion of the Complaint handling process where the person making a Complaint remains not satisfied with the outcome of the Complaint handling procedure, the person making a Complaint is to be directed to the following external agencies:

- In relation to consumer related issue, the person may refer their Complaint to the **Office of Fair Trading**.
- In relation to the delivery of training and assessment services, the person may refer their Complaint to the **National Training Complaints Service** via the following phone Hotline Number: 13 38 73. The National Training Complaints Service also provides an opportunity for Students to lodge their grievance with an external agency who will follow up and investigate their complaint.

This guidance is communicated to Students within the Student Handbook. It is expected that the above agencies will investigate the persons concerns and contact the EduNex Training for information.

EduNex Training is to cooperate fully with agencies such as the National Training Complaints Service, the Office of Fair Trading or the Australian Skills Quality Authority (ASQA) that may investigate the handling of a Complaint. EduNex Training considers that it would be extremely unlikely that a Complaint is not able to be resolved quickly within EduNex Training internal arrangements.

Complaints which at any stage of an investigation are found to be unsubstantiated, misconceived, frivolous, vexatious or not lawful by reason of a provision contained in legislation, or in breach of this Procedure, EduNex Training may, by Notice in writing addressed to the Complainant, dismiss the Complaint. Employees or Students who deliberately make false or malicious Complaints may be subjected to disciplinary action.

Record Management of Complaint Records

Records relating to Complaints will present in two formats. There will be electronic records in the form of email correspondence and other documents which are communicated electronically and hard copy records which are submitted by the Complainant or generated by EduNex Training. There is also a record of the Complaint maintained within the EduNex Training Student Management System - VETtrak. This includes the details about the Complaint and a diary log which records the progress of the Complaint handling and closure. This record also records identified opportunities for improvement that result from Complaints handling.

All records regardless of their format (excluding VETtrak) will be saved in a digital format into a secure folder located on the EduNex Training file storage. Each file is to be clearly labelled with the document title or subject and the date of which the document was received or generated. This folder must only be accessible to persons authorised by the Chief Executive Officer. Records stored on VETtrak are to be accessible only to VETtrak administrators and managers.

To ensure records are maintained in a safe and suitable condition, the following is to apply:

- Records must be kept securely to prevent them being accessed by any non-authorised personnel.
- Records must be kept confidential to safeguard information and to protect the privacy of Complainants.
- Records must be kept to avoid damage by fire, flood, termites or any other pests.
- Electronic data storage must be safe from destruction by fire or flood and should take account of the risk of component failure of a single storage device. Electronic data is also to be backed-up off site.

Period of Retention of Complaints Records

EduNex Training is to retain records relating to Complaints handling for a minimum of five (5) years.

Destruction of Complaints Records

EduNex Training CEO is the only person who can authorise (in writing) the destruction of Complaint handling records. Records are only to be authorised for destruction after the retention period has lapsed. Documents identified for destruction are to be shredded before being recycled.

Complaints Handling Process (Diagram Below)

