

TPOL-003 Complaints and Appeals

Availability of Complaints and Appeals Policy and Procedures

1. SJAAQLD will ensure that the complaints and appeals policy is available to the general public and potential and current participants are able to access the policy on the SJAAQLD website.

Participant acknowledgment

2. On enrolment, participants will be made aware of availability of the complaints and appeals policy and procedure and participant's acknowledgment of receiving the same will be sought via a written acknowledgment during the enrolment process.

Complaints and Appeals Process

Making a complaint

3. In the first instance, participants are encouraged to discuss the complaint, appeal, concern or grievance with the Trainer of the course in which they are enrolled.
4. Failing satisfactory resolution of the grievance with the Trainer, the participant may lodge a written complaint or appeal with the Commercial Manager via training@stjohnqld.com.au.
5. Where a complaint is raised by anyone other than a participant about the policies, procedures, services or products offered by SJAAQLD, the person may lodge a written complaint with the Commercial Manager via training@stjohnqld.com.au.
6. Depending on the circumstances of each individual case, SJAAQLD may need to inform any person who is the subject of an investigation or allegation, or whose interests are likely to be affected adversely by a decision.
7. A person making a complaint or seeking appeal may, at any point during the complaint or appeals process, engage a support person or advocate.
8. At any time during a complaint or appeals process, SJAAQLD reserves the right to refer the matter for expert legal advice.

Timeframe

9. SJAAQLD aims to finalise all complaints or appeals in a timely manner.
10. SJAAQLD will acknowledge receipt of a complaint or appeal within 7 business days of receipt.
11. SJAAQLD aims to investigate and finalise a complaint or appeal within 30 business days of acknowledgment of receipt of the complaint.
12. Where the investigation and/or finalisation of a complaint or appeal is expected to exceed 30 days, SJAAQLD will inform the complainant in writing, including the reason(s) for extension, and regularly update them on the progress of the matter.
13. Complaints proceedings must be commenced within one year of the alleged event in question.
14. Appeals must be received within 14 days of the decision being received by the participant.

Records management

15. All complaints and requests for appeal should be made in writing to SJAAQLD.
16. All complaints and appeals received by SJAAQLD will be registered on the Complaint Register and assigned a unique identifier code.
17. All complaints and appeals will be treated privately and confidentiality, and in accordance with the SJAAQLD Privacy Policy.
18. Records of all complaints and appeals will be kept for 7 years.
19. All correspondence and associated documentation pertaining to the complaint will be retained by SJAAQLD. This correspondence and documentation will be stored on SJAAQLD's secure server, with access limited to SJAAQLD's training management staff including, but not limited to:
 - Documentation of receipt of complaint
 - Acknowledgement of complaint
 - Initial assessment of the complaint
 - Investigation of complaint
 - Response to complaint
 - Communication of the decision
 - Closing the complaint.
20. A complainant or person seeking appeal has the right to access certain documentation pertaining a complaint or appeal lodged by them, except where SJAAQLD believes information in SJAAQLD's possession may damage the effectiveness of the investigation, SJAAQLD has been counselled otherwise by legal experts or a statutory authority or where SJAAQLD believes that serious risk to personal safety or substantial amount of SJAAQLD funds may be at risk.

Investigation of complaints

21. Complaints will be investigated by the Commercial Manager ('the investigator'). The Commercial Manager will advise of any conflict of interest, and omit him/herself from proceedings where a conflict exists. In the case of such conflict, the CEO will manage the complaints process.
22. The investigator will ensure that where a complaint involves allegations against another person (the 'respondent'), the complainant has the right, under the principle of natural justice, to put forward their case to the investigator. Similarly, the respondent has the right of reply (e.g. to put their case, Queensland, address or to show cause for their actions).
23. The investigator may meet with the complainant as part of the investigation. In any such meeting, the person who lodged the complaint has the right to have a support person or advocate accompany them to the meeting.
24. The investigator may meet with any person against whom allegations have been made in a complaint. In any such meeting, this person has the right to have a support person or advocate accompany them to the meeting.
25. The investigator, having reviewed all the evidence, will make a decision in relation to the complaint and inform the complainant, and any other relevant party, of the decision.

Investigation of Appeals

26. Appeals will be investigated by the Commercial Manager ('the appeals investigator'). The Commercial Manager will advise of any conflict of interest, and omit him/herself from proceedings where a conflict exists. In the case of such conflict, the CEO will manage the appeals process.
27. In an appeal, the appeals investigator will advise the trainer/assessor who made the initial assessment decision that an appeal has been lodged and invite the trainer to put their case to the investigator.
28. The appeals investigator will, in an appeal, request another trainer/assessor, who is accredited to deliver the course in which the participant was enrolled, to review the assessment evidence.
29. The appeals investigator may meet with the appellant as part of the investigation. In any such meeting, the appellant has the right to have a support person or advocate accompany them to the meeting.
30. The appeals investigator may meet the Trainer whose assessment is the subject of appeal. In any such meeting, the Trainer has the right to have a support person or advocate accompany them to the meeting.
31. The appeals investigator, having reviewed all the evidence, will make a decision in relation to the appeal and inform the person lodging the appeal, and any other relevant party, of the decision.

Complaints and SJAA

32. If the complainant or appellant is dissatisfied with the response to their complaint or appeal, they have a right to seek mediation via an independent third-party. A mediator can be appointed by the Australian Mediation Association or other agreed independent body. The costs associated with mediation are to be paid by the party who lodged the complaint or appeal.
33. Where a complaint or appeal is raised by a participant of SJAAQLD, the participant is to first seek resolution using SJAAQLD's formal complaints and appeals procedure. Failing satisfactory resolution of the grievance with SJAAQLD, the participant may lodge a written complaint or appeal with the SJAA National Manager, Training and Innovation via email to training@stjohn.org.au
34. Where a complaint is raised by anyone other than a participant about the policies, procedures, services or products offered by SJAAQLD, the person is to first seek resolution using SJAAQLD's formal complaints and appeals procedure. Failing satisfactory resolution of the grievance with SJAAQLD, the person may lodge a written complaint with the SJAA National Manager, Training and Innovation via email to training@stjohn.org.au
35. Where a party does not agree to the nominated independent third-party mediator, a different third-party mediator may be nominated, but any expenses, fees or charges incurred as a result of changing mediator will be borne by the party requesting the change.
36. If the matter is not resolved during mediation, the National Manager, Training and Innovation will refer the participant to the National Training Hotline – contact number 13 38 73

Regards,

Kahla McKinless
Commercial Manager