

Complaints & Appeals Application

Approach to complaints & appeals

Racing Queensland (RQ) are open to receiving feedback and complaints. We are committed to providing a fair and transparent complaint handling process. We do this by:

- ensuring there is no detriment to people who complain
- fostering a receptive, blame-free culture that is open to feedback and improvement
- providing a range of avenues through which people may make complaints – e.g. via email or verbally to trainers, the RTO Administrator or other relevant staff.
- Making information on our complaints handling process publicly available on our website and in our Student Handbook providing transparency regarding how complaints and feedback are handled, what complainants can expect and expected timeframes for resolution of complaints.

Appeals may be submitted by a student where RQ has made a decision that is relevant to the student, or which effects the student in some way. Where RQ makes a decision which does not relate to or effect a student, the student is not eligible to appeal the decision.

The following are some examples of decisions that a student might appeal:

- An assessment decision of the student's knowledge and skills,
- An administrative decision that effects the student directly,
- A policy decision that changes the nature of the terms of service that the student agreed to at the time of their enrolment,
- A decision in relation to utilising third parties in service delivery,
- A decision in relation to a training product being superseded or deleted and the related transition process, or
- A decision to change the nature of the service being delivered that the student agreed to at the time of their enrolment.

The above list of examples is not exhaustive, and this policy may apply to literally any decision that RQ makes that is relevant to the student, or which effects the student in some way.

Submissions to be returned to training@racingqueensland.com.au

Early Resolution

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. Where the issue cannot be resolved locally and needs to be from last as a complaint is to be made in accordance with the following section.

Appeals; Students are encouraged to resolve any concerns they may have directly with the RQ staff member involved in the first instance. It is often the case that the student's decision to make an appeal can be avoided by proper communication and consultation with students at the time a decision is made.

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Submission Information:	<input type="checkbox"/> Complaint <input type="checkbox"/> Appeal of Decision
Full Name:	
Course title:	
Industry Expert / Assessor:	
Date of occurrence:	
Reason for your submission:	
Occurrences leading up to this submission:	
What outcomes are you seeking or expect:	
Can we improve our system to avoid these situations in the future:	

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

Signed: _____ Date: ____ / ____ / ____

Ensuring procedural fairness

Complaints; RQ implement the following mechanisms to ensure procedural fairness when handling complaints:

- the complaint is handled by an unbiased person
- both the complainant and the subject of the complaint (where this is a person) are given an opportunity to be heard and to provide relevant information
- similar complaints are treated in a consistent manner to ensure fairness and reliability in the resolution process
- a person making a complaint will be informed of any outcome or decision before the decision is implemented and will have the option to respond
- the privacy of complainants is protected, and the information included in a complaint is kept confidential.

Appeals; RQ implement the following mechanisms to ensure procedural fairness when handling appeals:

- the appeal is handled by an unbiased person not involved in making the original decision
- the student is given an opportunity to be heard and to provide relevant information
- the privacy of all parties involved is protected, and the information included in an appeal is kept confidential. Only individuals directly involved in the appeals process will have access to the appeal information.
- information is handled sensitively to ensure that students feel safe and supported when lodging an appeal.



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Complaints

Making a Complaint

A complaint may be received by RQ 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.

The complaints policy must be publicly available. This means that the complaints policy and procedure will be published on the RQ website and will be communicated to complainants.

Complaints are to be handled in the strictest confidence. No RQ representative is to disclose information to any person without the permission of the Education & Workforce Development Manager (E&WDM). 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 By providing written consent.

RQ shall maintain the enrolment of the complainant during the complaint handling process.

The complainant is entitled to be heard with access to all relevant information and with the right of reply ensuring procedural fairness is applied at every stage of the complaint process.

The complainant may be accompanied and/or assisted by a support person at any relevant meeting. Where the complainant is a child or young complainant, they may be accompanied by a family member or carer at any relevant meeting

Complaint Handling Timeframe

We are committed to resolving complaints in a reasonable timeframe and without unnecessary delay. While we will respond to all complaints in a timely manner, some complaints may require more urgent attention than others, and some complaints may take longer to resolve than others.

- **Written Acknowledgement** - The first step is written acknowledgement by RQ **no later than 48 hours** from the time the complaint is received. This acknowledgement is intended to provide the complainant assurance that RQ has received the complaint and will review the relevant issues and provide a response as soon as practical. The acknowledgement must inform the person that they will receive a written response.
- **Initial Assessment and Categorisation** - RQ will triage complaints by classifying complaints based on severity, urgency, and nature, and prioritising cases that need immediate attention. An initial assessment and categorisation of the complaint will be conducted **within 2 working days** based on:
 - **Severity:** Determine if the complaint involves safety, harassment, discrimination, or legal concerns, which would necessitate urgent action. Less severe complaints could involve general dissatisfaction or requests for improvement.
 - **Urgency:** Consider how soon the issue needs to be resolved. Complaints that could impact ongoing training sessions or reputation may need to be escalated.
 - **Nature of Complaint:** Identify if it's related to training and assessment, trainer behaviour, administrative issues, or facilities.

Prioritisation

Assign a priority level (e.g., critical, high, medium, low) based on the assessment. For instance:

- **Critical:** Complaints with legal or safety implications, or those that could harm complainants' well-being.
- **High:** Issues with significant impact on training quality or participant experience, such as trainer behaviour or course content.
- **Medium:** Less urgent issues, like scheduling or minor logistical concerns.
- **Low:** Minor complaints, often administrative or preference-based, which don't require immediate resolution.
- **Handling the complaint** - Complaints that have been categorised as Severe, with a Critical priority rating, will be acted on immediately. The handling of all complaints will commence within **seven (7)**



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calendar days of the lodgement of the complaint and all reasonable measures will be taken to finalise the process as soon as practicable. A written response must be provided to the complainant within **fourteen (14) calendar days** of the lodgement of the complaint.

- As a benchmark, RQ 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 RQ and the complainant.
- A complainant should also be provided with regular updates to inform them of the process of the complaint handling. Updates should be provided to the complainant at a minimum of **two (2) weekly intervals**.

Complaints must be resolved to a final outcome within **thirty (30) calendar days** of the complaint being initially received. Where RQ E&WDM considers that more than 30 calendar days are required to process and finalise the complaint, the E&WDM must inform the complainant in writing, including reasons why more than 30 calendar days are required, and maintain regular fortnightly contact with the complainant including to explain any further delays.

Principles of Natural Justice and Procedural Fairness

A complainant is to be provided an opportunity to formally present his or her case at no cost. The principles of Natural Justice and Procedural Fairness must be incorporated into the complaint handling process to ensure that decision-making is fair and reasonable. Natural justice must be observed when it affects the rights, interests or legitimate expectations of individuals. The following principles are to be applied:

RQ Staff member and bias. Where a RQ staff member feels that they may have bias or there is a perception of bias or where the person making the complaint is not satisfied with how the matter has been handled, the complainant is to be referred directly to next Manager according to the RQ organisational chart. If the issue persists individual is required to be an independent third-party for consideration and response.

Responding to Allegations. Where a complaint involves one person making allegations about another person, it is a requirement for RQ to hear both sides of the matter before making any judgements about the complaint should be settled. A person who will be affected by a decision made by RQ 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).

RQ 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 person's 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 RQ.

Referring matters to authorities. Where an allegation is made that involves alleged criminal or illegal activity and it is considered outside the scope and expertise of RQ to investigate the matter, then in these circumstances RQ reserves 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.



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Third Party Review. Where the person making a complaint is not satisfied with the handling of the matter by RQ, they have the opportunity for a body or person that is independent of RQ to review his or her complaint following the internal completion of complaint handling process. Before a person seeks a review by an independent third party, they are requested to first allow RQ to fully consider the nature of the complaint and to respond to the person in writing. If after this has occurred, the person is not satisfied with the outcome, they have the right then seek a review by an independent third party. To request a review by an independent third party, the complainant should inform the RTO Advisor of their request who will initiate the process with the E&WDM.

In these circumstances, the E&WDM will advise of an appropriate party independent of RQ to review the complaint outcome (and its subsequent handling) and provide advice to RQ 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 RQ as final, advised to the person making a complaint in writing and implemented without prejudice.

Where the RQ appoints or engages an appropriate independent person to review a complaint, the RQ will meet the full cost to facilitate the independent review.

Appeals

The appeals period

Students have the right to appeal decisions within **28 calendar days** of receiving notification of the decision. Appeals submitted after this period may not be considered.

Submitting an Appeal

If the student is unable to resolve the issue directly with the RQ staff member, they should raise the appeal with the Training Program Manager, RTO Advisor or E&WDM. This may be verbally in the first instance and must then be in writing by completing a *Request for an Appeal of a Decision Form*. The request for an appeal may be submitted to the Training Program Manager, RTO Advisor or E&WDM. Alternatively, the student may submit it via email or hard copy via the post. The contact details for submitting the appeal are provided to the student in the *Student Handbook*.

Principles of Natural Justice and Procedural Fairness

A student is to be provided an opportunity to formally present his or her case at no cost. Each student may be accompanied and/or assisted by a support person at any relevant meeting. The principles of Natural Justice and Procedural Fairness must be incorporated into every stage of the appeals handling process to ensure that decision-making is fair and reasonable. Natural justice must be observed when it affects the rights, interests or legitimate expectations of individuals. The following principles are to be applied:

- **RQ Staff member bias.** Where the E&WDM of RQ feels that they may have bias or there is a perception of bias or where the person making the appeal is not satisfied with how the matter is being handled, the student is to be referred directly to an independent third-party for consideration and response. This means that the student is entitled to have their appeal heard by a person that is without bias and may not be affected by the decision.
- **Third Party Review.** Where the student is not satisfied with the handling of the matter by RQ, they have the opportunity for a body or person that is independent of RQ to review his or her appeal following the internal completion of the appeal handling process. Before a person seeks a review by an independent third party, they are requested to first allow RQ to fully consider the nature of the appeal and to respond to the person in writing. If after this has occurred, the person is not satisfied with the outcome, they have the right then seek a review by an independent third party. To request a review by an independent third party, the student should inform the RTO Advisor of their request who will initiate the process with the E&WDM.



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- In these circumstances, the E&WDM will advise of an appropriate party independent of RQ to review the appeal outcome (and its subsequent handling) and provide advice to RQ in regards to the recommended outcomes. The independent third-party is required to respond with their recommendations within **fourteen (14) calendar days** of their review being requested. This advice is to be accepted by RQ as final, advised to the person making a appeal in writing and implemented without prejudice.
- Where the RQ appoints or engages an appropriate independent person to review an appeal the RQ will meet the full cost to facilitate the independent review.

Confidentiality

Appeals are to be handled in the strictest of confidence. No RQ representative is to disclose information to any person without the permission of E&WDM. A decision to release information to third parties can only be made after the student has given permission for this to occur. This permission should be given as a written consent.

Appeals Handling Timeframe

RQ will provide written acknowledgement of receiving the appeal no later than **48 hours** from the time the appeal is received using the appeals written acknowledgment email template. The acknowledgement must inform the student that they will receive a written response within **14 days** to explain the appeals handling process and the person's rights and obligations.

Appeals must be resolved to a final outcome within **thirty (30) calendar days** of the appeal being initially received. Where E&WDM considers that more than 30 calendar days are required to process and finalise the appeal, the E&WDM must inform the student in writing, including reasons why more than 30 calendar days are required.

Unresolved Complaints & Appeals

Once the complaint and/or appeals handling process has concluded; where the person making a complaint remains not satisfied with the outcome of the complaint handling procedure or where the person seeking an appeal of a decision remains not satisfied with the outcome of the appeals handling procedure the person is to be advised that they have the right to refer the matter to any external authority/agency that may be relevant to their complaint and/or appeal.

The following external agencies are nominated in the first instance as relevant points of referral the person may consider:

- In relation to consumer related issues, 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 number: 13 38 73 or visit the website at <https://www.dewr.gov.au/national-training-complaints-hotline> or alternatively to the Australian Skills Quality Authority at the following website <https://asqaportal.asqa.gov.au/Make-a-Report//?from=tip-off>
- In relation to matters relating to privacy, the person may refer their complaint to the **Office of the Australian Information Commissioner** via the following details: <https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint> or call on 1300 363 992