	BABCOCK PTY LTD	Item Type	Procedure / Manual
	BMS-06851 RTO - Learner Complaints, Grievances and Appeals Process	Next Review Due	13/01/2022
		Owner	[Owner Position]

## 1 PURPOSE

Babcock Pty Ltd (Babcock) is committed to providing an efficient and effective academic and non-academic grievance handling process for all learners, ensuring that matters are resolved confidentially in a fair and timely manner. The grievance/complaints and appeals processes include the management of all allegations involving assessment decisions and the conduct of:

- Babcock, its trainers, assessors or other staff;
- A third party providing services on the Babcock's behalf, its trainers, assessors or other staff; and
- A learner of Babcock.

These processes ensure the principles of natural justice and procedural fairness are adopted at every stage of the grievance/complaints and appeal process. Furthermore, the process ensures that complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable.

The process also provides for review by an appropriate party independent of the RTO and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the issue.

## 2 SCOPE


This process covers the steps involved in raising a Complaint, Grievance or Appeal relating to training products and services delivered by Babcock's RTO. This process is aligned with [Babcock's Managing Grievances Procedure](#).

## 3 RESPONSIBILITY FOR IMPLEMENTING THE PROCESS

This process applies to a learner who is considering raising a grievance/complaint or lodging an appeal, the National Training Manager (NTM), the Head of Land Programs (H of LP) and the Managing Director Land and Corporate Services (MD L&CS).

## 4 DEFINITIONS

Complaint/Grievance	<p>an actual or supposed circumstance regarded as just cause for complaint. A complaint/grievance may be lodged if a person has an honest belief based on reasonable grounds that:</p> <ul style="list-style-type: none"> <li>• Academic matters or decisions made within Babcock affects them because it is unfair or unreasonable, including matters relating to learner progress, assessment, curriculum and awards for nationally recognised training.</li> <li>• Non-academic matters or decisions made within Babcock affects them because it is unfair or unreasonable, including matters relating to enrolment in a course and personal information held by the provider.</li> </ul>
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	<ul style="list-style-type: none"> <li>The conduct of another person adversely affects them because it is unfair, unreasonable, offensive, intimidating, humiliating or threatening.</li> </ul>
Appeal	the review of decisions made by Babcock, including assessment decisions and termination of a learner's training due to misconduct or failure to progress at a reasonable rate.


## 5 PROCESS

Babcock acknowledges that making a complaint or appeal requires courage from the individual and confidence in the person to whom the complaint is entrusted, specifically if it is of a sensitive nature. The following structures are in place to support learners who wish to raise a complaint:

- There is no cost to the learner to make a complaint or raise a grievance or an appeal against a decision made at any stage of the process.
- Learners are encouraged to ask a friend or someone they trust to accompany them during any stage of the complaints/grievance or appeals process.
- Babcock will protect information disclosed during complaints/grievance and appeals processes according to Babcock's [RTO Learner Privacy Statement](#) and [Babcock's Privacy Policy](#).
- Learners are expected to continue their training while a complaint/appeals process is underway, if practical.
- Learners are provided with information about their rights and obligations in the [babcock RTO Learner Handbook](#).
- Learners are further provided with information about the free services of an external mediator, who can offer independent advice if learners remain dissatisfied with the outcome of the complaints or appeals process.

### 5.1 Grievance/Complaints Process

- Learners are encouraged discuss problems informally and without delay with the most appropriate staff member. Both parties should do their best to reach a workable solution in the best interest of the learner.
- Staff entrusted with a learner concern must do their best to reach a workable solution in the best interest of the learner. Any information of a sensitive nature or high risk to the wellbeing of the learner or the company **shall** be brought to the attention of the MD L&CS on the same day it was raised.
- If dissatisfied with the outcome of the informal discussion, learners can lodge a formal complaint or grievance as follows:
  - The NTM will receive the formal complaint and as soon as practical, acknowledge the receipt of the complaint/grievance with the complainant by email, if the complaint was not anonymous.
  - The NTM will raise the complaint with the H of LP and/or MD L&CS, within 2 - 5 working days, who will investigate the matter and gather information from relevant parties to determine if the complaint is justified.

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- The NTM, in consultation with the H of LP/MD L&CS, will prepare a written report without delay to address the matter, including reasons for decisions and advice about how to appeal the decision. The written report must be compiled as soon as practical, based on the complexity of the issue, but no later than 28 days after receiving the complaint. The report will be scanned and emailed to the student by the NTM with a delivery and read receipt.
- Documented evidence of the complaint/grievance/appeal and decisions and actions to address the issue will be kept in a confidential location in the Quality Management System.

## 5.2 Appeals Process

If the learner is dissatisfied with the outcome of Babcock's decision pertaining to suspension/termination of enrolment, or of the complaints/grievance procedures, they can lodge an appeal against the decision with the NTM.

The NTM will:

- receive the formal appeal and as soon as practical, acknowledge the receipt of the appeal with the appellant.
- notify the H of LP/MD L&CS of the appeal without delay and arrange a meeting between an internal panel of stakeholders with appropriate expertise to reconsider every part of the decision made during the suspension/termination or grievance/complaints processes, as well as additional information presented by the appellant.
- compile a written notice of decisions made by the panel on the appeal, including the reasons for decisions and advice about how to have the decisions reviewed. The notice will be scanned and emailed to the learner by the NTM with a delivery and read receipt. The notice must be compiled as soon as practical, based on the complexity of the issue, but no later than 28 days after receiving the appeal.
- Each party concerned, at any stage of the internal complaints/grievance/appeals procedure, may be accompanied or assisted by another person, at that party's cost.

## 5.3 Independent Complaints/Grievance/Appeals Process


If the learner remains dissatisfied with the outcome of the complaint/grievance/appeal, Babcock will make arrangements with an external, independent third party with appropriate expertise to review the matter.

Babcock will enable each party at the review to be accompanied or assisted by another person at the review, at that party's cost.

Babcock will provide written notice of the decision on the review to each party, including reasons for the decision.

Babcock will implement decisions made by an external independent mediator and keep a record of the entire process on the learner's electronic file for at least five years for each occasion where the complaints/grievance/appeals procedure was activated.

The following independent statutory authority will be used as advocacy to address appeals (at no charge):

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### South Australian Training Advocate

Office hours: Mon to Fri 09.00am – 05.00pm.

Phone: 1800 006 488 (toll free)

Email: [trainingadvocate@sa.gov.au](mailto:trainingadvocate@sa.gov.au)

Post: PO Box 320, Adelaide, SA 5001

Visit: 131 - 139 Grenfell St, Level 5, corner of Grenfell Street and Hyde Street, Adelaide

## 5.4 Lodging Complaints and Appeals with ASQA

ASQA does not act in a mediation capacity and learners will not be referred to ASQA by Babcock RTO. Refer to ASQA's statement of [Referring Student Complaints](#).

Students may lodge a complaint to ASQA only after Babcock's internal complaints and grievance procedures as detailed in this document, have been exhausted.

Student complaints must be lodged via ASQA's [online complaint form](#). Answering the questions will help to determine whether ASQA, or another agency, can consider your complaint. Once you have completed the questions, if ASQA is likely to be able to consider your complaint, you will receive a link to a more detailed complaints form from ASQA.

ASQA is not a consumer protection agency and cannot act as an advocate for individual students. However, ASQA highly values complaints about training providers—all complaints are used as intelligence to inform regulatory activities.

For more information on how ASQA handles complaints, refer to ASQA's policy on [Managing complaints about training providers](#).

## 5.5 Protecting your Privacy

Babcock is committed to protecting your privacy. We collect and handle personal information relating to complains, grievances and appeals for the purpose of investigating, responding and recordkeeping.


Babcock will only use your information in accordance with relevant privacy and other laws. In order for us to provide services to you effectively and efficiently, we may need to share your personal information with individuals who deal with the matters identified in your feedback.

If you choose to remain anonymous, Babcock will implement any relevant improvements we can identify, but may be unable to deliver the full range of services you require.

You also have the right to access your information and seek its correction under the [Freedom of Information Act 1982](#).

## 6 DEFINITIONS AND ABBREVIATIONS

Term	Meaning
ASQA	Australian Skills Quality Authority
MD L&CS	Managing Director Land and Corporate Services

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Term	Meaning
H of LP	Head of Land Programs
NTM	National Training Manager
RTO	Registered Training Organisation
VET	Vocational Education and Training

## 7 ASSOCIATED DOCUMENTS

[RTO – Learner Privacy Directive](#)

[RTO – Learner Handbook](#)

## 8 MONITORING, EVALUATION AND REVIEW

The Process will be reviewed every 24 months, or as required due to legislation or circumstantial change.

## 9 REFERENCES

[Babcock Pty Ltd Privacy Policy](#)

[Babcock's Managing Grievances Procedure](#)