



St Moses The Black Pty Ltd

Trading as: St Moses Security

ABN 47 098 103 569 RTO Provider Code: 41526 M/L: 409 429 403

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Complaints and Appeals Policy and Procedure

Complaints Handling

St Moses the Black is committed to providing a fair and transparent complaint handling process.

What is a complaint?

A complaint is generally negative feedback about services or people which has not been resolved locally.

Who does this policy apply to?

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

- St Moses the Black as an organisation, its trainers, assessors or other staff;
- Third party's services provided on the behalf of St Moses the Black, its trainers, assessors or other staff; or
- a learner of St Moses the Black.

This is an important point to note in understanding that this policy has a broad application and is not simply relevant to complaints that may be made by learners. A complaint may be made by an employer about St Moses the Black or by the trainer about the conduct of the learner. Throughout this policy we refer to the person making a complaint as simply the complainant.

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.



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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 St Moses the Black 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 St Moses the Black - Complaint Form. This form is available via our website or can be obtained from the St Moses the Black office.

The completed complaint form is to be submitted to the Office Manager either in hard copy or electronically via the following contact details:

Location: Level 1, 2/61 Scott St, Liverpool, NSW 2170

E-mail: ehabw@optusnet.com.au

If a complainant has any difficulty accessing the required form or submitting the complaint to St Moses the Black, they are advised to contact site train immediately at the following phone number:

Phone: 0412409596

Complaint handling procedure

St Moses the Black 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. There is no time limitation on a person who is seeking to make a complaint. 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



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assurance that St Moses the Black had received the complaint and will review the relevant issues and provide a response. The acknowledgement must inform the complainant that they will receive a written response within 14 days.

- A written record of all complaints is to be kept by St Moses the Black including all details of lodgement, response and resolution. The complaints register within RTO Data 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, St Moses the Black 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. St Moses the Black 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 St Moses the Black which involve allegations about alleged criminal conduct, St Moses the Black 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 and procedure must be published on the St Moses the Black 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.



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- 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 St Moses the Black Chief Executive Officer considers that more than 60 calendar days are required to process and finalise the complaint, the CEO must inform the complainant in writing, including reasons why more than 60 calendar days are required. As a benchmark, St Moses the Black 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 St Moses the Black 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**.
- St Moses the Black 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 learner shall be implemented immediately.
- Complaints are to be handled in the strictest of confidence. No St Moses the Black representative is to disclose information to any person without the permission of St Moses the Black Chief Executive Officer. A decision to release information to third parties can only to 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. Further guidance on principles of natural justice and procedural fairness can be accessed at the following link: [Principles of Natural Justice and Procedural Fairness](#)



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- 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 St Moses the Black 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 St Moses the Black 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).

St Moses the Black 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 St Moses the Black.

Where an allegation is made that involve alleged criminal or illegal activity and it is considered outside the scope and expertise of St Moses the Black to investigate the matter, then in these circumstances St Moses the Black 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.



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Third Party Review

Where the person making a complaint is not satisfied with the handling of the matter by St Moses the Black, they have the opportunity for a body or person that is independent of St Moses the Black 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 St Moses the Black to fully 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 the Office Manager of their request who will initiate the process with the Chief Executive Officer.

In these circumstances the St Moses the Black Chief Executive Officer will advise of an appropriate party independent of St Moses the Black to review the complaint outcome (and its subsequent handling) and provide advice to St Moses the Black in regards 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 St Moses the Black as final, advised to the person making a complaint in writing and implemented without prejudice.

Where the St Moses the Black appoints or engages an appropriate independent person to review a complaint, the St Moses the Black 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 St Moses the Black 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 Learner Handbook.

Where a complaint is received by St Moses the Black 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:



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- 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 number:
13 38 73.

This guidance is communicated to learners within the Learner Handbook. It is expected that the above agencies will investigate the persons concerns and contact the St Moses the Black for information.

The St Moses the Black is to cooperate fully with agencies such as the National Training Complaints Service, the Office of Fair Trading or ASQA that may investigate the handling of a complaint. St Moses the Black considers that it would be extremely unlikely that a complaint is not able to be resolved quickly within St Moses the Black internal arrangements.

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 St Moses the Black. There is also a record of the complaint maintained within the St Moses the Black student management system RTO Data. 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 RTO Data) will be saved in a digital format into a secure folder located on the St Moses the Black 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 RTO Data are to be accessible only to RTO Administration and managers.



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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

St Moses the Black is to retain records relating to complaints handling for a minimum of five (5) years.

Destruction of Complaints Records

The St Moses the Black 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.



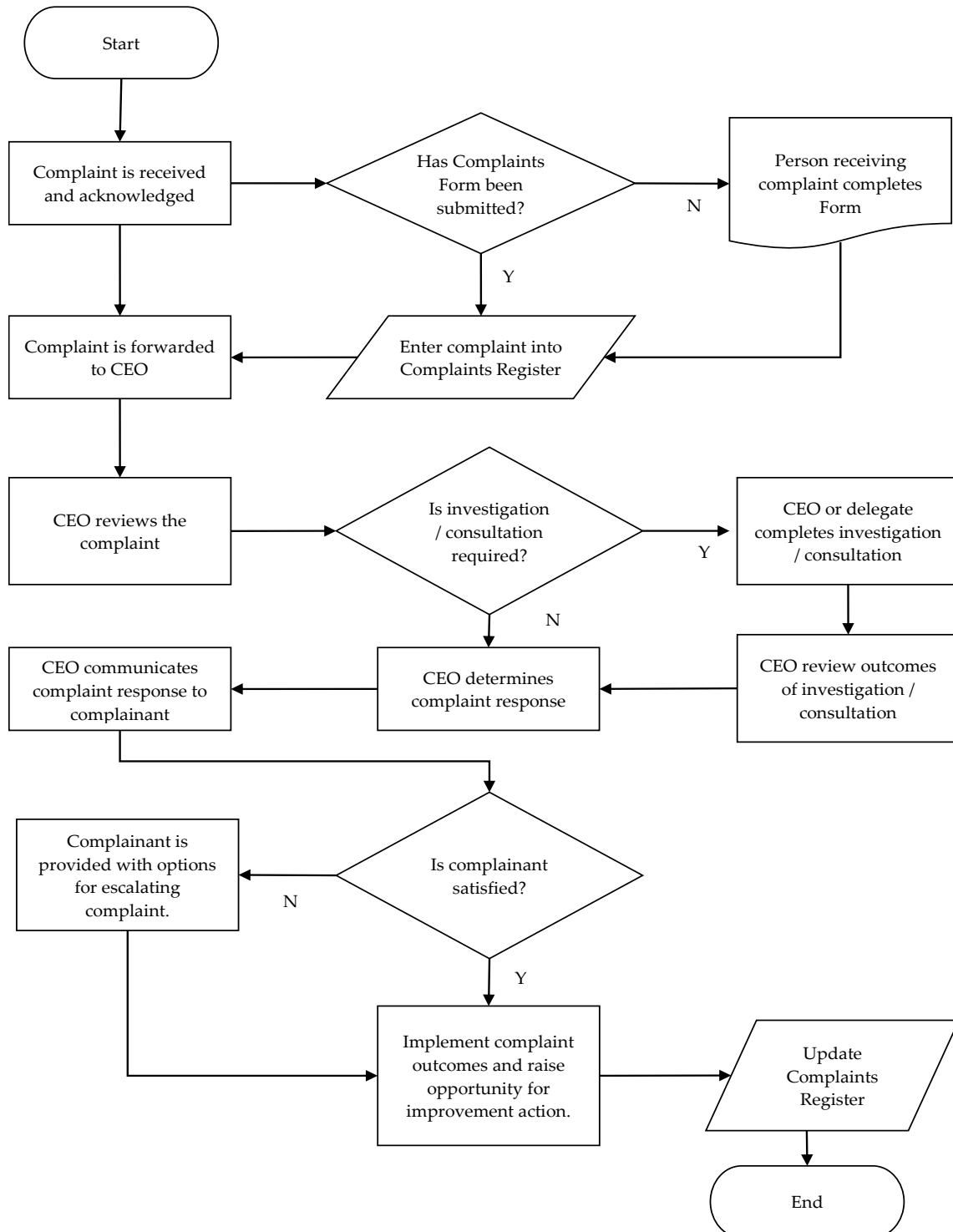
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Complaints Handling Process





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Appeals Handling

St Moses the Black is committed to providing a fair and transparent appeals handling process.

What is an appeal?

An appeal is an application by a learner for reconsideration of an unfavourable decision or finding during their time with St Moses the Black. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within **twenty-eight (28) working days** of the decision or finding is informed to the learner.

It is important to note that a learner may appeal any decision made by St Moses the Black or a third-party providing services on St Moses the Black behalf. Contrary to the popular belief that appeal relates only to assessment decisions, appeals can relate to administrative decisions that St Moses the Black may make. Examples of this include an appeal of a decision to deny a refund or to deny an application for credit transfer. As the process for handling and assessment appeal compared with an appeal of an administrative decision is slightly different, this difference has been catered for within this policy with adjusted processes for both situations.

Early resolution of appeals

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 can often be the case that a learner's decision to make an appeal can be avoided by proper communication and consultation with learners at the time a decision is made.

Relationship to continuous improvement

Frequently, the appeals 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 appeals handling is very positive and should be actively applied by all persons involved. It is for this reason that appeals received from stakeholders should be seen in a positive light and as opportunities for improvement.



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Making an appeal

An appeal must be received by St Moses the Black in writing using the specified form within **twenty-eight (28) working days** of the decision or finding being informed to the person.

To appeal a decision, the person is required to complete the St Moses the Black - Request for Appeal of a Decision. This form is available via our website. The completed Request for Appeal form is to be submitted to the Office Manager either in hard copy or electronically via the following contact details:

Location: Level 1, 2/61 Scott St, Liverpool, NSW 2170

E-mail: ehabw@optusnet.com.au

If a person seeking an appeal has any difficulty accessing the required form or submitting the appeal to St Moses the Black, they are advised to contact St Moses the Black immediately at the following phone number:

Phone: 0412409596

Appeal handling procedure

St Moses the Black will apply the following procedure to its appeals handling:

- Appeals must be lodged within **twenty eight (28) working days** of the decision or finding being informed to the person. An appeal must be submitted using the St Moses the Black - Request for Appeal of a Decision.
- A person who submits an appeal must be **provided a written acknowledgement** as soon as possible and **not later than 24 hours** from the time the appeal is received. This acknowledgement is intended to provide the person making an appeal assurance that St Moses the Black had received the appeal and will review the relevant issues and provide a response. The acknowledgement must inform the person making an appeal that they will receive a written response within 14 days.
- A written record of all appeals is to be kept by St Moses the Black including all details of lodgement, response and resolution. The appeals register within RTO Data is to be used to record the details of the appeal and to maintain a chronological journal of events during the appeal handling process. Records relating to appeal handling must be stored securely to prevent access to unauthorised personnel.
- An appellant is to be provided an opportunity to formally present his or her case at no cost.



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- Each appellant may be accompanied and/or assisted by a support person at any relevant meeting.
- The appeals policy must be publicly available. This means that the appeals policy and procedure must be published on the St Moses the Black website.
- The handling of an appeal is to commence within **seven (7) working days** of the lodgement of the appeal and all reasonable measures are taken to finalise the process as soon as practicable.
- The appellant is to be provided a written response to the appeal, including details of the reasons for the outcome. A written response must be provided to the appellant within **fourteen (14) working days** of the lodgement of the appeal.
- Appeals must be resolved to a final outcome within **sixty (60) calendar days** of the appeal being initially received. Where St Moses the Black Chief Executive Officer considers that more than 60 calendar days are required to process and finalise the appeal, the CEO must inform the appellant in writing, including reasons why more than 60 calendar days are required. As a benchmark, St Moses the Black should attempt to resolve appeals as soon as possible. A timeframe to resolve an appeal within thirty (30) calendar days is considered acceptable and in the best interest of St Moses the Black and the appellant. An appellant should also be provided with regular updates to inform them of the progress of the appeal handling. Updates should be provided to the appellant at a minimum of **two (2) weekly intervals**.
- St Moses the Black shall maintain the enrolment of the appellant during the appeal handling process.
- Decisions or outcomes of the appeal handling process that find in the favour of the appellant shall be implemented immediately.
- Appeals are to be handled in the strictest of confidence. No St Moses the Black representative is to disclose information to any person without the permission of St Moses the Black Chief Executive Officer. A decision to release information to third parties can only be made after the appellant has given permission for this release to occur. This permission should be given using the Information Release Form.
- Appeals are to be considered and handled to ensure the principles of natural justice and procedural fairness are applied at every stage of the appeal handling process. This



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means that the appellant is entitled to be heard with access to all relevant information and with the right of reply. The appellant is entitled to have their appeal 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. Further guidance on principles of natural justice and procedural fairness can be accessed at the following link: [Principles of Natural Justice and Procedural Fairness](#)

- Appeals handling procedures should conclude with an analysis of the circumstances to identify any opportunities for improvement.



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Third Party Review

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In these circumstances the St Moses the Black Chief Executive Officer will advise of an appropriate party independent of St Moses the Black to review the appeal outcome (and its subsequent handling) and provide advice to St Moses the Black in regards 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 St Moses the Black as final, advised to the appellant in writing and implemented without prejudice.

Where the St Moses the Black appoints or engages an appropriate independent person to review an appeal, the St Moses the Black 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 St Moses the Black may seek the person seeking an appeal to contribute to the cost of engaging this person to undertake the review. This is advised to the person seeking an appeal within the Learner Handbook.

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



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Unresolved Appeals

Where the appellant remains not satisfied with the outcome of the appeals handling procedure, the appellant is to be directed to the following external agencies:

- In relation to consumer protection issues, these may be referred to the **Office of Fair Trading**.
- In relation to the delivery of training and assessment services, these may be referred to the **National Training Complaints Service** via the following phone number: 13 38 73.

This guidance is communicated to learners within the Learner Handbook. It is expected that the above agencies will investigate the persons concerns and contact the St Moses the Black for information.

The St Moses the Black is to cooperate fully with agencies such as the National Training Complaints Service or ASQA that may investigate the handling of an appeal. St Moses the Black considers that it would be extremely unlikely that appeals are not able to be resolved quickly within St Moses the Black internal arrangements.

Record Management of Appeals Records

Records relating to appeals 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 appellant or generated by St Moses the Black. There is also a record of the appeal maintained within the St Moses the Black student management system RTO Data. This includes the details about the appeal and a diary log which records the progress of the appeal handling and closure. This record also records identified opportunities for improvement that result from appeals handling.

All records regardless of their format (excluding RTO Data) will be saved in a digital format into a secure folder located on the St Moses the Black 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 RTO Data are to be accessible only to RTO Administration and managers.

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- 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 the appellant.
- 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 Appeals Records

St Moses the Black is to retain records relating to appeals handling for a minimum of five (5) years.

Destruction of Appeals Records

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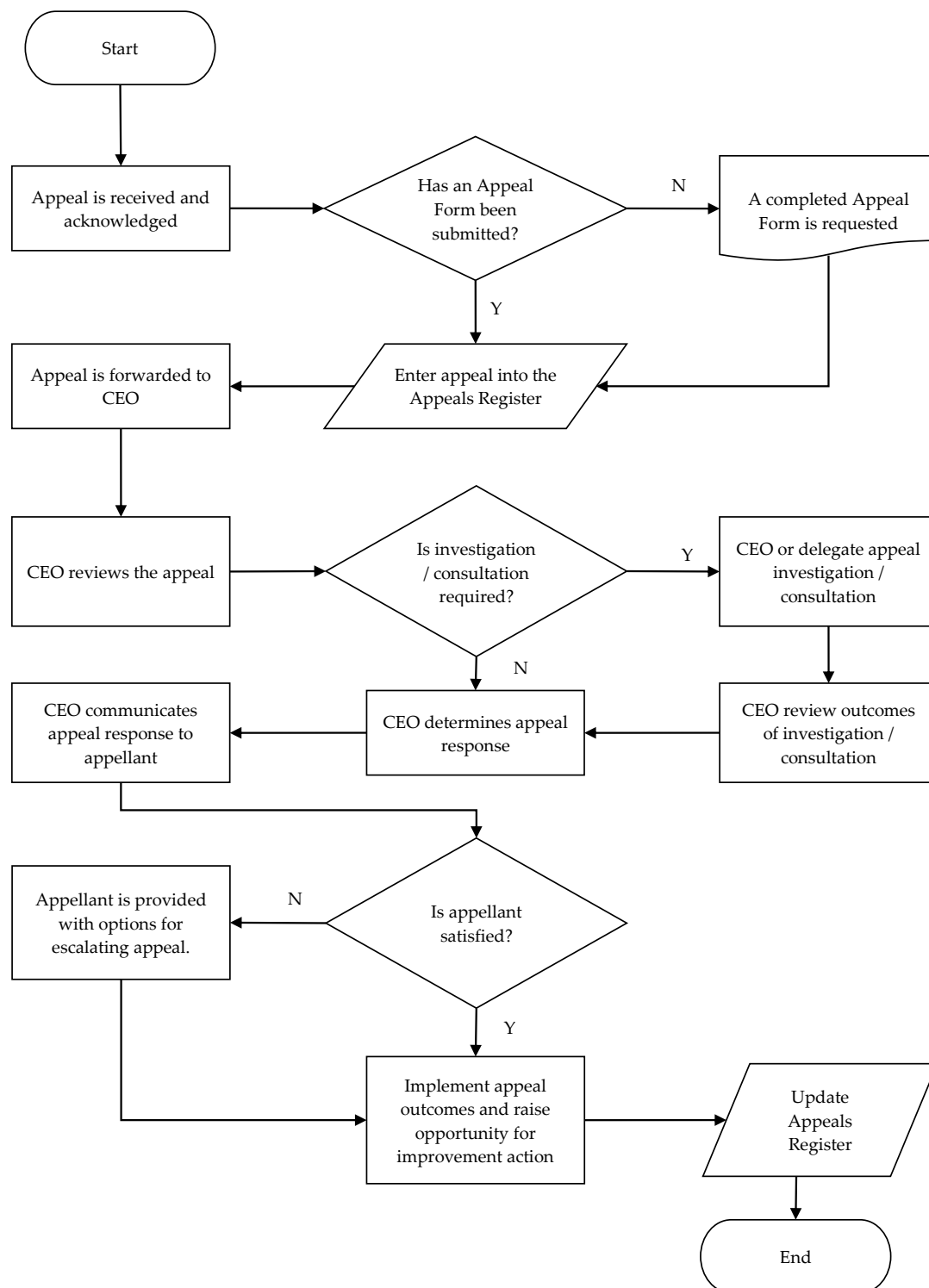
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Administrative Appeals Handling Process





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Assessment Appeals Handling Process

