



# **DRIVER·RISK MANAGEMENT**

## **DRM COMPLAINTS AND APPEALS MANUAL**

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## 1. Purpose

Driver Risk Management (DRM) has defined a transparent Complaints and Appeals manual sufficiently broad to cover its activities. DRM will ensure students' Appeals and Complaints are recorded, acknowledged, and dealt with fairly. DRM provides the mechanisms for students to have their Appeals and Complaints addressed efficiently and effectively, and by an independent party if necessary.

DRM Complaints and Appeals Manual ensures the principles of natural justice and procedural fairness are adopted at every stage of a complaint or appeal.

DRM will securely maintain records of all Appeals and Complaints and their outcomes and identify the potential cause of the Appeal or Complaint and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

## 2. Scope

It is the policy of Driver Risk Management to plan and control our work. Driver Risk Management have developed a comprehensive "Training Management Process" that addresses all facets of the RTO activities.

The process will ensure that the work is managed in a controlled manner, that appropriate documentation is kept and that all parties' expectations are met.

## 3. Definitions

Term / Acronym	Definition
Learner	Any person in training or under assessment.
Competency Based Training & Assessment	Means training and assessment that is referenced to the Australian Qualification Framework and the VET Sector
Deemed Competent	Has been independently assessed by a Driver Risk Management approved and qualified Assessor to the particular and relevant VET accredited courses on scope.
HSE	Health, Safety and Environment.
Internal Verification (IV)	An Internal Verifier will be an Approved Assessor who has not been involved in the Learner's assessment decision, on most occasions this will be the Training Manager, Operations Manager or Designated Trainer Assessor.
Rationale	A set of Standard Answers which includes the justification or fundamental reasons for the answer provided. Sometimes referred to as an Assessor Guide.
RPL	Recognition of Prior Learning utilised by Registered Training Organisations to verify training, experience and competency has taken place, also used to collate evidence and develop a training plan for the Learner.
RTO	Registered training organisations (RTOs) are providers and assessors of nationally recognised training. Only RTOs can issue nationally recognised qualifications.

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Term / Acronym	Definition
ASQA	Australian Skills Quality Authority (ASQA) is responsible for Regulating RTO's Using the National Vocational Education and Training Regulator Act 2011, ensuring compliance with RTO Standards 2015 and AQF Standards 2013.
AQF	The Australian Qualifications Framework (AQF) is the national policy for regulated qualifications in Australian Education and Training. It incorporates the qualifications from each education and training sector into a single comprehensive national Qualifications framework.
VET	VET – Vocational Education and Training
Nationally Accredited Courses	Nationally Accredited Courses relates to approved training within the Australian Qualification Framework. It also allows a qualification to be recognised on a national basis throughout Australia with other RTO's and Businesses
SME	Subject Matter Expert – An operative who is competent in the field being trained and assessed. Must also have the Relevant Qualifications and Industry Experience to meet the relevant Unit of Competency associated.
SMS	Student Management System used to manage course availability and a Learners Enrolment, Training, Progress, Assessment and Certification. SMS also forms part of the Data Management and Reporting Requirements for an RTO.
Training Package	Includes competency standards, national qualifications, guidelines for assessing competence and a range of resources to support learning and assessment (e.g., assessment tools, facilitator notes / guidelines, learning materials, etc.). These can also be a non-recognised training course developed by Driver Risk Management tailored to the client's requirements.
Trainer and/or Assessor	An approved Person with the current qualification <b>Certificate IV in Training and Assessment</b> and approved by the Driver Risk Management Training Manager.
Training Plan	Learning, Development and Assessment plan. Gives key dates in a person's training and assessment process. Acts as a guide for both the Learner and Driver Risk Management to manage the course progress.
HSEQ	Health Safety Environment and Quality. Ensuring a reduced risk is established with all aspects of the business.

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## 4. Appeals

Driver Risk Management provides all students with a formal appeals process, which draws on a commitment to all parties understanding their rights and responsibilities in receiving services delivery from Driver Risk Management. Other grievances or issues not pertaining to decisions made by the RTO should be referred to Driver Risk Management's complaints.

Driver Risk Management's appeals process is free, easily accessible and facilitates requests for a review of decisions, including assessment decisions, made by Driver Risk Management or a Third-Party representative providing services on Driver Risk Management's behalf.

Appeals follow the principles of natural justice and procedural fairness by allowing anyone subject to a decision by Driver Risk Management, or anyone who has allegations made against them, to tell their side of the story before a decision is made.

There is no fee or charge levied for any appeal processed.

Driver Risk Management will maintain a student appellant's enrolment during any appeal process. If a student objects to actions taken or decisions made by Driver Risk Management personnel in conducting Recognition of Prior Learning and assessment services, they also have the right to lodge an appeal.

Students also have the right to lodge an appeal against competency decisions made if:

- They believe the outcome is invalid; or
- They feel the process was invalid, inappropriate or unfair.

All learners have a right of appeal if they are not satisfied with the decision or outcome.

In the first instance, all appeals shall be considered as a Non-Conformance, which is documented and investigated. All appeals will be recorded on the DRM Continuous Improvement Register for actioning.

Every effort will be made by DRM to resolve the issue as swiftly as possible.

Appeals against an assessment decision shall be measured against the assessment materials of the relevant course and mapped to the relevant unit of competency or non-recognised training, that the course is aligned too.

Driver Risk Management ensures that the decision-maker in an appeal is independent of the decision being reviewed (for example, an assessor does not consider or decide an appeal against an assessment decision they made).

If the appellant is still not satisfied, they can refer the matter to an independent third party that is qualified in the relevant course and current Cert IV Training and Assessment.

## 5. Appeal Reviews

A different assessor will assist and look at the evidence and consult with the Training Manager for a decision. Where the Training Manager was involved in the decision being appealed the Compliance Manager will assist in the review. All reviews will have the Principles of Assessment and the Rules of Evidence applied. Regular progress updates will be forwarded to the appellant to ensure all relevant parties are informed of the proceedings.

DRM will endeavour to resolve the appeal by no more than 14 days from the day the complaint or appeal was received.

If the appeal is not resolved by 30 days then DRM will inform the complainant or appellant in writing, including reasons why more than 30 days are required and keep updated of the progress of the matter at hand.

## 6. Key Contacts

If the student is still not satisfied with the resolution of the appeal, they are directed to seek further assistance from the following additional parties:

Organisation	Details
Vocational Education & Training Programs Australia Skills & Quality Authority (ASQA)	1300 701 801 <a href="mailto:enquiries@asqa.gov.au">enquiries@asqa.gov.au</a>
Skills Canberra	<a href="http://www.cmd.act.gov.au/skillscanberra/individuals">www.cmd.act.gov.au/skillscanberra/individuals</a>
NSW Department of Education & Training	<a href="http://www.training.nsw.gov.au">www.training.nsw.gov.au</a>
NT Department of Education and Training	<a href="http://www.det.nt.gov.au">www.det.nt.gov.au</a>
QLD Department of Education, Training & Employment	<a href="http://www.training.qld.gov.au">www.training.qld.gov.au</a>
SA Department of Further Education, Employment, Science and Technology	<a href="http://www.training.sa.gov.au">www.training.sa.gov.au</a>
Skills Tasmania	<a href="http://www.skills.tas.gov.au">www.skills.tas.gov.au</a>
Victorian Department of Education & Training	<a href="http://www.skills.vic.gov.au">www.skills.vic.gov.au</a>
WA Department of Training and Workforce Development	<a href="http://www.dtwd.wa.gov.au">www.dtwd.wa.gov.au</a>

## 7. Improvement Actions

Driver Risk Management confirms its commitment to investigate and act on any appeal raised, and also to take appropriate action in any case where appeals are substantiated. In cases where an appeal is upheld, Driver Risk Management endeavours to identify the cause of the appeal and implement steps to prevent the situation happening again.

Driver Risk Management maintains a *Continuous Improvement Register* for recording the receipt and management of improvements.

Once an appeal is lodged, and upheld, DRM will, evaluate the corrective actions to resolve the issue and prevent reoccurrence, implement appropriate actions, record results of actions undertaken and review these actions to ensure effectiveness after implementation.

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## 8. Complaints

Driver Risk Management fosters a culture in which complaints are valued and personnel are well trained and supported to manage them. Fair, easily understandable policies relating to complaints management support a proactive, complaint system to identify and address systemic issues, acknowledging complaints promptly and providing timely responses.

During course activities, students may have some concerns, or they may be unhappy with a particular aspect of the program.

Driver Risk Management provides a mechanism allowing for the fair and equitable resolution of any issues, dealing with complaints as part of the core business, so that complaint handling is integrated with other business activities, including the self-assurance processes, and all relevant personnel are involved.

Driver Risk Management complaints process is free, and easily available, to manage and respond to allegations involving the conduct of:

- Driver Risk Management, its trainers, assessors or other personnel; or
- A Driver Risk Management contracted Third Party providing services of Driver Risk Management, including Third Party representatives, trainers, assessors or other personnel; or
- A student of Driver Risk Management.

Allowing students to easily engage with the personnel of Driver Risk Management about any concerns they have can stop minor issues becoming larger.

The Driver Risk Management CEO has overall responsibility for managing complaints and communicating their value to the organisation. Driver Risk Management ensures:

- Personnel at all levels understand and comply with complaints management manual.
- Personnel have received appropriate guidance, training and support to handle complaints.
- Students are directed how to lodge a complaint when they experience a problem or have an issue; and
- Personnel performance is monitored to ensure complaints are handled properly and appropriate remedies are provided.
- There is no fee or charge levied for any complaint processed.

Driver Risk Management will maintain a student complainant's enrolment during any complaint process. Information about how to make a complaint easily available to students.

Driver Risk Management's Complaints Process is publicly available on the Driver Risk Management website and information is provided to all clients via the student handbook.

Where Driver Risk Management uses third parties to deliver services, complaints information is also made available to prospective clients of these Third-Party representatives.

Individuals can make a complaint in a variety of ways, including via telephone, email, or mail. Driver Risk Management has sought to remove any barriers to making complaints and any fear of repercussions to the complainant.

Driver Risk Management's complaints process follow the principles of natural justice and procedural fairness by allowing anyone subject to a decision by Driver Risk Management, or anyone who has allegations made against them, to tell their side of the story before a decision is made.

## 9. Dispute Resolution

This Complaints Policy is also to address any disputes between Driver Risk Management and external parties.

## 10. Misconduct

Where the complaint involves allegations of serious misconduct, the complaint is to be immediately referred verbally or via email to the General Manager;

*Attention to: Complaints GM, admin@driverrisk.com.au.*

Misconduct generally involves wrongful, improper, or unlawful conduct, motivated by a premeditated or intentional purpose or by a flagrant indifference to the consequences of one's acts.

Misconduct may involve either gross negligence or a deliberate departure from accepted standards. Misconduct can include a single act or repeated acts. Examples of misconduct include but are not limited to:

- Inappropriate relationships with students
- 'Reportable Conduct' allegations, which are allegations of inappropriate conduct towards a child, including a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child, behaviour causing significant emotional or psychological harm to a child, or significant neglect of a child harassment, including sexual harassment, bullying or victimisation of other staff members, students or the public
- Racial or religious vilification
- Striking a student, other employee or member of the public, or otherwise inflicting harm on, or endangering the life of, another person
- A failure to act in accordance with Child Safe Standards, such as a breach of a relevant code of conduct or a failure to take reasonable steps to respond to and report suspected child abuse
- Wilfully damaging property
- unlawful discrimination or sexual harassment
- Sexual or other criminal offences
- Refusal to obey a lawful instruction
- Alcohol or drug misuse affecting the employee's performance of their duties
- Serious or gross negligence
- Inappropriate use of the internet or DRM technology resources
- Medical certificate fraud
- Conduct involving dishonesty, wilfulness or recklessness, loss or damage.

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## 11. Investigation

The General Manager as the investigator, will write to the employee to advise that an inquiry has commenced and explain the process.

The investigation will involve establishing the precise nature of the allegations and possible grounds for action.

This would normally involve reviewing documents and other evidence, separately interviewing those people who may assist in the investigation and obtaining statements from those people if appropriate. In some cases, this process will already have been completed as part of a complaints process.

The employee must not approach witnesses to discuss the details of the complaint. Under no circumstances is the employee to question or interrogate complainants or students in relation to an investigation.

However, they may inform a staff member that they have provided their name to the General Manager for the purposes of being interviewed in relation to information that the employee may have that is relevant to the investigation.

The reason for this protocol is to protect the integrity of the investigation, to ensure that there can be no suggestion of intimidation of any witness and to preserve the welfare of students.

A breach of this protocol may be regarded as a serious breach and may lead to additional action in respect to misconduct.

An employee may nominate to the General Manager the names of witnesses, including students, who in the employee's opinion have relevant evidence to give and should be interviewed as part of any investigation.

On receipt of these names, the General Manager will determine which, if any, of these people will be interviewed and will contact them directly.

The employee has no right to be present during the interviews with witnesses.

After the investigation phase, the investigator will prepare a Notice of Allegations, seek a response from the employee.

The investigator will also provide the employee with the opportunity to meet with the investigator to discuss his or her written response to the allegations.

The employee may have a support person or representative present during this meeting.

A report of findings will be sent to the CEO.

Where the CEO finds that there are one or more grounds for taking action against an employee, he or she may take one or more of the following actions:

- Terminate the employee's employment
- Reportable misconduct will be reported to the appropriate authority
- Written warning and possible re-education or training for the employee.

DRM will endeavour to resolve the complaint within no more than 14 days from the day the complaint is received.

If the complaint is not resolved within by 30 days then DRM will inform the complainant or appellant in writing, including reasons why more than 30 days are required and keep updated of the progress of the matter at hand.

## 12. Complaints Key Contacts

If the student is still not satisfied with the resolution of the complaint, they are directed to seek further assistance from the following additional parties:

Organisation	Details
Vocational Education & Training Programs Australia Skills & Quality Authority (ASQA)	1300 701 801 <a href="mailto:enquiries@asqa.gov.au">enquiries@asqa.gov.au</a>
Skills Canberra	<a href="http://www.cmd.act.gov.au/skillscanberra/individuals">www.cmd.act.gov.au/skillscanberra/individuals</a>
NSW Department of Education & Training	<a href="http://www.training.nsw.gov.au">www.training.nsw.gov.au</a>
NT Department of Education and Training	<a href="http://www.det.nt.gov.au">www.det.nt.gov.au</a>
QLD Department of Education, Training & Employment	<a href="http://www.training.qld.gov.au">www.training.qld.gov.au</a>
SA Department of Further Education, Employment, Science and Technology	<a href="http://www.training.sa.gov.au">www.training.sa.gov.au</a>
Skills Tasmania	<a href="http://www.skills.tas.gov.au">www.skills.tas.gov.au</a>
Victorian Department of Education & Training	<a href="http://www.skills.vic.gov.au">www.skills.vic.gov.au</a>
WA Department of Training and Workforce Development	<a href="http://www.dtwd.wa.gov.au">www.dtwd.wa.gov.au</a>

## 13. Improvement Actions

Driver Risk Management confirms its commitment to investigate and act on any complaint raised, and also to take appropriate action in any case where complaints are substantiated.

In cases where a complaint is upheld, Driver Risk Management endeavours to identify the cause of the complaint and implement steps to prevent the situation happening again.

Driver Risk Management maintains a *Continuous Improvement Register* for recording the receipt and management of improvement records.

Once a complaint is lodged, and upheld, DRM will, evaluate the corrective actions to resolve the issue and prevent reoccurrence, implement appropriate actions, record results of actions undertaken and review these actions to ensure effectiveness after implementation.

Driver Risk Management:

- Regularly analyses complaints to see what is going wrong and what can be improved.
- Regularly reviews the complaint system to assess its effectiveness; and
- Reviews and updates policies and procedures if they are not working effectively for the RTO, its students or other stakeholders.