

Complaints and Appeals Policy

Overview

Nexa Training understands that on occasion there may be instances of student dissatisfaction. We welcome the opportunity for improvement through receiving feedback from a dissatisfied party so that a resolution can be found and an opportunity to consolidate the feedback into a review and improvement of our policies and practices.

This right to a complaint and appeal also extends to persons seeking to enrol into a course with Nexa Training or Third-Party delivering training on behalf of Nexa Training Pty Ltd. This Complaints and Appeals Policy ensures that all student grievances are considered confidentially with expediency, fairness and transparency to the satisfaction of all parties involved.

Complaints

What is a complaint?

A complaint is negative feedback about Nexa Training, our trainers/assessors, services, a third party, or a student which has not been resolved locally. Complaints can also be made from staff members in regards to other staff members.

How to lodge a complaint

Complaints may be made by any person but are generally made by students and/or employers through our Complaints & Appeals' form located under the 'Resources' tab on our website by clicking on the 'Lodge a Complaint / Appeal' button. Please refer to our Consumer Protection Policy which details the relevant Consumer Protection Agency in your state or territory.

If the complainant chooses to submit their complaint in writing, this can be completed via email to Nexa Training Pty Ltd Operations Manager – admin@nexa.edu

Grounds for making a complaint may include:

- The assessment process did not provide students with a fair, flexible and reasonable opportunity to demonstrate their competency.
- They were not informed in advance of the conditions and method of assessment.
- The process used was discriminatory in some way.
- They were ill or suffered misadventure at the time of assessment (must be supported by a medical certificate).

Appeal

What is an appeal?

An appeal is an application by a student for reconsideration of an unfavourable decision or finding during training and/or assessment. This includes decisions made by Nexa Training Pty Ltd or a third-party providing services on our behalf. An appeal must be made in writing and specify the particulars of the decision or finding in dispute.

Appeals must be submitted to Nexa Training Pty Ltd within twenty-eight (28) days of the student being informed of the assessment decision or finding.

Grounds for Appeal

An application for appeal will be considered if a student:

- claims disadvantage due to the assessor/trainer unreasonably altering assessment requirements that were specified in the outline.
- claims disadvantage due to the assessment requirements specified by the assessor/trainer being unreasonably applied to him or her.
- claims a disadvantage due to the assessor/trainer not providing an assessment outline.
- believes that an error has occurred in the document/outline of the assessment task.
- claims that there is a discrepancy between assessment tasks - practical observation and the formal assessment.

If the appeal for re-assessment is proven, where possible an alternative assessor will conduct the re-assessment of the student at a time that is mutually convenient.

Early Resolution of Complaints and Appeals

Issues that arise during training and assessment are the source of frustration or can cause disputes that should be resolved at the time, as they occur between the persons involved, where possible. Sometimes, it will not be possible and in these cases, students are encouraged to come forward and inform Nexa Training of their concerns with the confidence that they will be treated fairly.

Relationship to continuous improvement

The complaints and appeals handling process will expose weaknesses in our training and/or assessment system. We consider issues raised through this process to be an opportunity for our continuous improvement. This outcome of complaints and appeals handling is very positive and should be actively applied by all persons involved.

Handling Complaints and Appeals

Nexa Training Pty Ltd applies the following principles to its complaints and appeals handling:

- An electronic record of all complaints and appeals is to be kept by Nexa Training including all details of lodgement, response and resolution.
- A person lodging an appeal is to be provided an opportunity to formally present his or her case at no cost.
- Each person lodging an appeal may be accompanied and/or assisted by a support person at any relevant meeting.
- The handling of an appeal is to commence within 10 working days of the lodgement of the appeal and all reasonable measures are taken to finalise the process as soon as practicable.
- The complainant or person lodging an appeal is to be provided a written statement of the outcome, including details of the reasons for the outcome.
- The person lodging a complaint or appeal is to have the opportunity for a person or a body that is independent of Nexa Training to review his or her appeal following the internal Nexa Training appeals process.
- Nexa Training shall maintain the enrolment of the person lodging an appeal during the appeals process.
- Decisions or outcomes of the appeals process that find in the favour of the student shall be implemented immediately.
- Appeals are to be handled in the strictest of confidence. No Nexa Training representative is to disclose information to any person without the permission of the Nexa Training Chief Executive Officer. A decision to release information to third parties can only be made after the person appealing has given permission for this to occur. This permission should be given using the Information Release Form located in the Privacy Policy Tools section earlier in this manual.
- All complaints and appeals are to be considered on the basis of procedural fairness and natural justice, and lead to opportunities for improvement as a Continuous Improvement Report. The rules of natural justice are flexible, requiring fairness in all the circumstances, including the nature of the power exercised and the statutory provision governing its exercise. Procedural fairness requires that an allegation be put to a person and they be given an opportunity to answer it before a decision is made.
- Appeals of assessment decisions are not able to be referred to ASQA and are to be determined by an approved independent body. ASQA cannot advocate on behalf of students or mediate between students and Nexa Training.
- The timeframe for completion of complaints and appeals is 14 days.
- Individuals can request an appeal if they would like to review a decision or believe their complaint is not being handled fairly, efficiently and effectively.

Where the Nexa Training considers more than 60 calendar days are required to process and finalise the complaint or appeal, Nexa Training will:

- Informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required.
- Regularly update the complainant or appellant on the progress of the matter.

Academic Appeals Handling Procedure

Applications by students for reconsideration of an unfavourable decision or finding are to be treated with the highest importance. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within 28 days of when the decision or finding is communicated to the student.

The following procedure is to be followed when an application for appeal is received:

- A student appealing any assessment decisions is to be referred immediately to the Training Manager. The Training Manager is to arrange for a reassessment of the student as soon as possible. The student is also to be offered the opportunity to undertake additional training before this re-assessment. The reassessment is to be conducted by a different trainer from the trainer that conducted the initial assessment.
- If after the re-assessment, the student remains not yet competent and is unsatisfied with the assessment outcome, the student is to meet with the Training Manager to discuss the assessment process and the assessment outcome.
- If after consultation with the Training Manager, the student remains unsatisfied with the assessment process, the student is to be provided with the Complaints and Appeals Form and the matter is to be dealt with in accordance with the complaint handling procedure.
- If the student is seeking a refund of their tuition fees based on an unfavourable outcome, this may be considered by the Operations Manager on its merits. If the Operations Manager does not approve a refund and considers that Nexa Training has dealt with the matter appropriately and has provided the student all reasonable opportunity to demonstrate their competence, the student is to be advised of the opportunity to refer the matter to the Office of Fair Trading in relation to their dispute over the requested refund.
- Management Team to inform the applicant of the improvement actions identified.

Application

- Our Complaints and Appeals process must be readily available.
- All complaints and appeals are to be dealt with fairly and efficiently and the complainant acknowledged in a timely manner.
- The complaints and appeals process is an opportunity to improve our systems and processes.
- The Complaints and Appeals Register is to be kept secure and up to date at all times to accurately reflect how the matter was responded to and the duration from the date the appeal was received to the date the appeal was resolved.