



COMPLAINTS HANDLING POLICY



PURPOSE

To outline the process to be followed by Apprenticeships Are Us Ltd employees in handling complaints and grievances from individuals and organisations who have dealings with Apprenticeships Are Us Ltd.

To ensure complaints and grievances are resolved in a professional and timely manner.

To comply with:

1. Standard 1.4 of the National Standards for Group Training Organisations.
2. Australian Skills Quality Authority Standards for NVR Registered Training Organisations 2011 – Essential Standards for Continuing Registration (SNR 15.1, 16.2 and 16.7).

This policy is also compliant with *Standard 1.4 of the National Standards for Group Training Organisations* (GTOs), which requires that complaints be handled promptly, fairly, and transparently. Apprenticeships Are Us Ltd ensures that all grievances from apprentices, trainees, employers, and other stakeholders are managed in alignment with these standards to maintain a supportive environment for all involved.

This policy also aligns with the *Fair Work Act 2009 (as amended in 2024)* and the *Work Health and Safety Act 2024*, ensuring that complaints related to workplace safety, harassment, bullying, and discrimination are handled in accordance with current legal frameworks. All complaints are investigated to comply with statutory obligations, ensuring a safe and inclusive workplace.

LEGISLATIVE AND GOVERNANCE FRAMEWORK

This policy is governed by the following legislation, standards, and governance requirements:

Commonwealth Legislation

- Fair Work Act 2009 (as amended 2023–2024)
- Work Health and Safety Act 2011 (NSW) including psychosocial hazard regulations
- Sex Discrimination Act 1984 (Respect@Work reforms)
- Privacy Act 1988 & Australian Privacy Principles
- Cybersecurity Standards Act 2023
- Corporations Act 2001 – duties, conflicts, whistleblower protections
- Australian Charities and Not-for-profits Commission Act 2012 (ACNC Governance Standards 1, 2 & 5)

State Legislation

- NSW Anti-Discrimination Act 1977
- WHS Regulations (psychosocial hazards 2023+)

GTO Standards

- **National Standards for Group Training Organisations – Standard 1.4 (Complaints)**
- Standard 3 (Governance & Compliance)
- Standard 4 (Safety & Wellbeing)

Internal Governance Documents

- ARU Bullying, Harassment & Discrimination Policy
- ARU Whistleblower Policy
- ARU Code of Conduct
- ARU Code of Ethics

- ARU Child Safety Framework
- ARU Cybersecurity Policy

Compliance with these requirements is mandatory for all complaints management activities.

SCOPE

This policy applies to all employees of Apprenticeships Are Us Ltd, including staff and apprentices and trainees hosted external to Apprenticeships Are Us Ltd and other stakeholders receiving customer service from Apprenticeships Are Us Ltd.

DEFINITIONS

“Complaint”

Any expression of dissatisfaction about a service, behaviour, decision, process, or action related to Apprenticeships Are Us Ltd.

“Grievance”

A complaint raised by an employee, apprentice, trainee or student relating to workplace matters including conduct, treatment, or conditions.

“Appeal”

A request to review a decision relating to a complaint or grievance.

“Procedural Fairness / Natural Justice”

The right to be heard, the right to an unbiased decision, and the right to understand the case to be answered.

“Victimisation”

Adverse treatment of a person because they have made, intend to make, or are associated with a complaint.

“Whistleblower”

A person reporting misconduct in accordance with the Whistleblower Protection Act and ARU’s Whistleblower Policy.

“Anonymous Complaint”

A complaint submitted without identifying information. These will be assessed for actionability and risk.

“Serious Misconduct”

Behaviour involving violence, criminal conduct, bullying, discrimination, serious safety breaches or sexual harassment.

POLICY

Complaints are an indication of an opportunity to improve or clarify some part of our way of doing business. The systematic collection and classification of complaints and opportunities for business improvement will allow corrective action and system faults to be rectified or improved and may form part of future strategic planning or risk management practices.

A standardised approach means that complaints can be dealt with in an efficient manner. As complaints are direct feedback on actual performance or perceptions of performance of Apprenticeships Are Us Ltd, there needs to be high level accountability for screening, follow-up, and evaluation of remedial action.

People who make complaints have the right to be taken seriously, treated with respect and to receive feedback within a reasonable timeframe without breaching legal responsibilities such as the Privacy Act.

All complaints will be handled in compliance with the **Australian Privacy Principles (APPs)**, ensuring that personal data provided by complainants is securely stored and managed. This guarantees the protection of sensitive information as outlined under the *Privacy Act 1988*.

All reports of bullying, harassment or discrimination will be treated as a complaint and will be addressed in accordance with this policy. Apprenticeships Are Us Bullying, Harassment and Discrimination Policies provide further information on complaints of this nature. All staff are responsible for taking and where appropriate resolving complaints.

Apprenticeships Are Us Ltd will ensure that complaints involving individuals from diverse cultural backgrounds are handled with cultural sensitivity. This includes training all staff involved in the complaints process in cultural competency, in alignment with the *NSW Anti-Discrimination Act* and the Racial Discrimination Act 1975.

ANTI-VICTIMISATION AND RETALIATION PROHIBITION

Apprenticeships Are Us Ltd strictly prohibits any form of retaliation, adverse action, or victimisation against:

- a complainant
- a witness
- a person providing evidence or support
- a person making a whistleblower disclosure

Retaliation is unlawful under the Fair Work Act, the Anti-Discrimination Act, and the Whistleblower Protection regime, and will be treated as serious misconduct warranting disciplinary action.

COMPLAINTS MANAGEMENT

All employees and students are entitled to have matters of concern to them resolved through an orderly and consultative process.

If the employee or student feels comfortable speaking directly to the person about whom the complaint is in relation to, then this course of action should be taken, as this can sometimes be the easiest way of resolving an issue. The person may have been unaware of the effect of their discussing it with them provides them a chance to resolve the situation.

If direct contact with the person is not an option or has not resolved the matter, the employee, apprentice or trainee is entitled to discuss the matter with their immediate supervisor, including an Apprentice Employment Manager.

In the case of an Apprenticeships Are Us Ltd.'s staff member (excludes apprentices and trainees hosted external to Apprenticeships Are Us Ltd) having a complaint against, or involving, their immediate supervisor/manager, a complaint may be made with the General Manager or an independent manager. Confidentiality will be maintained where appropriate, however you should be aware that the person who has received the complaint is obliged to refer the matter to relevant others if they are concerned for a person's health, safety or wellbeing. Furthermore, they may disclose the complaint to internal experts and/or their manager to obtain advice. In some instances, it may be necessary for respondents or witnesses to be informed to afford procedural fairness and investigate allegations.

The Complaints Management procedure outlines the process for how Apprenticeships Are Us Ltd handle complaints when received. Reasonable deviation from the procedure, under manager direction, may be appropriate to achieve successful resolution of a complaint in some instances, however the fundamental parameters applicable to all complaints are:

- Complaints will be acknowledged as received within one working day of receipt. All complaints must be resolved within 30 working days, unless the complexity of the case requires additional time. In such instances, the complainant will be informed of the delay, and a new resolution timeframe will be provided, in line with industry best practices for complaints handling.
- Informal resolution of complaints is preferable and will be sought in the first instance where possible and appropriate.
- Records will be made of all complaints and retained in a location appropriate to the circumstances and the parties involved, considering the confidentiality and sensitivity of the matter. All records of complaints, especially those involving financial or operational risks, must be documented in compliance with **AASB sustainability standards**, ensuring that any complaints related to Environmental, Social, and Governance (ESG) factors are adequately addressed and reported to relevant authorities.
- If a complaint is unable to be satisfactorily resolved at the initial level in which it is received, it is to be escalated to the next level of supervision/management without delay. The Grievances and Appeals section of this policy provide further information on escalation of a complaint which remains unresolved.
- Certain complaints are to be recorded on a Business Improvement form, the parameters of which are outlined in the Complaints Management procedure and Business Improvement procedure. As per *Standard 3.1 of the National Standards for GTOs*, all complaints will be recorded and monitored as part of our continuous improvement processes. Trends in complaints will be analysed and reported to the ARU Board to identify systemic issues and inform improvements in service delivery
- Relevant managers, General Manager and the Managing Director (MD) are to be notified of complaints relating to alleged bullying, harassment or discrimination or where a potential risk to health and safety is identified. The Bullying, Harassment and Discrimination Policies provides additional information on how Apprenticeships Are Us Ltd will respond to complaints of this nature.
- Complainants will be advised of the outcome of their complaint within reason and in accordance with legislative guidelines such as the Privacy Act.

In line with *Standard 2.3 of the National Standards for GTOs*, complaints involving apprentices and trainees will be resolved with a focus on maintaining positive employment and training relationships. Where appropriate, Apprenticeships Are Us Ltd will work with host employers, RTOs, and other stakeholders to ensure that a fair outcome is reached, without impacting the apprentice's or trainee's progression.

DIGITAL COMPLAINTS AND CYBERSECURITY

Complaints submitted through digital channels (email, portals, web forms) must be:

- handled through secure ARU systems
- stored in secure, access-controlled digital folders
- not downloaded to personal devices
- managed in accordance with the Cybersecurity Standards Act and ARU Cybersecurity Policy

Any suspected data breach must be reported immediately.

TIPS ON HANDLING COMPLAINTS

- Receive and acknowledge the complaint with empathy and tact but do not lay blame, admit liability, become defensive or make judgments.

- Identify yourself and your position if not already known.
- Answer each call in a positive and courteous way.
- Listen to what the speaker is saying.
- Write down the complaint, if possible, as it is being made. If circumstances do not permit immediate recording, write down the details as soon as possible. Do not rely on memory.
- Record the time, date, means (e.g., phone) and location where the complaint was made.
- Record what has been said including all traceable detail e.g., name, dates.
- Make sure you have clearly understood the complaint by repeating back your understanding of the situation.
- Obtain the name and contact details of the complainant if they are willing to provide.
- Explain what action you intend to take e.g. The matter will be referred to 'name and position', the matter will be handled according to our Complaints Handling Policy.
- Meet any promised deadlines.
- If you can resolve the complaint immediately and it is appropriate, then please do so.
- Advice your immediate manager by emailing a record of the complaint including the details required for recording on the Business Improvement form where required.

CONFLICTS OF INTEREST IN COMPLAINTS HANDLING

Any person involved in receiving, managing, or deciding a complaint must:

- declare any actual, potential, or perceived conflict of interest
- not be involved in decision-making where a conflict exists
- refer the matter to an impartial manager, the General Manager, or the MD

Managers must ensure impartiality, procedural fairness, and transparency throughout the process.

ANONYMOUS COMPLAINTS

Anonymous complaints will be accepted and assessed based on:

- seriousness of the allegations
- availability of evidence
- risk to individuals
- risk to the organisation

Anonymous complaints will be actioned wherever reasonably practicable, especially where safety, misconduct, or legal issues are involved.

SERIOUS MISCONDUCT AND CRIMINAL CONDUCT

Complaints involving:

- violence
- threats
- sexual harassment or assault
- discrimination
- child safety concerns
- fraud, corruption or theft
- serious bullying
- WHS breaches

- criminal conduct

Must be immediately escalated to:

- The Managing Director
- The General Manager
- Police or relevant regulatory authorities (where required by law)

Mandatory reporting obligations apply in cases involving apprentices, minors, or safety-related matters.

TRAUMA-INFORMED COMPLAINT HANDLING

All staff managing complaints must ensure:

- sensitivity to the emotional and psychological wellbeing of complainants
- avoidance of re-traumatisation
- appropriate support is offered (EAP, support services)
- privacy and dignity are maintained
- communication is respectful, clear and non-judgmental

This is required under psychosocial safety laws and Respect@Work reforms.

CULTURAL SAFETY AND INCLUSIVE PRACTICE

Complaints involving Aboriginal and Torres Strait Islander peoples, CALD communities, LGBTQIA+ individuals, or individuals with disability must be managed with:

- cultural sensitivity
- language support where required
- recognition of systemic barriers
- engagement of culturally competent staff

Where appropriate, complainants may request a culturally appropriate staff member.

RECORDKEEPING, REPORTING AND BOARD OVERSIGHT

Apprenticeships Are Us Ltd will:

- maintain confidential records of all complaints;
- retain records for a minimum of 7 years;
- record serious complaints in the Risk Register;
- analyse trends quarterly;
- provide de-identified reports to the ARU Board;
- ensure complaints inform continuous improvement.

This complies with GTO Standard 3 and ACNC Governance Standard 5.

GRIEVANCES AND APPEALS

For the purpose of this policy, a grievance or appeal is defined as any type of problem, concern, dispute or complaint raised by an employee or student, which is related to work, the work environment or training and which cannot be resolved through normal day to day communication.

This policy also aligns with the *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2024*. Complaints that are related to misconduct, fraud, or unethical behaviour can be made through protected whistleblower channels, ensuring that the complainant is protected from retaliation or adverse actions under the updated whistleblower legislation.

The Complaints Management section of this policy is to be applied. If the complaints process does not produce a satisfactory result at the initial level in which it is received, the employee or student is entitled to escalate the matter to the next level of supervision/management. If this escalation does not result in a satisfactory outcome, the employee or student is entitled to continue escalating the matter one level of supervision/management at a time, until it reaches the MD. Dependant on the circumstances, for apprentices and trainees, the matter may instead be escalated to the Department of Education, Training and Employment.

When a matter is escalated above the immediate supervisor or trainer, the person to whom that escalation has been taken, is expected to seek a report from the person to whom the matter has previously been referred. When the grievance is escalated to the MD, the employee's supervisor, or manager, or the, may be required to be present at any meeting regarding the grievance. If internal procedures fail to resolve the complaint satisfactorily, employees and students may escalate their concerns to external bodies such as the **Fair Work Ombudsman**, depending on the nature of the complaint. This escalation will be facilitated in accordance with the legal rights of complainants as outlined in the *Fair Work Act*.

In a situation where the matter is escalated to the MD and cannot be resolved, the employee or students entitled to ask for the matter to be referred to Apprenticeships Are Us Ltd Board of Directors for consideration and if deemed necessary, resolution. However, in these circumstances, the ARU Board will only deal with the matter where the employee or student presents his or her case to them in the presence of the MD and the relevant manager.

AUTHORISATION

Michael Wentworth



Managing Director

Apprenticeships Are Us Limited

DOCUMENT CONTROL

Version	Authorised by	Authorisation Date	Sections	Amendment
1.1			All	N/A
1.2	M. Wentworth	01/02/2018	All	Change of CEO
1.3	M. Wentworth	13/04/2023	All	Cover page
1.4	M. Wentworth	15/10/2024	All	Cover page, minor information update
1.5	M. Wentworth		All	Information update