



Hartwig Air Policy

59 Anderson Drive, Parafield SA 5109
Telephone: 08 8258 4244
Email: admin@hartwigair.com.au
www.hartwigair.com.au

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Grievance, Complaint and Appeals Policy (Academic & Non-Academic)

PURPOSE

The purpose of this document is to give clear direction as to the responsibility and manner in which both employees and contractors are to conduct themselves if a complaint arises.

Hartwig Air is committed to providing an effective, efficient, timely, fair and confidential academic and nonacademic grievance handling procedure for all Students, Staff and Stakeholders.

Complainants are entitled to access grievance procedures regardless of the location of the campus at which the grievance has arisen, the Complainants place of residence or the mode of study.

For the purpose of this document the term 'complainant' encompasses all students or learners including but not limited to international and domestic students.

Hartwig Air supports a transparent grievance, complaint and appeals policy that enables students, learners and clients to be informed of and to understand their rights and the school's responsibilities under the Registered Training Organisation (RTOs) Standards 2015: Standard 6.

SCOPE

This policy encompasses:

- current and past students
- student candidates
- staff and contracted providers
- regulatory authorities.

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RTO NUMBER 4439 CRICOS NUMBER 02845E ABN 87 132 770 480



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DEFINITIONS

Hartwig Air Representative - For the purposes of the Complaint Process this will normally be the Quality Manager or their delegate.

The Act - Refers to the Higher Education Support Act 2003

Accountable Officer - The Hartwig Air Accountable Officer is the Quality Manager.

Advocate - Individual who accompanies a Complainant for the purposes of support throughout the process. An advocate for the purposes of this policy does not include Legal Representation.

Appeal - An appeal arises when a stakeholder is not satisfied with a decision taken by Hartwig Air.

Business Day - A business day is determined as being a day other than a Saturday or Sunday; or a public holiday, special holiday or bank holiday in the place in South Australia

Complaint - A complaint arises when a stakeholder is dissatisfied with or aggrieved by an action or event or thing under the control of or within the environment or activities of Hartwig Air.

Complaint Event - Actual instance that occurred for which the complaint is being lodged.

Complainant - Person or entity that lodges a complaint

Frivolous Complaint - Fictitious complaint or one made intentionally without foundation or to cause mild detriment or mischief. Knowingly lodging a false complaint (without truth or foundation).

Legal Representation - A lawyer or similar who is engaged by the Complainant or HARTWIG AIR to represent them in a formal and legal process which may be initiated if the complaint process including external mediation fails.

Malicious Complaint - Fictitious complaint or one made intentionally without foundation or to cause significant detriment or mischief. Knowingly lodging a false complaint (without truth or foundation).

Mediation Event - Meeting, intervention or other event specifically designed and arranged with the intention of negotiating a solution.

Parties to the Complaint - All individuals and/or entities who are directly involved in lodging or investigating or mediating a complaint.

Student - Refers to all persons enrolled or seeking enrolment in a unit of study that meets the course requirements under sub-clause 45 (1) of the Schedule of the Act who are, or would be entitled to VET Student Loans assistance under sub-clause 43 of the Act, International Students

Zero Tolerance - HARTWIG AIR will not under any circumstances tolerate or condone behaviour that breach the fundamental principles of access, equity and fairness.

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Hartwig Air will act against any individual or group of individuals proven to have breached these principles and that action may be to the extent of termination of employment, contract or enrolment of student/s.

POLICY

It is the policy of Hartwig Air that all students will be treated in a fair and equitable manner at all times.

It is the policy of Hartwig Air that all students will receive quality service at all times.

Hartwig Air's grievance, complaints and appeals policy is designed to manage and respond to allegations involving the conduct of:

- 1) Hartwig Air, its trainers, assessors or other staff;
- 2) A third-party providing services on the behalf of Hartwig Air, its trainers, assessors or other staff; or
- 3) A learner or student of Hartwig Air.
- 4) Hartwig Air has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the school or a third-party providing services on the Hartwig Air 's behalf.

Hartwig Air grievance, complaints policy and appeals policy:

- 1) Is designed to ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;
- 2) Is publicly available in electronic format on the company's website, and on the company's intranet site;
- 3) Sets out the procedure for making a complaint or requesting an appeal;
- 4) Ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and
- 5) Provide for review by an appropriate party independent of Hartwig Air and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.

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GUIDING PRINCIPLES

Hartwig Air commits to a complaints process with the following guiding principles:

1. **Completely Confidential**

Only the people directly involved in or investigating a complaint will have access to information about the complaint. In addition, privacy principles and ethics require that all the parties maintain confidentiality during the entire complaint process and thereafter.

If the complaint relates to behavioral issues, discussing the matter with other Hartwig air staff, apart from direct investigative discussion, may hamper the effectiveness of the process.

2. **Impartial**

The principles of Natural Justice and Right of Reply will apply in all cases.

All parties will be provided with equal opportunity for discussion. No assumptions should be made, and no action will be taken until all relevant information has been collected and considered.

Students may be represented by a non-legal representative advocate or have a support person involved in the process at all times. It is the policy of the Hartwig air that all students will be treated in a fair and equitable manner at all times.

3. **Free from Repercussions**

No action will be taken against anyone for lodging a complaint or assisting someone to lodge a complaint. Management will take all necessary steps to ensure that no victimization or bullying occurs against anyone who makes a complaint.

4. **Timely**

All complaints will be dealt with as quickly and as transparently as possible. Where Hartwig air considers more than 60 business days are required to process and finalise the complaint or appeal, then Hartwig air will contact the complainant in writing as soon as possible as outlined in this policy.

5. **Record Retention and Security**

Hartwig Air:

- a) securely maintains records of all complaints and appeals and their outcomes; and
- b) identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

6. **Extended Process**

Where the Hartwig Air considers more than 30 business days are required to process and finalise the complaint or appeal, Hartwig air must:

- a) inform the complainant or appellant in writing, including reasons why more than 30 business days are required; and
- b) regularly updates the complainant or appellant on the progress of the matter.

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PROCEDURE

International Students

Nothing contained within Hartwig Air's Complaints and Appeals Policy negates the right of any international student to take action under Australia's consumer protection laws in the case of financial disputes or pursue other legal remedies.

All Students

Prior to initiation of a formal Student Complaint process, the student is encouraged to have an informal meeting to address their concerns. This informal process is not a mandatory component of the complaint's procedure. The informal process is a meeting with the CEO and the complainant to see if the matter can be resolved. This meeting will be treated as informal, so the complainant need not put the complaint in writing and the matter will not be listed on the academic record of the complainant. Due to the nature of flight training, and the one-on-one training component within the confines of the aircraft, generally a minor problem can be addressed without a formal procedure. If this cannot be resolved, the complainant may take the complaint to the next level and put in a written formal complaint.

Both Academic and Nonacademic procedures follow the same steps outlined below:

Academic/Non-Academic Complaints

Informal Student Complaint Process

Prior to initiation of a formal Student Complaint process the student may choose to have an informal meeting to address their concerns as discussed above.

Formal Student Complaint Process; for Academic and Non-Academic Complaints

General principles applying to all stages of this complaint process which will be adhered to by Hartwig air are:

- The Complainant and respondent will have the opportunity to present their case at each stage of the procedure.
- The Complainant and the Respondent have the option of being accompanied/assisted by a third person (such as a family member, friend or counselor) if they so desire.
- The Complainant and the Respondent will not be discriminated against, bullied or victimized.

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- At all stages of the process, discussions relating to complaints, grievances and appeals will be recorded in writing. Reasons and a full explanation in writing for decisions and actions taken as part of this procedure will be provided to the Complainant and/or the Respondent if requested.
- Records of all grievances or complaints will be kept for a period of five (5) years. These records will be kept strictly confidential and stored in the Archive Room at Hangar 1, Dakota Drive, Parafield Airport SA. Hartwig air allows parties to the complaint appropriate access to these records.
- A Complainant shall have access to this Student Complaint process at no cost.

Stage 1

Formal grievances should be submitted in writing to the Quality Manager; phone 08 8258 4244 or email quality@hartwigair.com.au who has the responsibility for receipt and initial processing of all academic and nonacademic complaints and grievances within **30 business days** of the complaint event.

The Accountable Officer or nominated delegate/s within Bruce Hartwig flying School, will complete the formal complaint report form.

All complaints must be documented using the correct form F017 Complaint Form. Each completed complaint form will be included into the Complaint & Appeal Register R003, which is available on the Company Intranet in the Document Library. This document is known as the "Stage 1" Complaint.

The Accountable Officer will then assess the complaint to fall within one of two categories:

- **Request for VET Loans refund.** If the complaint relates to any form of request for a VET FEE-HELP/ Student loan re-credit, then Policy **102 domestic student fee and refund policy** replaces this policy in all respects. The Accountable Officer will refer the complaint to the Chief Flying Officer for further consideration as per the domestic student fee and refunds policy.
- **Other complaint.** The Accountable Officer will investigate, determine the outcome and advise the Complainant in writing of the Stage 1 decision within **30 business days**. The Complainant will then be advised of their right to access Stage 2 of this process if they are not satisfied with the outcome of Stage 1.

Stage 2

If the Complainant is not satisfied with the outcome of Stage 1, they may lodge an appeal against the decision, with the School Chief Executive Officer (CEO). The appeal must be lodged, in writing, within **30 business days** of receiving the Stage 1 decision.

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The Stage 2 appeal decision will be determined by the CEO of Bruce Hartwig Flying School. The Complainant will be advised in writing of the outcome of their appeal, including the reasons for the decision, within **30 business days**.

All Complainants have the right to appeal decisions made by Hartwig Air. These may include assessment decisions or a decision to exclude a participant from a program.

The Participant has a period of **30 business days** from either the last official date of their course if the appeal relates to assessment or from the date on which other decisions were recorded.

If the participant is unsatisfied with the decision, the student may request mediation/intervention by a third party.

Stage 3

EXTERNAL REVIEW

Should the outcome of Hartwig air intervention not be satisfactory, the Complaint may contact the State Training Advocate with their complaint:

Telephone 1800 006 488

Website: <http://www.trainingadvocate.sa.gov.au/>

The Training Advocate can help the Complainant deal with any questions or concerns they may have such as:

- Study arrangements
- The content or quality of your course or program of study
- Understanding your rights
- Disputes regarding course fees
- Accessing a training provider's internal complaints handling process
- Information and advice if your training provider ceases to operate
- Access to other complaints handling authorities

Hartwig Air will give due consideration to any recommendations arising from the external review within **30 business days** in writing to the Complainant and Training Advocate.

The issue, negotiation/mentoring details, outcome and signed agreement by all parties (if applicable) are recorded in writing; a copy is provided to the student within **30 business days of completion**; a copy is

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filed in line with Privacy Principles and Records Management. All appropriate records of all complaints will be retained for a minimum of five (5) years, and parties to the complaint will have appropriate access to the records.

Where an International Student chooses not to access the Complaint or Appeal process, withdraws from the process, or the process is completed and results in a decision supporting Hartwig Air, then Hartwig Air may be required to notify the appropriate Federal and State Government Departments in a timely fashion.

PUBLICATION

The most contemporary Students Complaints Process will be continually available to Students enrolled with Hartwig air through publication on the School's website.

HANDLING A COMPLAINT

On receiving a complaint, the person who received the complaint must determine if they are the appropriate person to resolve the matter. Where they consider it would be inappropriate for them to handle the matter, or if the matter is outside the scope of their responsibility, they will discuss this with the Complainant within **2 business days** of receiving the complaint. The person receiving the complaint is responsible for assisting the Complainant to a more appropriate person. This may require escalation to the next level of responsibility.

Where the person receiving the complaint believes that they are the appropriate person to deal with the matter, they should arrange to discuss the complaint with the Complainant at a time convenient to both parties, but as soon as practical after the matter is first raised.

Action to resolve the complaint should commence as soon as possible.

WITHDRAWING THE COMPLAINT

An individual has the option to withdraw a complaint at any stage. However, where the complaint concerns:

- Proven misconduct on the part of an individual or any other party;

OR

- Where the failure to resolve the complaint would adversely affect other individuals or Bruce Hartwig Flying School, Hartwig air reserves the right to

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finalize the investigation of the original complaint and take any necessary recourse deemed appropriate.

FRIVOLOUS OR MALICIOUS COMPLAINTS

A 'Frivolous or Malicious Complaint' is a fictitious complaint or one made intentionally without foundation or to cause minor (for frivolous), moderate or serious (for malicious) detriment or mischief.

Complainants found to have made a 'Frivolous or Malicious Complaint' will face disciplinary action as per the most appropriate level as described in the Disciplinary Process.

CONTINUOUS IMPROVEMENT

All complaint issues (not including personal details) will be advised to the Management Committee for evaluation and actioning of opportunities.

APPEALS PROCESS

PURPOSE

This policy is to ensure that Hartwig air stakeholders and in particular participants and staff are aware of the appeals process, rights and responsibilities afforded them.

POLICY

Hartwig air is committed to a fair and equitable process that ensures students are provided with a framework to bring forward appeals. This Policy outlines a process that ensures appeals are handled in an effective and timely manner.

This Policy applies to students who have undertaken training with or who wish to apply to undertake training Bruce Hartwig Flying School; Hartwig air staff, and stakeholders.

Appeals can be made in writing by stakeholders. All appeals are to be documented by Bruce Hartwig Flying School.

An abbreviated description of the appeals process is included in the Student Handbook and participants will be verbally informed of the appeals procedure as part of their induction process.

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PROCEDURE

Student Assessment

Participants who do not successfully complete an assessment, whether course related or for Recognition of Prior Learning, will have the opportunity to re-sit another assessment on the same subject.

Hartwig Air has processes in place for students enrolled in a course or undertaking Recognition of Prior Learning to appeal an academic result.

All students will be provided with the opportunity to re-submit assessments that have been deemed "Not Yet Competent" **once only**. If the re-submission still does not meet the required standard, the student will have the opportunity to meet with the facilitator to demonstrate their competency.

If assessed as "Not Yet Competent" after this process, the result for the unit will stand. The student will be referred for mentoring or to negotiate an Intervention Strategy and then need to re-enroll in that unit.

If the student is not satisfied with the result, the following steps apply:

1. If still not satisfied with the result, a case conference involving the Head of Operations (HoO)/CEO, the Accountable Officer, and two facilitators will review the assessment.
2. A review meeting will be held between the student and HoO/CEO and the Accountable Officer to discuss the outcome.
3. If the student is not satisfied with the result they may contact:
 - <http://asqa.gov.au/complaints/making-a-complaint.html>
 - OR
 - The National Training Complaints Hotline on 1800 000 674

Other

All stages of the appeal process are to be documented using the Complaint/Appeal Report Form AND copies are to be provided to the Appellant as the process progresses.

The process for appeal is as follows:

- Appellant lodges a verbal or written appeal to HARTWIG AIR within **30 business days** of the date of the decision;
- Hartwig Air documents the Appeal using the Complaint Appeal Form F018, attaching the original appeal letter from the Appellant if provided. All complaints must be documented using the correct

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form F018. Each completed complaint appeal form will be included into the Complaint & Appeal Register Form R003.

- The Chief Flying Instructor/CEO will meet with both the Flying Instructor and the Appellant within **10 business days** of receiving the appeal notice. The meeting is to be documented.
- The Chief Flying Instructor/CEO will advise the Flying Instructor and the Appellant within **10 business days** of the meeting of the decision. Chief Flying Instructor/CEO may determine:
 - a. that a Participant should be reassessed by an alternate assessor;
 - b. that the original decision is correct and will stand; or
 - c. that an adjustment to the decision is warranted.

If the Appellant considers that the appeals process was unsatisfactory, or that the final decision is not correct they may contact the appropriate authority:

- South Australian Training Advocate 1800 006 488
- The National Training Complaints Hotline on 1800 000 674
- Workplace Ombudsman - 1300 724 200
- Union Representative

or

- Other appropriate regulatory body

The Appellant must be provided with the opportunity to have a support person or advocate attend all meetings and must be provided with copies of all documents and meeting minutes associated with the process. Copies of all such documents will be filed in the Students file.

Where an International Student chooses not access the Complaint or Appeal process, withdraws from the process, or the process is completed and results in a decision supporting Hartwig Air, then Hartwig Air may be required to notify the appropriate Federal and State Government Departments in a timely fashion.

RESPONSIBILITY

It is the responsibility of the Appellant to ensure that they commence the appeal process within the specified period and that their appeal is supported with a genuine argument and/or evidence.

It is the responsibility of Hartwig Air to ensure that the appeal process is open, fair and accurate at all times; well documented and that the Appellant signs off and is provided with a copy of the documentation relevant to each stage of the process.

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ACCESS

The Appellant has the right to access their personal records as per Records Management Policy.

WITHDRAWING THE APPEAL

An individual has the option to withdraw an appeal at any stage. However, Hartwig Air reserves the right to finalise the investigation of the original appeal and take any necessary recourse deemed appropriate.

FRIVOLOUS APPEALS

A 'F frivolous Appeal' is fictitious or one made intentionally without foundation or to cause minor detriment or mischief. Appellants found to have made a 'F frivolous Appeal' will face disciplinary action as per the most appropriate level as described in the Disciplinary Process – Employees or as per the Student Handbook as may be the case.

MISCHIEVOUS APPEALS

A 'Mischievous Appeal' is fictitious, or one made intentionally without foundation or to cause moderate or major detriment or mischief. Appellants found to have made a 'Mischievous Appeal' will face disciplinary action as per the most appropriate level as described in the Disciplinary Process – Employees or as per the Student Handbook as may be the case.

This Student Grievance, Complaint and Appeals Policy was agreed to and ratified by Mr. David Blake, CEO of Hartwig Air Pty Ltd on the 1st January 2020.

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