

1 PURPOSE

- 1.1 The purpose of this Complaints and Appeals Policy (the “**Policy**”) is to provide trainees, modern apprentices, assessors, providers and employers with a set of procedures to deal with concerns related to industry training and assessment, apprenticeship coordination and apprenticeship training.
- 1.2 The Policy provides a guideline for trainees, modern apprentices, assessors, providers or employers who consider they have a relevant complaint or appeal, and the steps available to resolve the complaint or lodge the appeal.
- 1.3 If a trainee, apprentice, assessor, provider or employer has a complaint relating to an ESITO employee’s behaviour; the matter will be investigated in accordance with ESITO’s disciplinary procedures.

2 SCOPE

This policy covers (complainants):

- Trainees/Modern apprentices
- Training Providers and assessors contracted to ESITO
- Employers of trainees and modern apprentices

3 COMPLAINTS

Complaints may be informal and formal and are **not** related to an **APPEAL OF ASSESSMENT RESULT** (refer to section 12)

3.1 Informal complaints

Where possible, the complainant should endeavour to raise and resolve the issue as close as possible to its point of origin (the source of the grievance) as soon as possible after the event. Informal complaints procedures should be utilised unless attempts at informal resolution have been unsuccessful or would not be in the best interests of the complainant. Refer to **Section 4** for procedure.

3.2 Formal complaints

Where an informal approach is not in the best interests of the complainant, or where the complainant does not feel that informal resolution has produced a satisfactory outcome, a formal complaint should be lodged. Refer to **section 4** for procedure.

4 PROCEDURE FOR INFORMAL COMPLAINTS

The complainant should, in the first instance discuss any issues or matters with the ESITO Customer Service Manager (**CSM**), Training Coordinator, or Modern Apprentice Coordinator, responsible for their region. The ESITO officer involved will record details of the complaint and take reasonable and prompt action to try and resolve the matter.

Complaints involving CSM, Training Coordinator or Modern Apprentice Coordinator

If the matter involves a complaint about an ESITO CSM, Training Coordinator or Modern Apprentice Coordinator, the complainant should contact the ESITO Sales and Marketing Manager to discuss their issues. The Sales and Marketing Manager will complete an *Issue Resolution Form (Appendix A)* and if necessary, arrange mediation and/or provide details of the formal complaints procedure.

5 FORMAL COMPLAINTS COMMITTEE

Formal complaints will be heard by the ESITO Complaints Committee (ESITO-CC).

5.1 Complaints Committee

ESITO-CC will comprise two human resources practitioners from the Industry, appointed by the Chief Executive Officer (CEO) of ESITO and a representative from ESITO. ESITO-CC members, investigating or adjudicating the matter, will have no direct interest in the complaint. One of the ESITO-CC shall be appointed as Chairperson.

5.2 ESITO CC responsibilities

ESITO-CC will:

5.2.1 Meet to consider and decide an appropriate resolution of the complaint. If the ESITO-CC is unable to agree a satisfactory resolution at the meeting, the complainant shall be informed that further discussions are needed to resolve the issue. An agreement to extend the timeframe will be negotiated with the complainant

5.2.2 Advise all parties of the outcome.

5.2.3 Send written confirmation to all parties.

6 PROCEDURE FOR FORMAL COMPLAINTS

The formal complaints process should only be entered into if the informal complaints process has been unsuccessful. The formal complaint should be made in writing using the ESITO *Complaint Registration Form (Appendix B)*. It is the responsibility of any ESITO employee to forward a complaint to the Sales and Marketing Manager at ESITO who will provide it to the Chairperson of the ESITO-CC. The procedure for handling complaints is outlined below and also in the attached flowchart (*Appendix C*).

6.1 Written acknowledgement of claim

The Chairperson will send a written acknowledgement to the complainant as soon as possible, with the aim of doing so within 5 working days of receiving the complaint.

6.2 Notification

Any individual named or involved in a complaint, will be informed of the complaint by the Chairperson and will be asked for a written response.

6.3 Time for investigation

The ESITO-CC will aim to complete an investigation of a complaint within 14 working days of receiving it.

6.4 Additional Information

In order to complete an investigation, the ESITO-CC may consider it necessary to seek additional information. If this results in a delay in completing the investigation, all parties will be advised in writing of the amended timeframe.

6.5 Consideration of complaint

Once the ESITO-CC has all the information it requires, it shall consider the complaint and make a decision on whether, and to what extent, the complaint is upheld.

6.6 Outcome of investigation

The complainant will be advised in writing of the outcome of the complaint by the Chair of the ESITO-CC. The letter of reply may also outline any changes in practice/procedures ESITO will instigate to correct and/or improve any problems highlighted by the complaint.

6.7 Record of complaint

All details of the formal complaint will be recorded on the *Complaints Registration Form (Appendix B)*. Any relevant correspondence will also be attached to the *Complaints Registration Form*.

6.8 Documents

Following the resolution of a complaint, all documentation is to be handed to the Sales and Marketing Manager at ESITO for recording and filing.

7 SUPPORT

- 7.1 Where necessary, appropriate support will be given to all parties through all stages of the procedure.

8 CONFIDENTIALITY

- 8.1 The privacy and confidentiality of the parties concerned will be maintained, except where disclosure is reasonably necessary to resolve the complaint or is reasonably required by law.

9 APPEALS OF INVESTIGATIONS

If a complainant is dissatisfied with the outcome of the formal investigation by the ESITO-CC, they may lodge an appeal with the CEO of ESITO.

9.1 Period for making an appeal

An appeal should be made in writing within 7 working days of receipt of the decision that the complainant wishes to contest.

9.2 Content of appeal

The complainant must:

- Clearly outline the basis of the appeal.
- Provide any supporting documentation.
- Provide copies of any correspondence from the coordinator of the complaint.

9.3 ESITO-AC

On receipt of an appeal, the CEO shall then convene the ESITO Appeals Committee (ESITO-AC). This committee shall comprise the following members:

- ESITO CEO
- A representative of the complainant
- An industry representative.

9.4 Acknowledgement of appeal

The ESITO-AC will send an acknowledgement of receipt of the appeal within 5 working days of receiving the appeal.

9.5 Timeframe for hearing appeal

A date then will be set for the consideration of the appeal, which, if practicable, will be within 20 working days of the ESITO-AC receiving the appeal.

9.6 Consideration of appeal

The ESITO-AC shall consider all relevant material and make a decision, by majority, on whether, and to what extent the appeal is successful.

9.7 Notification

The ESITO-AC will notify the complainant in writing of its decision within 5 working days of the review being concluded.

10 FINAL APPEAL

10.1 Final point of appeal

If a complainant remains dissatisfied with the decision following a review by the ESITO-AC, the complainant may appeal to ESITO Board of Directors Chairperson, who shall be the final point of appeal within ESITO.

10.2 Appeal must be in writing

The statement again must contain the matters set out in clause 9.2, above.

10.3 Chairperson's **duties**

The Chairperson of the ESITO Board of Directors then will conduct a review and reach a decision on the appeal if possible within 15 working days of the receipt of the appeal. The Chairperson will inform all parties of the decision in writing within 5 working days of the decision.

10.4 ***If the complainant remains unsatisfied with the findings of the Complaints and Appeals process, you may forward your complaint to the New Zealand Qualifications Authority (NZQA).***

11 REVIEW AND SUMMARY

11.1 Record of investigation

- All ESITO-CC meetings will be formally documented and the ESITO-CC will review the procedures to ensure all relevant information is recorded.
- Reports for all areas of operations within ESITO will contain a summary of complaints on a bi-monthly basis.
- The Senior Management Team will use this summary to analyse trends and review processes to reduce occurrences of common complaints.

12 APPEALS OF ASSESSMENT RESULT

If a trainee or modern apprentice "candidate" wishes to appeal the outcome of an assessment, they are required to complete an *Appeal of Assessment Result Form (Appendix D)*. This must be forwarded to the ESITO Industry Standards Compliance Officer within 14 days of the result being published.

12.1 Assessment Appeal Panel

An Assessment Appeal Panel (AAP) will comprise three moderators selected from the National Moderation Panel and the National Moderator. All relevant information, including assessment evidential material will be forwarded to each member of the panel who will moderate the outcome of the initial assessment. This will be facilitated and chaired by the National Moderator.

12.2 Written Acknowledgement

The National Moderator will forward a letter of acknowledgement to the candidate.

12.3 Notification

The National Moderator will advise the Assessor concerned that an appeal has been lodged. The Assessor may provide any information they deem relevant to their final assessment of the candidate.

12.4 Additional Information

The AAP may request any additional information relevant to the assessment process, from the Assessor, the candidate or the candidates' employer. They may also request access to an "Industry Expert" specific to the industry sector under assessment.

12.5 **Outcome of appeal**

The AAP can make one of three recommendations:

1. Re-assessment by another assessor.
2. Uphold the initial assessment outcome.
3. Change the assessment outcome.
- 4.

12.6 **Re-assessment**

The National Moderator will arrange to have the unit standard(s) under question, re-assessed by an assessor not involved in the proceedings. This finding may also require that the assessment material or guide be amended first and re-moderated, laying no fault on the assessor or candidate. All parties concerned will be advised of the finding.

12.7 **Up-hold the outcome**

The National Moderator will advise all parties concerned of the findings and ensure that the result is recorded accordingly.

12.8 **Change the outcome**

The National Moderator will advise all parties concerned of the findings and arrange for the assessment outcome to be amended and the result recorded accordingly.

13 **Recommendations from the AAP**

The AAP may make recommendations based on their findings in relation to the assessment material, training provided or the assessor.

14 **APPEALS**

If the candidate does not consider the findings of the AAP satisfactory they have the following options available to them.

14.1 **Appeal to the Chief Executive Officer**

This must be in writing and you should attach any information considered relevant for the CEO's consideration.

14.2 ***If the candidate remains unsatisfied with the findings of the Complaints and Appeals process, you may forward your complaint to the New Zealand Qualifications Authority (NZQA).***

APPENDIX A (To be completed by ESITO's Sales & Marketing Manager)

	<h2 style="margin: 0;">ISSUE RESOLUTION FORM</h2>
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Company and initiator		Date Identified
CSM/ Initiator		Date logged to ESITO National Office

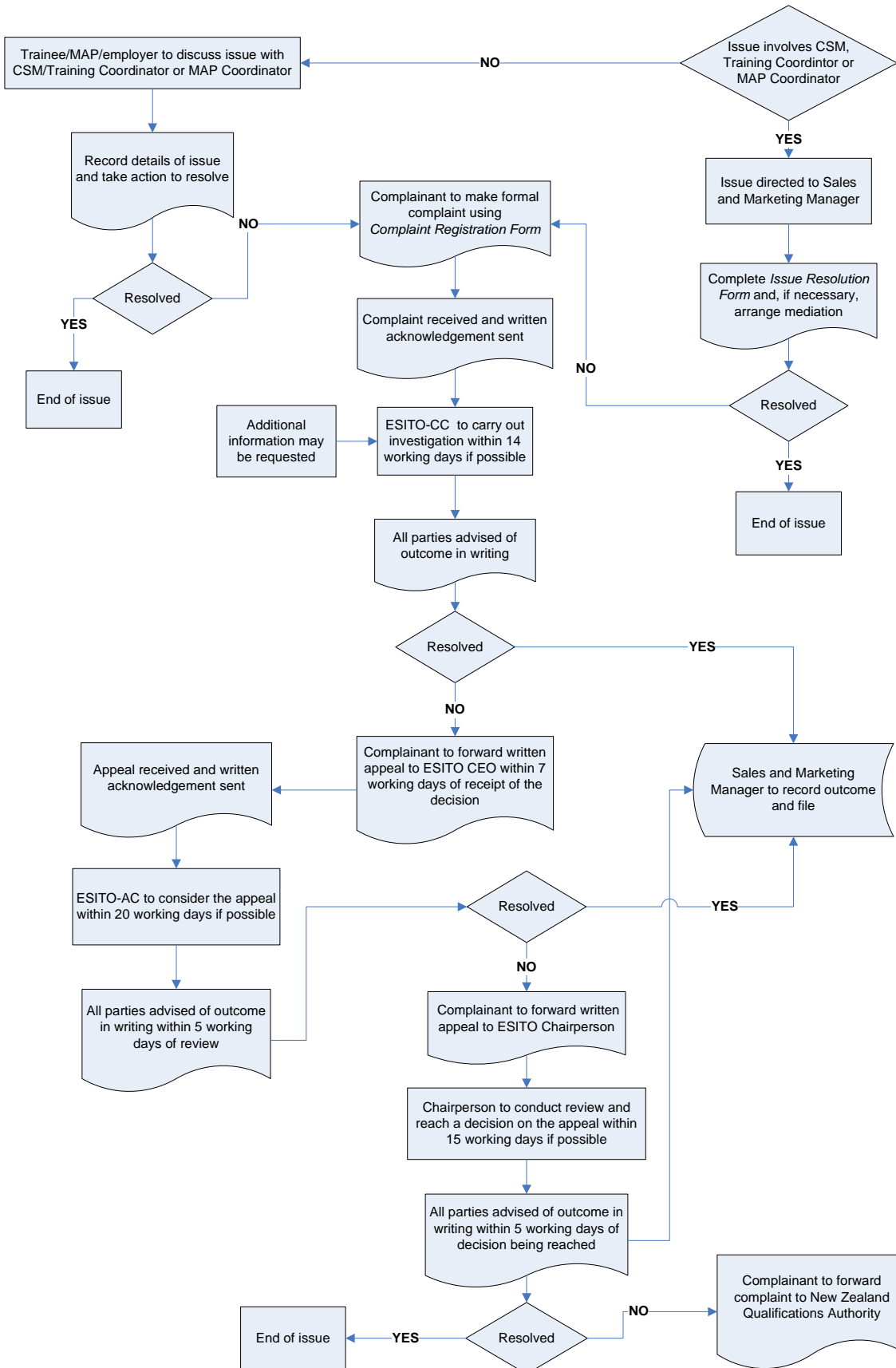
Issue Description/ Key Information

<ul style="list-style-type: none"> Detail of description of the issue The people/organisations involved Critical time periods Impact analysis <p>Trainee Impact:</p> <p>Employer Impact:</p> <p>Industry Impact: Action already taken</p> <ul style="list-style-type: none"> Recommendations for a possible solution
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Resolution / Action - ESITO Office Use

Issue Assigned to		Date Assigned	
Tracking number			
<i>Details:</i>			
Decision Maker		Expected resolution date	
Resolution Approved		Resolution date	

APPENDIX C: COMPLAINTS PROCEDURE FLOWCHART



APPENDIX D (Forward to National Moderator, ESITO, PO Box 1245, HAMILTON 3240)



TRAINEE APPEAL OF ASSESSMENT RESULT

Candidate's Name:			
Assessor's Name:		No:	
Employer's Name:			
Unit Standard Assessed:	Title:		
Unit Standard Number	Level:	Credit:	
Assessment result:	Competent <input type="checkbox"/> Not Yet Competent <input type="checkbox"/> Other		
Reason for appeal: To be completed by the Candidate. (Continue over page if necessary.)			
Candidate's Signature		Date:	
Assessor comments on the Appeal. (Continue over page if necessary.)			
Assessor's Signature:		Date:	
Assessment Appeal Panel. (Continue over page if necessary.)			
AAP Decision		Re assessment <input type="checkbox"/>	Up hold outcome <input type="checkbox"/> Change outcome <input type="checkbox"/>
Comments:			
AAP Representative's Name:		Signature	Date
Appeal to NZQA			
Date Referred		Referred By:	
Result			