

Grievance and Complaints Policy

Introduction

AFL SportsReady is committed to promoting positive relationships with its apprentices, trainees, students, host employers, clients and stakeholders. Where a conflict or grievance arises, AFL SportsReady is committed to providing mechanisms for resolution quickly and fairly to avoid any escalation of these issues.

Scope

This Policy applies to all employees, trainees, students, host employers and clients of both AFL SportsReady and its wholly-owned subsidiaries, SportsReady Education and The Ready Foundation (collectively referred to in this document as AFL SportsReady).

Policy

It is AFL SportsReady's policy to provide an avenue for grievances or complaints to be treated with efficiency, fairness, integrity, impartiality and due care. The organisation encourages all parties to approach a grievance or complaint with an open view and to attempt to resolve problems through discussion and conciliation.

Under no circumstances will anyone be penalised for presenting a grievance or complaint. Anyone with a grievance/complaint in the first instance is encouraged to notify their respective AFL SportsReady contact and discuss the issue with a view to seeking a resolution of the grievance or concern.

AFL SportsReady is aware that in some cases alternative measures will need to be explored because of the individuals concerned and the merits of each case.

Confidentiality will be respected at all times within the constraints of the need to fully investigate the grievance or complaint. In certain cases, however, such as those involving the alleged abuse of persons, serious criminal offences or suspected corruption, the details of grievances or complaints are required to be reported to external authorities.

This Grievance and Complaints Policy provides guidelines in relation to:

- A grievance or a complaint regarding a trainee or host employer;
- A grievance, complaint or appeal in relation to the service provided by *SportsReady Education* or its representatives; and
- A grievance or complaint regarding AFL SportsReady or its representatives;
- A grievance or complaint regarding an injured worker's Return to Work.

This Grievance and Complaints Policy should be read in conjunction with our:

- Code of Conduct;
- Privacy Policy; and

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- Child Safe Policy and Child Safe Code of Conduct, which provides information as to the process to be followed in the event of a grievance or complaint that relates to the treatment of a child.

1. Guidelines – Grievance or Complaint regarding a Trainee or Host Employer

- 1.1 In the event of a grievance or dispute concerning employment, training or placement arrangements relating to a trainee or host employer, the parties concerned should make every effort to resolve the dispute through consultation and negotiation, with the involvement of the relevant AFL SportsReady Employment Coach. In the first instance the initial consultation is likely to be between the apprentice or trainee, the host employer and the Employment Coach.

Please note: These guidelines do not apply in the event a trainee experiences discrimination, harassment, vilification, bullying or victimisation at the workplace. Should this occur, the trainee is to **immediately** inform his or her AFL SportsReady Employment Coach, who will provide assistance and support to the trainee.

- 1.2 If not resolved, the aggrieved party (i.e. Apprentice, Trainee or Host Employer) is to raise the concern either directly, or through the Employment Coach, to the AFL SportsReady Regional Manager. The Regional Manager will:

- a) speak with the aggrieved party;
- b) speak with other relevant parties;
- c) review any relevant documentation, including any written complaint.

The Regional Manager will also inform the Chief Executive Officer and Legal Counsel, who will assist with the issue as required.

- 1.3 The Regional Manager will attempt to mediate the issue between the parties and attempt to identify a solution or outcome to the grievance or dispute.

- 1.4 If after this process no agreement can be reached the Regional Manager should (where warranted) advise the circumstances of the grievance or complaint to the State Government appointed Apprenticeship Employment Coach or Disputes Officer (if this service is available in the relevant State) who may become involved. There is no charge to refer the matter to any State Government entity.

- 1.5 After further discussion, if the matter is not resolved then the aggrieved party has the option of exploring additional alternative measures to resolve the dispute. Depending on the circumstances of the issue, such measures may include:

- a) making a formal complaint to the relevant State Training Authority (the contact details of which are listed in Section 4 of this policy document. Please note there is no charge for making a formal complaint); or

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- b) making a formal complaint to the Fair Work Ombudsman (this may involve a lodgement fee for the complaint which must be paid by the person making by the complaint); or
 - c) AFL SportsReady may suggest referring the matter to an independent mediator (AFL SportsReady will cover the cost of this).
- 1.6 At the discretion of the Regional Manager and subject to the nature and circumstances of the grievance or complaint, work should be continued until the matter is determined or resolved.
- 1.7 When the grievance or complaint has been resolved or an action has been established, a written statement advising the outcome and the reasons for the outcome should be provided to the parties concerned.
- 1.8 Where the resolution of the grievance or complaint identified requires the implementation of improvements by AFL SportsReady, these must be implemented by AFL SportsReady.
- 1.9 The Employment Coach and Regional Manager shall ensure that an accurate record of all proceedings is maintained and kept on the relevant party's file.
- 2. Guidelines – Grievance, Complaint or Appeal regarding AFL SportsReady's Registered Training Organisation *SportsReady Education***
- Complaint*** – a person's expression of dissatisfaction with any service provided by the SportsReady Education (AFL SportsReady's Registered Training Organisation) or its representatives.
- Appeal*** – a request to review a decision that has previously been made including a decision about an assessment.
- 2.1 SportsReady Education supports all applicants or participants to lodge a complaint or appeal as required, regarding academic and non-academic matters. We are committed to providing an effective and fair process to resolve matters as indicated below.
- 2.2 Applicants and participants are encouraged, wherever possible to resolve concerns or difficulties directly with the person(s) concerned and to deal with the issue before it becomes a formal complaint. The Registered Training Organisation Operations Manager (RTO Operations Manager) is available to assist students to resolve their issues at this level.
- 2.3 The RTO Operations Manager has been appointed as the Child Safety Officer who will deal with any child related complaints (a child being a person under the age of eighteen years). A child or young person, employee, volunteer or contractor can make a complaint or raise a concern directly to the Child Safety Officer. All complaints must be reported to the Child Safety Officer.

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- 2.4 Where an informal discussion has not resolved the complaint or appeal, formal complaints and appeals should be made in writing to the RTO Operations Manager using the Complaints and Appeals Form. All parties are encouraged to approach matters with an open view and to attempt to resolve problems through discussion and conciliation. We as the Registered Training Organisation acknowledge the need for an appropriate independent party to mediate where an appropriate outcome cannot be reached internally and will cover the cost of an independent mediator if one is required.
- 2.5 In the case of an assessment appeal and following an internal review of the assessment, an independent, qualified assessor will be appointed within a reasonable timeframe to review and make a decision on the assessment.
- 2.6 Resolution of formal complaint or appeal:
- 2.6.1 On receiving a Client Complaint and Appeals Form the RTO Operations Manager shall investigate the nature of the cause of the complaint or appeal. The RTO Manager will:
- a) speak to the aggrieved party;
 - b) speak to any other relevant parties; and
 - c) review any relevant documentation.
- The RTO Operations Manager will inform the Chief Executive Officer and Legal Counsel, who will assist as necessary. After undertaking the investigation set out in 2.6.1, the RTO Operations Manager will then identify the appropriate course of action to satisfy the complaint or appeal. This outcome may include referral of the matter to an independent mediator.
- Individuals making a complaint are entitled to use a support person such as a family member or friend to support them through the process.
- 2.6.2 The RTO Operations Manager shall record the outcome of the investigation on the Complaints and Appeals form and advise the complainant in writing of the outcome.
- 2.6.3 The advice to the complainant shall include information and procedures concerning the complainants' right to an external review with ASQA if the outcome is not acceptable to the complainant.
- 2.6.4 In the event of the complainant reporting that they are dissatisfied with the proposed outcome of the investigation, the RTO Manager shall advise the complainant of their entitlement to access the external appeals process.
- 2.7 External appeal process If the complainant is unsatisfied with the outcome of any complaints or appeal, he or she may contact the Australian Skills Quality Authority, the national regulator for Australia's vocational education and training sector. Complainants can contact the ASQA info line on 1300 701 801. Complainants can also submit a complaints form available on the ASQA web site www.asqa.gov.au and email

it to complaintsteam@asqa.gov.au. Alternatively, the form can be printed, completed and posted to:

Complaints Team
Australian Skills Quality Authority
GPO Box 9928
Melbourne VIC 3001

- 2.8 The complainant may also wish to contact the local state or territory government department responsible for consumer affairs to resolve the matter. These are listed at the end of this policy document.
- 2.9 Where an external complaint or appeal is found to be in the complainant's favour, SportsReady Education will take whatever action is needed to ensure that the issues regarding the complaint or appeals are addressed so that it does not reoccur. Such action may include counselling of staff where necessary.

3. Guidelines – Grievance or Complaint regarding AFL SportsReady

- 3.1 In the event of a grievance or dispute by a person regarding AFL SportsReady, its staff (including grievances or disputes regarding a breach of the AFL SportsReady Code of Conduct or Privacy Policy), we encourage you to first raise your concern with your contact or representative from AFL SportsReady.
- 3.2 Additionally, individuals making a complaint can be supported by a person of their choice at any stage in the process. The support person can be a union representative, friend, work colleague or family member etc. their role is to provide support rather than representation.
- 3.3 If not resolved, the aggrieved party is to escalate the grievance or complaint by referring it, in writing, to
- the relevant Regional Manager; or
 - the Chief Executive Officer; or
 - AFL SportsReady's Legal Counsel

who will investigate the circumstances of the complaint. The investigation may take the form of:

- a) speaking with the complainant;
- b) speaking with other relevant parties; and
- c) reviewing any relevant documentation.

The aggrieved party will be informed as soon as possible (no later than 30 days) of the findings of the investigation.

- 3.4 In the event that the grievance or dispute involves a related entity of AFL SportsReady, or there is a potential conflict of interest if the grievance or dispute is managed internally, the relevant Regional Manager, Chief Executive Officer or Legal Counsel may elect to engage an independent external third party to assist in any aspect of the process.

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- 3.5 When the grievance or complaint has been resolved or an action has been established, a written statement advising the outcome and the reasons for the outcome should be provided to the parties concerned.
- 3.6 Where the resolution of the grievance or complaint has identified required improvements, these must be implemented by AFL SportsReady or the related entity.
- 3.7 If the aggrieved party is not satisfied with the outcome of the investigation, the aggrieved party has the option of exploring additional alternative measures to resolve the dispute. Depending on the circumstances of the issue, such measures may include:
- a) making a formal complaint to the relevant State Training Authority (the contact details of which are listed at the end of this policy document – there is no charge for making this complaint); or
 - b) making a formal complaint to the Fair Work Ombudsman (this may involve a lodgement charge, which you will have to pay); or
 - c) requesting AFL SportsReady to engage an independent mediator (if AFL SportsReady agrees that mediation is warranted, AFL SportsReady will engage a mediator at no cost to you).
- 3.8 AFL SportsReady shall ensure that an accurate record of all proceedings is maintained and kept on file for up to five years. Records may be made available to complainants as appropriate.
- 3.9 Where the grievance or complaint relates to a breach of AFL SportsReady’s Privacy Policy, if you are unsatisfied with the outcome of the investigation you may wish to make a complaint to the Office of the Information Privacy Commissioner on 1300 363 992 www.oaic.gov.au.
- 4. Resolving a Grievance or Complaint in relation to an injured worker’s Return to Work**

Please also refer to AFL SportsReady’s Return to Work Policy for your State.

A return to work issue may be raised for resolution at the workplace in accordance with the procedure set out in section 4 of AFL SportsReady’s Grievance and Complaints Policy by:

- the worker (Trainee or Apprentice);
- a representative of the worker;
- the worker’s manager or supervisor;
- the return to work co-ordinator;
- the provider of occupational rehabilitation services to the worker; or
- the worker’s treating health practitioner.

4.1 *Procedure for reporting issues*

A worker who wishes to raise an issue for resolution in accordance with the procedure set out in this direction may do so by reporting the issue to the employer, the worker's manager or supervisor, or the return to work co-ordinator.

A worker's representative, treating health practitioner, return to work co-ordinator, manager, supervisor or provider of occupational rehabilitation services may raise an issue on behalf of the worker by reporting the issue to the employer.

4.2 *Procedure for resolving issues*

Step 1: As soon as possible but no longer than 14 days after a return to work issue has been reported the following persons must meet and try to resolve the issue:

- a) AFL SportsReady;
- b) the return to work coordinator (RTW coordinator); and
- c) the worker.

If a person referred to in clause 4.1 raises a return to work issue, the employer must also invite that person to participate in the issue resolution process. Wherever possible the Host Employer should also be invited to participate in the issue resolution process.

Step 2: The issues resolution procedure must be conducted in a manner and in a language that is agreed by AFL SportsReady, the RTW coordinator and the worker to be appropriate.

Step 3: For the purpose of resolving the return to work (RTW) issue, AFL SportsReady and the RTW Coordinator must liaise directly with the worker, however a worker may be represented, assisted and supported during the return to work issue resolution process, including at all meetings referred to in Step 1.

Step 4: For the purpose of resolving the return to work issue as quickly and effectively as possible the persons referred to in Step 1 and any person referred to in clause 4.1 who is participating in the issue resolution process must have regard to:

- (a) return to work planning for the worker;
- (b) the worker's progress in recovering from the injury;
- (c) AFL SportsReady's return to work obligations as set out in the relevant legislation;
- (d) the worker's return to work obligations as set out in the relevant legislation.

Step 5: If a worker, worker's representative, treating health practitioner, RTW Coordinator, manager, supervisor or provider of occupational rehabilitation services requests AFL SportsReady to set out in writing

details of the return to work issue, and matters relating to its progress, resolution or outcome, AFL SportsReady must do so, within 14 days of the request, in a manner and a language that is agreed by the worker, AFL SportsReady and the RTW Coordinator to be appropriate. AFL SportsReady must also provide a copy of the document to the worker, the RTW Coordinator and to any worker's representative, treating health practitioner, manager, supervisor or provider of occupational rehabilitation services who has raised the return to work issue or any part of it.

4.3 Other procedures

Nothing in this direction limits the rights of any worker or AFL SportsReady under relevant worker's compensation legislation to pursue other dispute resolution mechanisms.

5. Contact details to escalate complaints

STATE TRAINING AUTHORITIES	
Australian Capital Territory	<p>ACT Department of Education and Training Training and Tertiary Education Directorate 220 Northbourne Avenue, Braddon, ACT 2612 Ph: 02 6207 5111 Email: tateconsultation@act.gov.au Web: www.det.act.gov.au/training</p>
Northern Territory	<p>Department of Business Mitchell Centre, 11th Floor, 55-59 Mitchell Street Darwin Ph: 08 8935 7726 Email: training_operations@nt.gov.au Web: www.dob.nt.gov.au/training/apprenticeships-traineeships/Pages/default.aspx</p>
New South Wales	<p>State Training Services NSW Department of Education and Communities Locked Bag 53, Darlinghurst NSW 1300 Ph: 13 28 11 or Vocational Training Tribunal Unit 02 9255 8450 Email: vtu@det.nsw.edu.au Web: www.training.nsw.gov.au</p>
Queensland	<p>Department of Education, Training and Employment LMB 527, Brisbane QLD 4001 Ph: 1800 210 210 Email: apprenticeshipsinfo@qld.gov.au Web: www.training.qld.gov.au</p>
South Australia	<p>Department of State Development Traineeship and Apprenticeship Services GPO Box 320, Adelaide SA 5001 Ph: 1800 673 097 Email: skillsforall@sa.gov.au Web: www.skills.sa.gov.au/apprenticeships-traineeships</p>

Tasmania	<p>Skills Tasmania GPO Box 536 Hobart TAS 7001 Ph: 1800 655 846 Email: enquiries@skills.tas.gov.au Web: www.skills.tas.gov.au</p>
Victoria	<p>Department of Education and Early Childhood Development Apprenticeship Administration GPO Box 2317 Melbourne VIC 3001 Ph: 1300 722 603 Email: vrqa@edumail.vic.gov.au Web: www.education.vic.gov.au/training/learners/apprentices</p>
Western Australia	<p>ApprentiCentre Department of Training and Workforce Development Locked Bag 16, Osborne Park Delivery Centre WA 6916 Ph: 13 19 54 Email: apprenticentre@dtwd.wa.gov.au Web: www.dtwd.wa.gov.au/employeesandstudents/apprenticentre/Pages/default.aspx</p>
AUSTRALIAN SKILLS QUALITY AUTHORITY	
Australian Skills Quality Authority	<p>Complaints team Australian Skills Quality Authority GPO Box 9928, Melbourne VIC 3001 Ph: 1300 701 801 Email: complaintsteam@asqa.gov.au Web: www.asqa.gov.au</p>
PRIVACY COMMISSIONER	
Office of the Australian Information Privacy Commissioner	<p>Office of the Australian Information Commissioner Level 3, 175 Pitt Street, Sydney NSW 2000 Ph: 1300 363 92 Email: enquiries@oaic.gov.au Web: www.oaic.gov.au.</p>
FAIR WORK OMBUDSMAN	
Fair Work Ombudsman	<p>Fair Work Ombudsman GPO Box 9887 In your capital city Phone: 13 13 94 Web: www.fairwork.gov.au</p>
RETURN TO WORK	
Victoria	<p>WorkSafe Victoria 1800 136 089 info@worksafe.vic.gov.au</p> <p>Gallagher Bassett (insurer) 03 9297 9000 https://www.gallagherbassett.com.au/workers-compensation-vic-claims-enquiries/ Locked Bag 3570 GPO Melbourne VIC 3001</p>

New South Wales	SafeWork NSW 13 10 50 contact@safework.nsw.gov.au Workers Compensation Commission www.wcc.nsw.gov.au
South Australia	Return to Work SA 13 18 55 www.rtwsa.com
Tasmania	Workplace Standards Tasmania 1300 366 322 wstinfo@justice.tas.gov.au
Northern Territory	NT WorkSafe 1800 250 713 www.worksafe.nt.gov.au
ACT	WorkSafe ACT 02 6207 3000 worksafe@act.gov.au www.worksafe.act.gov.au
Western Australia	WorkCover WA 1300 794 744 www.workcover.wa.gov.au
Queensland	WorkCover QLD 1300 362 128 www.workcoverqld.com.au