



## GROUP TRAINING POLICY & PROCEDURE

### APPRENTICE COMPLAINT PROCESS

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PRIMARY ROLE : GM Automotive Business  
Automotive Business Specialist employment  
Team Leader Automotive Business Specialists

SPECIAL NOTE : Complaints process is the responsibility of all MTA GTS staff and forms part of the Apprentice/Trainee support framework.

SPECIAL REQUIREMENTS :

ATTACHMENT :

REFERENCES : Children's and Young People (Safety) Act 2017  
GTS Children's Protection Policy  
GTS Apprentice/Trainee Handbook  
GTS Access, Equity & Fairness Policy  
GTS Appeal Policy  
GTS Privacy Procedure  
Motor Trades Association of SA Inc. Privacy Statement  
Privacy Act 1988 & Australian Privacy Principles  
GTS Records Management Policy

DOCUMENTS : Complaint/Appeal Report Form  
Complaint/Appeal Register

EQUIPMENT & RESOURCES :

QUALIFICATIONS, TRAINING OR SPECIALIST KNOWLEDGE : Experience in managing complaints process

AUTHORISED : \_\_\_\_\_ DATE : 12/06/2020  
CHIEF EXECUTIVE OFFICER



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### **PURPOSE**

The purpose of this document is to give clear direction as to the responsibility and manner in which apprentice/trainees, Host Employers, employees and contractors

- are to conduct the complaint process;
- manage the rights and responsibilities afforded to individuals involved in a complaint.

### **RESPONSIBILITIES**

#### **GM Automotive Business**

It is the overall responsibility of the GM Automotive Business to:

- ensure that MTA GTS operations policy, process and standards mitigate opportunity for complaint;
- respond as a matter of priority to any issue identified as a potential 'complaint' and therefore an opportunity for improvement;
- manage operations and compliance in a manner that mitigates the risk of complaint from any MTA GTS stakeholder;
- utilise the learning from complaints in the continuous improvement process as a key strategy to ensure that the complaint is not repeated.

#### **MTA GTS Representative**

It is the responsibility of the MTA GTS Representatives to ensure that:

- complaints are managed in a timely, transparent and equitable manner;
- continuous improvement and compliance improvements are advised to the GM Automotive Business as soon as identified.

#### **Stakeholders**

It is the responsibility of all stakeholders to immediately report potential risks for complaint and complaints to the GM Automotive Business.

### **SCOPE**

This policy encompasses:

- current and past apprentice/trainees;
- Apprentice/Trainee candidates;
- host employers (present and past);
- regulatory authorities.

This policy does not cover Appeals. Please refer Appeals Process.

### **POLICY**

It is the policy of Motor Trade Association Group Training Scheme Group Training Organisation (MTA GTS) that all stakeholders will:

- be treated in a fair and equitable manner at all times; and
- receive quality service at all times; and
- have complaints and concerns addressed thoroughly and in a timely and transparent manner.

### **Guiding Principles**

MTA GTS provides a process for advocacy, internal complaints and external independent mediation to resolve disputes and concerns.

An apprentice/trainee and/or MTA GTS may nominate;

- an advocate to accompany, represent and support them
- or
- an external independent mediation process

at any stage of the complaints process.

MTA GTS commits to a complaints process with the following guiding principles:

#### **1. Confidential**

Only the people directly involved in making or investigating a complaint will have access to information about the complaint.

Discussion of the matter with other MTA GTS stakeholders or other parties either internal or external, apart from the investigative discussion, is not permitted by the GTS Privacy Procedure, Motor Trade Association of SA Inc. Privacy Statement or the Privacy Act 1988 and Australian Privacy Principles. Such discussion may also hamper the effectiveness of the process.

#### **2. Impartial**

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



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Apprentice/trainees may have an advocate or support person present throughout the process.

### **3. Free from Repercussions**

No action will be taken against anyone for lodging a bona fide complaint or assisting another individual to lodge or manage a bona fide complaint.

No action will be taken against anyone for complying with Child Safe Environments requirements.

Management will take all necessary steps to ensure that victimisation does not occur against anyone who lodges or is involved in a complaint.

MTA reserves the right to take appropriate action against an individual or entity who lodges a Frivolous or Malicious appeal, or knowingly lodges a false complaint.

### **4. Timely & Transparent**

All complaints will be dealt with as quickly and transparently as possible.

An abbreviated description of the complaints process is included in the Apprentice Handbook and Apprentice/Trainees will be informed of the appeals procedure as part of their induction process.

## **DEFINITION**

MTA GTS Representative	- For the purposes of the Appeal Process this will normally be the Automotive Business Specialist employment (ABSe), Team Leader Automotive Business or the GM Automotive Business.
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 MTA GTS.
Appeal Event	: Actual instance of decision that occurred for which the appeals being lodged.
Appellant	: Person or entity that lodges an appeal



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Apprentices	: Individuals directly employed by MTA under a Contract of Training whether undertaking work for MTA or being hosted by an alternate employer.
Complaint	- A complaint arises when a stakeholder is dissatisfied with by an action or event or thing under the control of or within the environment or activities of MTA GTS.
Complaint Event	- Actual instance that occurred for which the complaint is being lodged.
Complainant	- Person or entity that lodges a complaint.
Contractor	- Individual or entity engaged by the MTA GTS under contract to deliver specified work on its behalf e.g. Sessional trainer/assessor.
Employee	- Person employed by MTA GTS on a full or part time or casual basis. Does not include Contractors.
Frivolous Complaint	- Fictitious complaint or one made intentionally without foundation or to cause detriment or mischief. Knowingly lodging a false complaint (without truth or foundation).
Host Employer	: An individual or entity qualified and licensed in the trade specific to the engagement of an MTA GTS Apprentice or Trainee under an agreement similar to a Labour Hire Agreement excepting that the Host Employer agrees to provide appropriate on-job-training and release the Apprentice or Trainee for off-job-training as per the Apprentice/Trainee's Training Plan.
Legal Representation	- A lawyer or similar who is engaged by the Complainant or MTA GTS 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 detriment or mischief. Knowingly lodging a false complaint (without truth or foundation).



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- Mediation Event - Meeting, intervention or other event specifically designed and arranged with the intention of negotiating a solution.
- Non Employee Stakeholder - Individual or Entity who is not legally employed by MTA GTS e.g. Supplier, Contractor, Regulatory Authority.
- Parties to the Complaint - All individuals and/or entities who are directly involved in lodging or investigating or mediating a complaint.
- Stakeholder - General term inclusive of any individual or entity with whom MTA GTS has a relationship including but not limited to employees, Apprentice/Trainees, Host Employers, contractors and suppliers.
- Trainee : Individuals directly employed by MTA GTS under a Contract of Training whether undertaking work for MTA GTS or being hosted by an alternate employer.
- Zero Tolerance - MTA GTS will not under any circumstances tolerate or condone behaviours that breach the fundamental principles of access, equity and fairness or are illegal or immoral. MTA GTS will take action 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 or contract or removal of Apprentice/Trainees from hosting or reporting to SA Police.

### **PROCEDURE**

#### **Record Keeping & Documentation**

The process must:

- be documented at each step using the Complaint/Appeal Report Form;
- be registered in the Complaint/Appeal Register;
- ensure that all parties sign and receive a hardcopy of the record within a respectful timeframe (in accordance with the nature of the complaint);
- a copy is filed in line with Privacy below;
- completed Complaint/Appeal Report Form to be electronically saved in JobReady.



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Once the process has been completed and depending on the sensitivity and confidential nature of the complaint it will be scanned and uploaded into the Apprentice/Trainee's JobReady electronic file.

Where the complaint relates to another individual or entity a copy of the scanned documents are to be filed as follows:

- Employee – placed in the employee's personnel file;
- Board Member – placed in the Board Member's file;
- Host Employer – placed in the Host Employer file;
- Contractor – placed in the Contractor's file.

### **Complainant Support**

If for whatever reason the complainant is unable to undertake any of the following steps, they should speak with a senior staff member with whom they are most comfortable.

NB: The complainant is encouraged, at any stage of the process, to invite an advocate or support person to participate.

MTA GTS will provide assistance throughout the process.

### **Children**

Children will in the first instance be encouraged to address all complaints by verbally advising the any staff member with whom they feel most comfortable doing so.

If the complaint relates to an allegation of abuse the staff member is to immediately advise the General Manager Automotive Business and/or CEO. The Children's Protection Policy is to be followed.

If the complaint does not relate to an allegation of abuse the staff member will support and assist the child Apprentice/Trainee and their parent(s) through the complaints process as per Non-Employee Stakeholders below.

### **Service or Other Operational Practice Complaint**

A complaint in relation to MTA GTS services requires the following steps to be undertaken.

If for whatever reason the stakeholder is unable to undertake any of the following steps, they should speak with a senior member of staff with whom they are most comfortable.

NB: The stakeholder is encouraged, at any stage of the process, to invite an advocate or support person to participate.





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Children must be accompanied by a parent or legal guardian at each step of the process.

MTA GTS will provide assistance throughout the process.

The process will be:

1. Initial report of a complaint should be made to the delegated ABSe. Where the complaint is about the ABSe the report should be made to the Team Leader ABS.
2. Verbal, telephone, facsimile, email or letter detailing the complaint event is to be lodged with the Relevant Representative as per 1 above within a respectful timeframe (in accordance with the nature of the complaint). Verbal advice (face to face or via telephone) will need to be supported in writing as well within the specified time limit;
3. Within a respectful timeframe (in accordance with the nature of the complaint)and with the assistance of the relevant Representative the complainant is to complete the Complaint/Appeal Report Form;
4. Within a respectful timeframe (in accordance with the nature of the complaint)of receipt of request for mediation the MTA GTS Representative will:
  - meet with the complainant and other relevant parties;
  - document the complaint in the Complaint/Appeal Register;
  - manage the Complaint/Appeal Report Form which will be updated and co-signed throughout the process. This will include setting of timeframes and provision of copies of all documents and agreements to all parties throughout the process;
5. If resolution is not reached the complainant should request referral to the GM Automotive Business for further action/determination. Referral to the GM Automotive Business may be made verbally or in writing clearly stating the reasons why the Complainant is dissatisfied with the decision and lodged within a respectful timeframe (in accordance with the nature of the complaint) of receipt of the decision in writing.
6. If resolution is not reached the complainant should request referral to the GM Automotive Business for further action/determination. Referral to the GM Automotive Business must be in writing clearly stating the reasons why the Complainant is dissatisfied with the decision and lodged within a respectful timeframe (in accordance with the nature of the complaint) of receipt of the decision in writing.



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7. The GM Automotive Business will meet with the Relevant Representative, the Complainant and other parties within a respectful timeframe (in accordance with the nature of the complaint) of receiving the appeal notice. The meeting is to be documented.
8. Within a respectful timeframe (in accordance with the nature of the complaint) of the meeting the GM Automotive Business will inform the Complainant of their decision to either uphold or set aside the appealed decision. The decision may be given verbally or in writing, however, written notification within a respectful timeframe (in accordance with the nature of the complaint) of the decision must be provided to all parties.
9. If resolution is not reached the complainant should request referral to the CEO for further action/determination. Referral to the CEO must be in writing clearly stating the reasons why the Complainant is dissatisfied with the decision and lodged within a respectful timeframe (in accordance with the nature of the complaint) of receipt of the decision in writing.
10. The CEO will review the complaint and where deemed necessary will meet with all parties within five (5) working days of receiving the complaint notice. The meeting is to be documented.
11. Within five (5) working days of the meeting the CEO will inform the Complainant of their decision to either uphold or set aside the decision. The decision may be given verbally or in writing, however, written notification within a respectful timeframe (in accordance with the nature of the complaint) of the decision must be provided to all parties.
12. Where the complaint relates to a MTA GTS policy matter which does not breach legislative or regulatory compliance the CEO's decision will be final.

Where the complaint relates to matters that are not governed by MTA GTS policy and do not align with legislation or regulatory compliance the complainant may request that the complaint be heard by the MTA GTS Board.

13. Once the complainant has lodged a request in writing for the MTA GTS Board to hear their complaint the MTA GTS Board will consider all evidence and documented reports and where deemed necessary will meet with the parties to the complaint.
14. Within a respectful timeframe (in accordance with the nature of the complaint) of the Board's consideration of the complaint the Board through the CEO will provide in writing their decision to all parties of the complaint.

15. If the Complainant is dissatisfied with the MTA GTS Board's decision or they consider that the complaint process was unsatisfactory they may:
  - a. Lodge an Appeal with MTA GTS (please refer Appeal Process)
  - b. request that an external mediator agreeable to all parties be engaged. MTA GTS generally utilises the services of:  
ACCESS Programs: 1300 667 7700
  - c. depending on the nature of the issue contact:
    - Regulation and Contract Management on 1800 673 097, or  
Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally.  
Email: workready@sa.gov.au
    - Consumer & Business Services 13 18 82, or
    - SafeWork SA on 1300 365 255, or
    - Union Representative
    - Or other relevant regulatory body that may be available related to the specific issue.

If all MTA GTS avenues of the complaint process are not successful the GM Automotive Business should advise the Complainant, in writing, of their right to seek legal intervention.

All issue, negotiation/mediation, outcome details and agreements;

- are recorded in writing in the Complaints/Appeal form;
- a copy is provided to all parties within a respectful timeframe (in accordance with the nature of the complaint) of completion of each event;
- are signed by all parties;
- a copy is filed in line with Privacy below.

### **GUIDELINES FOR 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 24 hours of receiving the complaint. The person receiving the complaint is responsible for



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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.

### **Important Steps for Investigation and Resolution**

#### **1. Complaints**

Where possible, minor interpersonal issues and misunderstandings should be resolved quickly and with minimal formality. In such cases, the emphasis is on ensuring that individual needs and expectations are met without deterioration to the relationship.

#### **2. Progress To Resolution**

All parties should be consulted throughout the investigation, and no action is to be taken toward resolving their complaint without their prior knowledge and agreement. At a minimum, the parties will be given regular reports on the progress towards resolution of their complaint. The timeframe should be agreed by all parties dependent upon the nature of the complaint.

The person investigating the complaint should establish with the parties the options for resolution they perceive as satisfactory. These are initial ideas and may change or be further developed after more detailed investigation.

If at any stage of the process it becomes apparent that the matter is more complex or serious than originally considered the matter should be referred to a more appropriate person.

#### **3. Resolution**

If the parties are satisfied with the proposed resolution, all agreed actions should be documented, implemented as soon as is reasonably possible and the complaint considered resolved.

Where resolution is not achieved, the matter should be escalated to the next level of responsibility.

The complaint process does not intend to preclude recourse to other avenues of resolution including Industrial Relations Commission for conciliation or

arbitration purposes, or State Authorities, but rather to facilitate an agreeable and speedy resolution.

### **Guidelines for Negotiating Solution of a Complaint**

- Negotiation should focus on a 'win – win' situation
- Outcome should aim for the preservation of long term relationship
- Process, activities and outcomes should provide benefits for all parties.

#### **Step 1 - PREPARATION**

- Date & Time that is suitable to all parties
- Ensure that venue is private, neutral and comfortable
- Prepare meeting agenda commencing with a positive opening statement
- Clearly articulate the guidelines for negotiation of solution e.g. Demands are not acceptable, blame and justification will not contribute to a positive and outcome focussed discussion/negotiation, etc.

#### **Step 2 – CLARIFICATION OF ISSUE**

- Identify what the issue is
- Focus discussion on the issue
- Listen carefully and empathise
- Identify shared/common needs

#### **Step 3 – IDENTIFY & DOCUMENT SOLUTION(S)**

- What are the individual and shared needs for outcome
- Ensure solutions are achievable for both parties
- Discuss and prioritise identified solutions
- Negotiate final and most appropriate and satisfactory solution
- Develop action plan and timeframe for the implementation of the solution ensuring all tasks are achievable for all parties within nominated timeframe(s)

#### **Step 6 – FORMAL AGREEMENT**

- Agreement should include:
  - Identification of all parties to the agreement

- Goal/outcome(s) to be achieved
- Non-negotiable items
- Expectation each parties input/action
- Realistic timeframe(s)
- Evaluation process
- Communication process
- Date and Sign off by all parties.
- Agreement and copy of the finalised Complaint/Appeal Report Form are to be:
  - recorded in writing;
  - copied to all parties within a respectful timeframe (in accordance with the nature of the complaint) of completion of each event;
  - a copy is filed in line with Privacy below.
- Complaint/Appeal Register & Form
- The Complaint/Appeal Register is to be updated with Agreement details.
- The Complaint/Appeal Report Form is to be updated throughout the process and details of the Agreement to be recorded.

### **WITHDRAWING A COMPLAINT**

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

- proven misconduct and/or breach of law or regulatory compliance on the part of any individual or entity;
- or
- where the failure to resolve the complaint would adversely affect other individuals or MTA GTS ,

MTA GTS reserves the right to finalise the investigation of the original complaint and take the necessary recourse.

### **FRIVOLOUS OR MALICIOUS COMPLAINTS**

A 'Frivolous or Malicious Complaint' is a fictitious complaint or one made intentionally without foundation or to cause detriment or mischief.

Complainants found to have made a 'Frivolous or Malicious Complaint' will face disciplinary action.



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### **CONTINUOUS IMPROVEMENT**

All complaints (not including personal details) will be directed through the Quality Assurance & Continuous Improvement process for evaluation and actioning of opportunities.

### **ACCESS**

All MTA GTS Apprentice/Trainees have access to fair, equitable, professional and timely complaints process.

### **PRIVACY**

All discussions related to an apprentice/trainee intervention must be kept confidential and records and information relating to the intervention must be recorded and filed in line with this policy and procedure, the Motor Trade Association of SA Inc. Privacy Statement, MTA GTS Record Management Policy and the Australian Privacy Principles of the Privacy Act 1988. Where there is a difference between any of these the greater level of privacy will be implemented.

Breaches of privacy will be subject to disciplinary action for MTA employees, termination of contract for contractors, cancellation of training contract for RTOs and potential discontinuance of Hosting arrangements for Host Employers.

### **ACCESS AND EQUITY**

It is the policy of MTA GTS to ensure an environment that is, as a minimum, aligned with State and Federal legislation:

MTA GTS commits to providing a safe and equitable environment through zero tolerance of any form of harassment, bullying, discrimination and/or racial vilification.

For further information refer to MTA GTS Access, Equity & Fairness Policy POLO13\_13.