

Version: 3.0
Next Review:: August 2018
Location: L:\Policies & Procedures

Policy Owner: Board of Directors
Date: 21 August 2015
Status: Released

Policy Statement

The Centre takes a positive attitude towards complaints and appeals. Complaints and appeals provide the opportunity to continuously monitor and adjust the quality of our programs and services.

The Complaints and Appeals Policy applies to complaints about the conduct of:

- Centre staff or trainers and assessors;
- third parties that deliver services on our behalf; and
- students in our training programs.

The Complaints and Appeals Policy also applies to appeals for the review of a Centre decision, or a decision of a third party providing services on the Centre's behalf, including assessment decisions.

A complaint may be about anything done, or not done, that a client or training student considers inappropriate, unfair or unjust. Complaints include dissatisfaction with:

- behaviours
- changes to existing practice
- course advice and enrolment
- customer service and administration
- equity and access, discrimination, harassment and bullying
- fees and charges
- issue of results, certificates, statement of attainment
- learning resources
- marketing and promotional activity
- personal safety
- program delivery and resource quality
- suspension and/or cancellation of enrolment

Appeals include:

- assessment process and decision
- student progress
- any decision that the Centre makes about students or services

When managing complaints and appeals the Centre ensures the process is:

- accessible** – the Centre makes information about the process for managing complaints and appeals publicly available and provides information to staff and students through the Team Handbook and Student Handbook.
- confidential** – the Centre will maintain confidentiality throughout the complaint/appeals resolution process.

- **fair** – the Centre considers complaints and appeals in a transparent, objective and bias-free manner. The process for managing complaints and appeals incorporates the principles of natural justice and procedural fairness.
- **responsive** – the Centre sets and monitors time frames for the resolution of complaints and appeals.
- **supportive** – the Centre makes its processes for lodging a complaint or appeal clear, explains what will happen as a result and supports both the complainant/appellant and respondent throughout the resolution process.
- **transparent** – the Centre ensures that the decision maker is independent of the decision he or she is reviewing.

The Centre encourages staff and the person with a complaint or an appeal to approach the complaint or appeal openly and honestly to resolve problems through fair and reasonable means.

To support students and clients through prompt resolution of complaints and appeals, the Centre provides a Consumer Protection Officer who has the responsibility and authority to investigate and manage complaints and appeals. The Centre Manager may fill the role of Consumer Protection Officer, or may delegate this responsibility to an employee. The Centre will make the Consumer Protection Officer’s details readily available to all training students.

The Centre will not disrupt a student’s progress through a study program while investigating a complaint or managing an appeal unless the nature of the issue itself means further progress is not possible.

6.2.1 Complaints Procedure

| Complaints | |
|--|---|
| Action | Responsibility |
| <p>The Centre may receive complaints from students, staff, stakeholders and members of the public through a variety of means, including</p> <ul style="list-style-type: none"> □ in writing, by letter through the mail, facsimile or email. □ verbally, either in person or over the telephone. □ through comments and feedback on surveys, evaluation forms and appraisal forms, website or social media. □ through a Freedom of Information request. <p>Once the Centre receives a complaint, staff will seek to identify the issue and aim to resolve the concern immediately to avoid any further disruption. Staff must refer complaints that are complex, require additional support or allege unlawful behaviour such as discrimination or harassment to the Consumer Protection Officer.</p> <p>Following a resolution at this level, staff must document the details of the complaint in the Complaints and Appeals Register.</p> <p>If the resolution attempt is not successful, staff must escalate the issue to a formal complaint.</p> | <p>Consumer Protection Officer Trainers and Assessors All staff Complainant</p> |

| Complaints | |
|---|---|
| Action | Responsibility |
| <p>The Centre will ask the complainant to provide details of the complaint in writing to escalate a complaint. The Centre may provide a scribe to assist in documenting the complaint where a complainant chooses to provide information verbally.</p> <p>A complainant may nominate a third party to support them in the complaints resolution process, such as a family member or friend, counsellor, professional representation or support person.</p> <p>The Consumer Protection Officer will investigate all formal complaints to identify a satisfactory resolution. If the complaint involves the Consumer Protection Officer, the Chairperson of the Board of Directors (or his/her nominee) will investigate the complaint.</p> <p>The person investigating the complaint must follow the principles of natural justice and procedural fairness by allowing anyone who is the subject of an allegation to provide their version of the situation before making a decision.</p> <p>The Centre will acknowledge all complaints in writing.</p> <p>The Centre must resolve a complaint within sixty (60) calendar days of receiving the complaint. If it is not possible to process and finalise the complaint within this timeframe, the Centre will inform the complainant in writing of the reason for the delay. The Centre will provide regular updates to the complainant on the progress of the complaint.</p> <p>The Centre will communicate any resolution it proposes to the complainant and seek agreement on the proposal.</p> <p>Following a resolution at this level, the Consumer Protection Officer (or Chairperson, Board of Directors) will:</p> <ul style="list-style-type: none"> <input type="checkbox"/> provide the complainant with written confirmation of the resolution; and <input type="checkbox"/> record the action(s) the Centre took to resolve the complaint in the Complaints and Appeals Register; and <input type="checkbox"/> communicate the outcome of the complaint resolution to relevant stakeholders, where appropriate. <p>If the resolution attempt is not successful, the complainant may:</p> <ul style="list-style-type: none"> <input type="checkbox"/> accept the Centre's decision on the matter; or <input type="checkbox"/> appeal the decision by writing to the Board of Directors. | <p>All Staff</p> <p>Consumer Protection Officer or Chairperson, Board of Directors</p> <p>Complainant</p> |
| <p>An appeal to the Board of Directors of a Centre decision is the final internal process for managing a complaint.</p> <p>Following a resolution at this level, the Chairperson, Board of Directors or his/her delegate will:</p> | <p>Board of Directors</p> <p>Complainant</p> |

| Complaints | |
|--|--|
| Action | Responsibility |
| <ul style="list-style-type: none"> <input type="checkbox"/> provide the complainant with written confirmation of the resolution; and <input type="checkbox"/> record the action(s) the Board took to resolve the complaint in the Complaints and Appeals Register; and <input type="checkbox"/> communicate the outcome of the complaint resolution to relevant stakeholders, where appropriate. <p>If the resolution attempt is not successful, the complainant may:</p> <ul style="list-style-type: none"> <input type="checkbox"/> accept the Board's decision on the matter, or <input type="checkbox"/> request an independent external review of the decision, or <input type="checkbox"/> lodge a complaint with an appropriate external party. | |
| The Centre will seek mediation through the Community Justice Centre, which provides a free mediation service for issues of appropriate size and complexity. If the Centre and the complainant are not able to reach a resolution through mediation and further independent review incurs a cost, each party will bear its own costs. | Centre Manager or Chairperson, Board of Directors Complainant |
| The Centre will review the Complaints and Appeals Register on a regular basis to identify the possible cause of each complaint. The Centre will use that information to review its processes and practices to mitigate the risk of the situation occurring again. | Centre Manager VET Coordinator Administration Officer |
| The Centre will provide support and ongoing training to our workforce to support risk mitigation strategies, and we will advise on complaint handling procedures to all staff and students at the point of service delivery. The Centre empowers all staff to provide information and advice on the complaints handling process. | Centre Manager All staff |

6.2.2 Appeals Procedure

| Appeals against assessment processes and assessment decisions | |
|--|---|
| Action | Responsibility |
| <p>Information about Appeals</p> <p>Students receive information about the Centre's appeals procedure through the Student Handbook.</p> | VET Coordinator Administration Officer |
| <p>Informal Review</p> <p>The Centre recognises a student's right to lodge an appeal related to assessment processes and assessment decisions. A student may lodge an appeal against an assessment process and/or an assessment result if</p> | Consumer Protection Officer Assessors |

| Appeals against assessment processes and assessment decisions | |
|--|-----------------------------|
| Action | Responsibility |
| <p>the student considers the assessment process is not fair or that the assessment result is not accurate.</p> <p>A support person or advocate may accompany a student throughout the appeals process.</p> <p>The first step in the appeal process is for the student to discuss their concern with his/her assessor, within seven (7) days from the notification of the decision or result. The assessor must consult with the Consumer Protection Officer, who will assist in seeking a resolution. The assessor and/or Consumer Protection Officer must respond to the student, in writing, within one week of notification.</p> | Student |
| <p>Formal Review</p> <p>If the Consumer Protection Officer determines that remarking of the student's work should occur:</p> <ul style="list-style-type: none"> <input type="checkbox"/> a qualified person other than the original assessor should undertake this marking; <input type="checkbox"/> the remark should occur in the student's absence unless the remark is for a practical assessment; <input type="checkbox"/> the second assessor is not to sight the original marking notations of the first assessor. <p>On completion of the re-mark, the assessor will submit the outcome to the Consumer Protection Officer, who will retrieve the first assessment marking and undertake a comparison of the results. The Consumer Protection Officer will also reference the Trainer/Assessor Marking Guide for the unit/s. The Consumer Protection Officer will compile a brief written report, addressed to the student, which will identify the outcome of the re-mark.</p> <p>The Consumer Protection Officer will discuss this report with the student, including the reasons for the finding. The Centre will provide the student with written notification of the appeal outcomes.</p> | Consumer Protection Officer |
| <p>Appeal for Case Review</p> <p>If the outcome of the assessment appeal, or the way in which the Consumer Protection Officer conducts the appeals process, does not satisfy the student, he/she has 20 days from the date of notification in which to lodge an internal appeal for a case review.</p> <p>All subsequent steps will be in accordance with the Complaints Procedure.</p> | Student |

External Agencies

A person with a complaint or an appeal may seek further advice and help from the following agencies.

For complaints about Smart & Skilled programs

State Training Services

Phone: 1300 772 104

Email: enquiries@smartandskilled.nsw.gov.au

For matters involving discrimination

Anti-Discrimination Board of NSW

Level 4, 175 Castlereagh St, Sydney NSW 2000

PO Box A2122, Sydney South NSW 1235

Phone: 02 9268 5544

Toll-free: 1800 670 812 (for regional NSW only)

complaintsadb@agd.nsw.gov.au

For consumer protection matters

Office of Fair Trading

Level 21, 227 Elizabeth St

Sydney NSW 2000

13 32 20

OR

Australian Competition and Consumer Commission

Infocentre:

1300 302 502

For training and assessment quality matters

Australian Skills Quality Authority

GPO Box 9928

Melbourne VIC 3001

1300 701 801

<https://rms.asqa.gov.au/registration/newcomplaint.aspx>

For matters involving privacy

Office of the Australian Information Commissioner

GPO Box 5218

Sydney NSW 2001

1300 363 992

enquiries@oaic.gov.au

Related Documents

Complaints and Appeals Register

Student Handbook

Policy Context:

Australian Consumer Law

Privacy Act 1998

Smart and Skilled Consumer Protection Strategy

Smart and Skilled NSW Quality Framework

Standards for Registered Training Organisations (RTOs) 2015; Clause 6