

SC4: Complaints and Appeals Policy & Procedures

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Purpose

The purpose of this policy and procedure is to outline Skills & Jobs Australia approach to managing dissatisfaction, formal complaints and appeals of students, clients, staff and other members of the community. It provides a transparent approach for all complaints and appeals to be addressed in a fair, efficient and confidential manner.

This policy and procedure ensures compliance with Standard 6 of the Standards.

Definitions

Appeal means a request for a decision made by Skills & Jobs Australia to be reviewed

Complaint means a person's formal expression of dissatisfaction with any product or service provided by Skills and Jobs Australia

Services means training, assessment, related educational and support services and/or activities related to the recruitment of prospective learners. It does not include services such as student counselling, mediation or ICT support

SRTOs means the Standards for RTOs 2015 – refer definition of 'Standards'

Standards means the Standards for Registered Training Organisations (RTOs) 2015 of the VET Quality Framework which can be accessed from www.asqa.gov.au

Policy

1. Nature of complaints and appeals

- Skills & Jobs Australia responds to all allegations involving the conduct of:
 - The RTO, its trainers and assessors and other staff.
 - Any third party providing Services on behalf of Skills and Jobs Australia
 - Any student or client of Skills & Jobs Australia.
- Complaints may be made in relation to any of Skills & Jobs Australia services and activities such as:
 - the application and enrolment process
 - marketing information
 - the quality of training and assessment provided
 - training and assessment matters, including student progress, student support and assessment requirements
 - the way someone has been treated
 - the actions of another student
- An appeal is a request for a decision made by Skills & Jobs Australia to be reviewed. Decisions may have been about:
 - course admissions
 - refund assessments
 - response to a complaint
 - assessment outcomes / results
 - other general decisions made by Skills & Jobs Australia

2. Principles of resolution

- Skills & Jobs Australia is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, Skills & Jobs Australia ensures that complaints and appeals:
 - Are responded to in a consistent and transparent manner.
 - Are responded to promptly, objectively, with sensitivity and confidentiality.
 - Are able to be made at no cost to the individual.
 - Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.
- Skills & Jobs Australia will inform all persons or parties involved in any allegations made as well as providing them with an opportunity to present their side of the matter.
- Nothing in this policy and procedure limits the rights of an individual to take action under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.
- Where a student chooses to access this policy and procedure, Skills & Jobs Australia will maintain the student's enrolment while the complaints/appeals handling process is ongoing.

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3. Timeframes for resolution

- Complaints and appeals will be finalised as soon as practicable or at least within 30 calendar days unless there is a significant reason for the matter to take longer. In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated weekly on the progress of the matter until such a time that the matter is resolved.

4. Records of complaints and appeals

- Skills & Jobs Australia will maintain a record of all complaints and appeals and their outcomes on the *Complaints and Appeals Register*, which will be securely stored according to the *Privacy Policy & Procedures*.

5. Making a complaint or appeal

- Complaints about a particular incident should be made as soon as possible after the incident occurring and appeals must be made within thirty (30) calendar days of the original decision being made.
- Complaints and appeals must be made in writing using the *Complaints and Appeals Form*, or other written format and sent to Skills & Jobs Australia head office at Level 2, 326 Keilor Road, Niddrie 3042 VIC attention to the Chief Executive Officer.
- When making a complaint or appeal, provide as much information as possible to enable Skills & Jobs Australia to investigate and determine an appropriate solution. This should include:
 - The issue you are complaining about or the decision you are appealing – describe what happened and how it affected you.
 - Any evidence you have to support your complaint or appeal.
 - Details about the steps you have already taken to resolve the issue.
 - Suggestions about how the matter might be resolved.
- Your complaint or appeal will be acknowledged in writing via email or post within 7 days.

6. Resolution of complaints and appeals

- Some or all members of the management team of Skills & Jobs Australia will be involved in resolving complaints and appeals as outlined in the procedures.
- Where a complaint or appeal involves another individual or organisation, they will be given the opportunity to respond to any allegations made.
- Where a third party delivering services on behalf of the RTO is involved, they will be included in the process of resolving the complaint or appeal.
- In the case of an assessment appeal, an assessor who is independent from the original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task.

7. Independent parties

- Skills & Jobs Australia acknowledges the need for an appropriate independent party to be appointed to review a matter where this is requested by the complainant or appellant and the internal processes have failed to resolve the matter.
- Complainants and appellants can find an appropriate independent party by calling the Resolution Institute on 02 9251 3366 or by searching the following directory, according to their locality and area of concern: <https://www.resolution.institute/disputeresolverdirectory>

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- Costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by Skills & Jobs Australia.
- Skills & Jobs Australia may also appoint the independent party to be involved in the resolution of a complaint or appeal where it is deemed necessary.
- Skills & Jobs Australia will provide complete cooperation with the external mediator investigating the complaint/appeal and will be bound by the recommendations arising out of this process.
- The CEO will ensure that any recommendations made are implemented within twenty (20) days of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation.

8. External complaint avenues

Complaints can also be made via the following avenues:

- National Training Complaints Hotline:

The National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency/authority/jurisdiction to assist with their complaint. Consumers can register a complaint with the National Training Complaints Hotline by:

- Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally.
- Email: ntch@education.gov.au

For more information about the National Training Complaints Hotline, refer to the following webpage: <https://www.education.gov.au/NTCH>

- Australian Skills Quality Authority

Complainants may also complain to Skills and Jobs Australia's registering body, Australian Skills Quality Authority (ASQA).

ASQA can investigate complaints about RTOs that have not met their obligations.

ASQA may not be able to investigate complaint if you do not include evidence that you have already exhausted our formal internal complaints process as above.

Please refer to the following webpage below before making a complaint to ASQA as it provides an online tool that will advise you about whether or not you can make a complaint to ASQA.

<https://www.asqa.gov.au/complaints/getting-started-making-complaint-about-training-provider>

ASQA advise the following in regards to complaints.

If you lodge a complaint, ASQA will formally respond to you:

- acknowledging receipt of the complaint (within five working days)
- advising whether or not any action will be taken, and
- if so, notifying of the action taken and the outcome of that action.

ASQA may contact you to seek further information. ASQA aims to complete a review of a complaint within four months of submission; however, in cases where a complaint triggers a compliance or audit or investigation, this may take longer. If ASQA is not the most appropriate organisation to deal with your complaint, they will recommend that you contact the appropriate organisation. If your complaint is about an issue that ASQA regulates, ASQA will decide what action to take.

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ASQA takes a risk-based approach to complaints about training providers and this means the action it takes will vary depending on the seriousness and potential impact of the complaint.

In almost all cases, ASQA will notify the training provider of the complaint. The training provider will have the opportunity to respond to the allegations.

In some cases, ASQA may decide not to take action.

Action may include:

- Writing to the provider to remind them of their obligations.
- Looking at a provider's practices to see if they are meeting their obligations. If they are not, we may:
 - require the provider to correct its practices to protect future students
 - require the provider to take action in relation to past or current students to rectify the impact non-compliant practices may have caused
 - suspend, cancel or place conditions on that training provider's registration.

ASQA cannot act as a student advocate or Act to resolve a dispute with a training provider. ASQA will use the information from complaints to inform ongoing monitoring of training providers, but may decide to take no immediate action in relation to a complaint.

9. Publication

- This policy and procedure will be published in the Student Handbook and on Skills & Jobs Australia website.

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Procedures

1. Complaints management

Procedure	Responsibility
<p>A. Receive and acknowledge complaint</p> <ul style="list-style-type: none">As per policy, complaints are to be made in writing by the complainant, attention to the CEO.The CEO should review all complaints upon receipt.Acknowledge receipt of complaint in writing by sending a letter to complainant within 3 working days of receipt. Use <i>Complaint/ Appeal Acknowledgement Letter</i>.Record details of the complaint on the <i>Complaints and Appeals Register</i>.	CEO and Administration Manager
<p>B. Investigate the complaint</p> <ul style="list-style-type: none">Upon receiving the complaint, the matter is to be investigated to ensure all relevant information is available and it is accurate and complete.Further details from the complainant, respondent or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face.If the matter is in relation to a third-party delivering services on behalf of the RTO, the third party should be involved in the resolution of the complaint.The CEO will review the information and decide on an appropriate response. Where deemed necessary by the CEO, the matter may be reviewed by other members of the management team to arrive at an appropriate resolution.Note: The complaint must be completely resolved within 30 calendar days of receipt of the original complaint. If the matter is particularly complex and it is going to take longer to resolve, the complainant is to be advised in writing along with reasons for the extra time. They must be provided with updates on progress on a weekly basis thereafter until the matter is resolved.	CEO
<p>C. Advise of the outcome and update records</p> <ul style="list-style-type: none">Provide a written response to the complainant outlining:<ul style="list-style-type: none">The RTO's understanding of the complaintThe steps taken to investigate and resolve the complaintDecisions made about resolution, with reasons for the decisions madeAreas that have been identified as possible causes of the complaint and improvements to be recommendedTheir right to access the appeals process if they are not satisfied with the outcome of the complaints process.Update the <i>Complaints and Appeals Register</i> so it includes the outcome of the complaint.	CEO or their delegate

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Procedure	Responsibility
<ul style="list-style-type: none"> Update the <i>Continuous Improvement Register</i> if applicable for any improvements to be made as an outcome. Keep a copy of the complaint and supporting documents in the Complaints file and in the student or staff file (where relevant). 	
<p>D. Review complaints</p> <ul style="list-style-type: none"> Discuss the complaints process and its outcome at the next management meeting to consider whether there are any improvements to be made to prevent recurrence. (Refer to CG3 for procedure). 	Management team

2. Appeals management

Procedure	Responsibility
<p>A. Receive and acknowledge appeal</p> <ul style="list-style-type: none"> Upon receipt of a request for an appeal, acknowledge receipt of appeal in writing by sending a letter to appellant within 3 working days of receipt to ensure appellant receives it within 7 days. Use <i>Complaint/Appeal Acknowledgement Letter</i>. Record details of appeal on the <i>Complaints and Appeals Register</i>. 	CEO or delegate
<p>B. Respond to assessment appeals</p> <ul style="list-style-type: none"> In the case of appeals against assessment decisions, the original assessment decision will be reviewed by having an assessor independent of the original decision, mark the assessment task again. The assessment decision made during the appeals process will be considered the actual assessment outcome for the task. Advise the student of the outcome of the appeal as per point G below. 	CEO, Training Manager or their delegate
<p>C. Respond to appeals against non-academic decisions</p> <ul style="list-style-type: none"> Upon receiving the appeal, the matter is to be investigated to identify the original decision made and the reasons for the decision. Further details from the appellant, respondent, the person who made the original decision, or other involved parties may be requested during this stage. This may be in writing, over the phone, or face-to-face. If the matter is in relation to a third party delivering services on behalf of the RTO, the third party should be involved in the resolution of the appeal. The appellant may request for an independent party (mediator) to be involved in the process. Where this is requested by the appellant, they will bear the costs associated. Additionally, Skills & Jobs Australia may decide to call upon an independent mediator to assist to resolve the issue where a decision cannot be reached internally. This will be at Skills & Jobs Australia cost. Skills & Jobs Australia Management team will review all relevant information and decide on an appropriate response. 	Management team

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Procedure	Responsibility
<ul style="list-style-type: none"> Note: The appeal must be resolved within 60 calendar days of receipt of the original appeal. If the matter is particularly complex and it is going to take longer to resolve, the appellant must be advised in writing along with reasons for the extra time. They must be provided with progress updates on a weekly basis thereafter until the matter is resolved. 	
<p>D. Advise appellant of the outcome and update records</p> <ul style="list-style-type: none"> Provide a written response to the appellant outlining: <ul style="list-style-type: none"> The RTO's understanding of the reasons for the appeal The steps taken to investigate and resolve the appeal Decisions made about resolution and reasons for the decisions Areas that have been identified as possible causes of the appeal and improvements to be recommended Update the <i>Complaints and Appeals Register</i> so it includes the outcome of the appeal. Update the <i>Continuous Improvement Register</i> if applicable for any improvements to be made as an outcome. Keep a copy of the appeal and supporting documents in the Appeals file and in the student or staff file (where relevant). 	CEO or Administration Officer
<p>E. Review appeals</p> <ul style="list-style-type: none"> Discuss the appeal and its outcome at the next management meeting to consider whether there are any improvements to be made to prevent recurrence. 	Management team

3. Reviews by independent party

Procedure	Responsibility
<p>A. Appoint and cooperate with mediator/ independent party</p> <ul style="list-style-type: none"> A complainant or appellant may request that an independent party is involved in resolution of the matter. The independent party may use the RTO's selected mediator or may seek their own at their cost. The CEO may also decide that an independent party is required to resolve particularly complex matters or in situations where there may be bias. Referrals to relevant independent parties may be provided in accordance with 7 & 8 of this policy as needed. Contact independent mediator to arrange mediation/ review. Skills & Jobs Australia will co-operate fully in the process of the external party reviewing and investigating matter. This will include providing access to the relevant information surrounding the complaint or appeal and the internal complaints records where permitted to do so by law. 	Staff as required

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Procedure	Responsibility
<ul style="list-style-type: none">All staff must cooperate in such instances and to give an accurate account of the events as they understand them.	

4. External complaint or appeal

Procedure	Responsibility
<p>A. External complaint or appeal</p> <ul style="list-style-type: none">If dissatisfied with the internal processes, the complainant/appellant may initiate an external complaint or appeal.If requested, Skills & Jobs Australia will respond as necessary.All records will be kept on file.Fully co-operate with external party to respond to the complaint as required.	Staff as required
<p>B. Review external complaints or appeals</p> <p>Discuss the external process and its outcome at the next management meeting to consider whether there are any improvements to be made to prevent recurrence.</p>	Management team