

Policy: P03.10 Complaints and Appeals Policy and Procedures

Purpose

The purpose of this policy and procedure is to outline Training and Quality Management Services (hereafter known as TQMS or the RTO) approach to managing dissatisfaction, formal complaints and appeals of students, clients and other members of the community. It provides a transparent approach for complaints and appeals from the general public and students to be addressed in a fair, efficient and confidential manner.

While this policy is designed to comply with TQMS requirements, it is implemented across all its Workforce Development division as a best practice approach to handling training and assessment related complaints.

Scope

- This policy and procedure applies to resolving all issues raised by any of its enrolled students for services provided by TQMS.
- TQMS ensures that clients have access to a fair and equitable process for expressing complaints and appeals, and that the RTO will manage the complaint by implementing principles of natural justice and procedural fairness.

Definitions

- **Appeal** means a request for a decision made by TQMS to be reviewed.
- **ASQA** means Australian Skills Quality Authority, the VET regulator and TQMS registering body.
- **SRT0 2015** means Standards for Registered Training Organisations (RTOs) 2015.
- **Complaint** means a person's formal expression of dissatisfaction with any product or service provided by TQMS.
- **Contract** means the 2024-25 Standard VET Funding Contract Skills First Program or its successor.
- **Department** means the State of Victoria acting through the Department of Jobi, Skills, Industry and Regions or its successor.
- **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.
- **Skills First Entitlement** means the entitlement to a government-subsidised place in training for persons who are eligible in accordance with the criteria set out in the Act or established under the Act, and reflected in this Contract.

Policy

Nature of complaints and appeals

- TQMS 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 TQMS.
 - any student or client of TQMS.
- Complaints may be made in relation to any of TQMS's 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 TQMS to be reviewed. Decisions may have been about:
 - course admissions.
 - refund assessments.
 - response to a complaint.
 - assessment outcomes /results
 - other general decisions made by TQMS.

Principles of resolution

- TQMS 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, TQMS ensures that complaints and appeals:
 - Are responded to in a consistent and transparent manner.

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- 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.
- TQMS 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, TQMS will maintain the student’s enrolment while the complaints/appeals handling process is ongoing.

Timeframes for resolution

- Complaints and appeals will be finalised as soon as practicable or at least within 7 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.

Records of complaints and appeals

- TQMS 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 and Procedures.
- These records are reviewed to identify areas of improvement in accordance with TQMS’s *Continuous Improvement Policy and Procedure*.

Making a complaint or appeal

- Complaints about a particular incident should be made within 7 calendar days of the incident occurring and appeals must be made within 7 calendar days of the original decision being made.
- Complaints and appeals must be made in writing and sent to TQMS’s head office at 10 Surfers Place Jan Juc VIC 3228, attention Director or alternatively email tqms1@bigpond.com
- When making a complaint or appeal, provide as much information as possible to enable TQMS 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 of receipt.

Resolution of complaints and appeals

- Some of the members of TQMS 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.

Independent parties

- TQMS 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. 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 TQMS .
- TQMS may also appoint the independent party to be involved in the resolution of a complaint or appeal where it is deemed necessary.
- TQMS will provide complete cooperation with the external mediator investigating the complaint/appeal and will be bound by the recommendations arising out of this process.

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- The Director 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.

External complaint avenues

Complaints can be made externally through 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: download complaint template from <https://www.employment.gov.au/email-complaints> and return to ntch@education.gov.au

For more information about the National Training Complaints Hotline, refer to the following webpage:

<https://www.employment.gov.au/national-training-complaints-hotline>

Complainants may also complain to TQMS's registering body, ASQA

ASQA can investigate complaints about TQMS in relation to:

- the quality of our training and assessment
- our marketing and advertising practices
- You can contact Australian Skills Quality Authority on 1300 701 801 or visit ASQA website

students:

- State of Victoria acting through the Department of Jobi, Skills, Industry and Regions or its successor.

Complaints relating to government funded training under the Skills First Funding Contract can be made to the Department. The Department is principally concerned with complaints regarding RTO misconduct including unethical and fraudulent practices. If a party wishes to make a complaint to the Department, they can do so by accessing www.education.vic.gov.au (to find nearest office locations). You can also call 1800 338 663

Publication

- This policy and procedure will be published on TQMS's website and students will be informed of this in the Student Information Handbook

Procedure

Step 1 Informal

- TQMS encourages open communication and an environment of trust. Therefore, any student with a complaint relevant to the training and assessment is encouraged to firstly raise the matter directly with the other party concerned.
- A meeting should be requested, by or with the student, at which time the matter in dispute can be raised and a resolution sought. This should occur within 7 days of the complaint first being raised and the informal meeting being requested.
- The relevant parties will attempt to resolve the issue and the student will be advised of the outcome in writing within 7 days of this meeting.
- If the student feels that a satisfactory outcome has not been achieved, he/she may proceed to Step 2 in the process.

Step 2 Formal

- Should the matter remain unresolved following Step 1, or should Step 1 be inappropriate, the student is encouraged to contact the Director or the Quality and Compliance Manager in writing using the Complaints Form (this can be obtained from the training staff).
- Once the complaint has been formally raised, the Director in conjunction with the Quality and Compliance Manager should schedule a formal meeting within 7 days of receiving the formal complaint.

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- The student has the right to have an independent observer attend the meeting to witness and document the discussions.
- The Director must make a decision and initiate actions as required to resolve the complaint within 7 days of the meeting.
- The student will be advised of the outcome in writing within 7 days of this meeting.
- If the student feels that a satisfactory outcome has not been achieved he/she may proceed to Step 3 in the process.

Step 3 Resolution by External Arbitration

- Should the matter remain unresolved following Step 2, or should Step 2 be inappropriate, the student is encouraged to contact an external arbiter for consideration and due intervention, as necessary, in order to reach an objective solution to the matter in dispute.
- The Director may also decide that contacting an external arbiter is the best course of action.
- Details of a suitable independent arbiter are:

Dispute Settlement Centre of Victoria (DSCV) Level 4
456 Lonsdale Street
Melbourne VIC 3000

Tel: (03) 9603 8370
Fax: (03) 9603 835

<https://www.disputes.vic.gov.au/>

- This arbitration must be initiated as soon as is practicable and may be dependent on the availability of the external arbiter. Mediations can usually be arranged within a fortnight, depending on availability of all parties. It will be at a location that is most convenient to all parties.
- The student will be advised of the outcome in writing by the external arbiter in accordance with their processes and timeframes.
- If the student feels that a satisfactory outcome has not been achieved, he/she may proceed to Step 4 in the process.

Step 4 Resolution by External Authority

- Should the student be unsatisfied and the matter remains unresolved following Step 3 and all other avenues have been exhausted, the student should seek the advice of the independent state registering body for TQMS: Australian Skills Quality Authority (ASQA).
- All students have the right to seek redress through the ASQA.

ASQA is the national body for RTO registration and has the power to take appropriate action: ASQA

452 Flinders Street
Melbourne VICTORIA
3000

Postal Address:
GPO Box 9928
Melbourne Vic 3001

Phone: (03) 1300 701 801

Students may also contact the National Complaints Hotline on 13 38 73 or by submitting an email. Further information can be found at <https://www.dewr.gov.au/national-training-complaints-hotline>.

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Appeals

- If students have any concerns in relation to any assessment or other decisions made by TQMS, they are advised to discuss these initially with the trainer or by contacting the Director) or the Quality and Compliance Manager.
- The appeals process is to be followed when a student does not agree with any decision made by TQMS.
- Any appeals relating to assessment will be referred to an independent assessor and, if necessary, the students' employer.
- This process is applicable to any decisions made relating to all training, assessment and related services provided to students by TQMS.

Step 1 Informal

- The issue is raised directly with the training staff concerned in an attempt to provide an opportunity for a satisfactory resolution. This may involve scheduling a re-assessment of the learner for the unit(s) of competency in question.
- The relevant parties should attempt to resolve the issue and the student will be advised of the outcome in writing within 7 days of the issue being raised.
- If the student feels that a satisfactory outcome has not been achieved he/she may proceed to Step 2 in the process.

Step 2 Formal

- Should the matter remain unresolved following Step 1, the appeal is formally raised in writing with the Director (John Price) using the Appeals form. The Appeals Form can be obtained from the trainer, the Director or Quality and Compliance Manager.
- The Director will refer assessment appeals to an independent assessor for examination and resolution. The independent assessor will review all existing assessment documentation to determine course of action – such as re-assessment as required.
- Appeals against any other decisions made by TQMS will be considered and decided upon by the Director.
- The student will be advised of the outcome of the appeal in writing within 14 days of formally raising the appeal.

Step 3 Resolution by External Authority

- Should the matter remain unresolved following Step 2 and all other avenues have been exhausted, the student may seek the advice of the independent state registering body for TQMS: Australian Skills Quality Authority (ASQA).
- All students have the right to seek redress through the ASQA.
- ASQA is the national body for RTO registration and has the power to take appropriate action:

ASQA
452 Flinders Street
Melbourne
VICTORIA 3000

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GPO Box 9928
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