

AE2.7 Complaints and Appeals Policy & Procedure

1. Purpose

NSS is committed to providing quality training and assessment in accordance with the 2016 Victorian Registration & Qualification Authority (**VRQA**) Guidelines for VET Providers, Australian Quality Training Framework's (**AQTF**) Essential Conditions and Standards for Continuing Registration. As such, NSS is required to have a policy and processes in place to manage and respond to allegations involving the conduct of staff, learners and assessment and enrolment decisions who provide services on behalf of NSS.

This policy is based on providing and maintaining training and assessment services that are fair and reasonable and afford a forum where issues or inadequacies can be raised and resolved. This process provides opportunity for complaints and appeals to be recorded, acknowledged and dealt with in a fair, efficient and effective manner.

The object of this policy is to ensure that NSS staff act in a professional manner and provides clients with a clear process to register a complaint. It ensures all parties involved are kept informed of the resulting actions and outcomes.

2. Policy Statement

NSS acknowledges the clients' right to lodge a complaint or appeal when they are dissatisfied with the training, assessment services or the experience that they have been provided by the NSS.

NSS will ensure that clients have access to a fair and equitable process for expressing complaints, and that NSS will manage the complaint once received with fairness and equity.

In doing so, NSS:

- a) has written procedures in place for collecting and managing complaints and appeals in a constructive and timely manner;
- b) ensures that these procedures are communicated to all staff, third party partners and clients;
- c) ensures that all necessary documentation and resources are in place to enable clients to submit a complaint or appeal;
- d) ensures that each complaint and appeal and its outcome is recorded in writing; and
- e) ensures that customer complaints and appeals and their outcomes are fed into continuous improvement initiatives.

3. Guidelines and Legislation

This policy is implemented to ensure meet the requirement under the 2016 VRQA Guidelines for VET Providers and the Australian Quality Training Framework's Essential Conditions and Standards for Continuing Registration. All complainants and the details of their complaints will be dealt with confidentially as per our obligations under the Australian Privacy Principles and the *Privacy Act 1988*.

4. Policy Principles

4.1 Principles

In managing complaints, NSS will ensure that:

- a) The principles of natural justice and procedural fairness are adopted at every stage of the complaint process.
- b) The complaints policy is publicly available.
- c) There is a procedure for making a complaint or appeal.
- d) Complaints and appeals are treated seriously and dealt with promptly, impartially, sensitively and confidentially.
- e) Complaints and appeals will be resolved on an individual case basis, as they arise.
- f) All clients have the right to express a concern or problem and/or lodge a complaint if they are dissatisfied with the training and assessment services that they have been provided (including through a third party) or the behavioural conduct of another learner.
- g) All complaints and appeals are acknowledged in writing and finalised as soon as practicable.
- h) The complaint resolution procedure is based on the understanding that no action will be taken without consulting the complainant and respondent, using a process of discussion, cooperation and conciliation.
- i) The rights of the complainant and respondent will be acknowledged and protected throughout the complaint resolution process, including the conduct of separate interviews initially.
- j) In the interest of confidentiality, the number of people involved in the resolution process will be kept to a minimum.
- k) Final decisions will be made by the RTO Manager of NSS or an independent party to the complaint.
- l) The complaint resolution procedure emphasises mediation and education while acknowledging that in some instances formal procedures and disciplinary action may be required.
- m) If the complaint will take in excess of 60 calendar days to finalise NSS will inform the complainant in writing providing the reasons why more than 60 calendar days are required. The complainant will also be provided with regular updates on the progress of the complaint.
- n) Victimisation of complainants, respondents or anyone one else involved in the complaint resolution process will not be tolerated.
- o) All complaints will be handled as Staff-In-Confidence and will not affect or bias the progress of the client in any current or future training.
- p) All complainants have the right if unsatisfied with the determination of their complaint to appeal the decision to the CEO of NSS or the Victorian Regulations and Qualifications Authority.

4.2 Types of Complaints and Appeals

A complaint may include allegations involving the conduct of:

- NSS, its trainers, assessors or other staff; or
- A third party providing services on behalf of NSS, its trainers, assessors or other staff; or
- A learner of NSS.

An appeal can be made to review a:

- Decision about enrolment.
- Determination of competent or not yet competent in the assessment process.

5. NSS Responsibilities

The RTO Manager of NSS is the Complaints Resolution Officer. The RTO Manager of may delegate responsibility for the resolution of the complaint or appeal if necessary.

Details concerning the scope of the Complaints Policy are to be clearly displayed throughout the organisation and contained within the Staff Induction Process, Client Handbook and NSS website.

6. Process

Complaints and Appeals

If a client has a complaint or appeal, they are encouraged to speak immediately with the trainer/assessor to resolve the issue. If the complainant is not satisfied that the issue has been resolved they will be asked to complete a Complaints and Appeals Form, to lodge a formal complaint or appeal. NSS will then investigate the complaint or appeal and advise the complainant of the outcome within 21 days.

If the complainant is not satisfied with the outcome they may request a review in writing to the CEO of NSS, setting out in detail the issue of concern. This may lead to occasions where an external objective party is engaged to negotiate a satisfactory resolution.

Complaints and Appeals Process

All complaints shall follow the below process:

- a) Complaints and appeals are to be made in writing using the Complaints Lodgement Form.
- b) A submitted complaint form will constitute a formal complaint from the client. Further detail of the complaint and appeals can be provided by the client verbally.
- c) The RTO Manager of NSS must be informed of receipt of all complaints and appeals immediately.
- d) The RTO Manager of NSS may delegate responsibility for the resolution of the complaint or appeal.
- e) In the case of a complaint or appeal, the RTO Manager of NSS will initiate a transparent, participative investigation to identify the issues.
- f) Complaints and appeals will be processed in accordance with the Complaint Procedure Appendix A.
- g) Complaints and appeals, where possible, are to be resolved within 21 calendar days of the initial application.
- h) In all cases, the final decision will be assessed by the RTO Manager of NSS.
- i) The Client will be advised in writing of the outcome of their complaint or appeal, within seven (7) days of resolution.

Review Process

All review of decisions shall follow the below process:

- j) If the outcome is not to the satisfaction of the Client, they may to apply for a review of the decision to the CEO of NSS in writing or the Victorian Regulations and Qualifications Authority as per their complaints process. All the details of the VRQA complaints process can be viewed; <http://www.vrqa.vic.gov.au/complaints/Pages/default.aspx>
- k) If the client is not satisfied with the decision they have the option to seek external legal assistance to pursue the complaint.

7. Access & Equity

The NSS Access & Equity Policy applies.

8. Records Management

Records of all complaints and appeals and their outcomes are maintained securely, refer to Records Management Policy.

Records of complaints and appeals include:

- a. How the complaint or appeal was dealt with;
- b. The outcome of the complaint or appeal;
- c. The timeframes for resolution of the complaint or appeal;
- d. The potential causes of the complaint or appeal; and
- e. The steps taken to resolve the complaint and appeal.

All documentation from Refund processes are maintained in accordance with Fees, Charges and Refunds Policy.

9. Monitoring and Improvement

All complaints and appeals practices are monitored by the RTO Manager of NSS and will be discussed at Management Review Meetings with areas for improvement identified and acted upon. (See Continuous Improvement Policy)

Appendix A: Complaints and Appeals Procedure

STEP 1 – Initial Review of Complaint or Appeal

No.	Who	Actions
1.1	Client	a) Raises the concern with NSS staff.
1.2	Staff	a) Attempt to resolve the issue immediately.
1.3	Staff	a) If the matter is successfully resolved, complete the “ Complaints and Appeals Lodgment Form ” and submit to Admin for processing. b) If the matter is not resolved, advise client of their right to make a formal complaint or appeal referring them to the Complaints and Appeals policy. c) Provide client with access to the “ Complaints and Appeals Lodgment Form ”
1.4	Admin	a) Enter details of Complaint into VETtrak b) Enter details of Complaint into Complaints and Appeals Register . c) Note actions on “ Complaints and Appeals Lodgment Form ” d) Notify RTO Manager of the resolved Complaint or Appeal. e) File “ Complaints and Appeals Lodgment Form ” (if resolved) onto Client file.

STEP 2 – Lodgment of Complaint or Appeal

No.	Who	Actions
2.1	Client	a) Lodges a complaint or appeal in writing using the “ Complaints and Appeals Lodgment form ”.
2.2	Admin	a) Enter details of complaint into VETtrak b) Enter details of complaint into Complaints and Appeals Register . c) Note actions on “ Complaints and Appeals Lodgment Form ”. d) Print and commence “ Complaints and Appeals Progress Form ”. e) Provide all documentation to RTO Manager for action.
2.3	RTO Manager	a) On receipt of the complaint or appeals documentation, acknowledge receipt of the claim, in writing, to the complainant within two (2) working days, this may be via email, letter or fax. b) Keep all documentation in a Complaints and Appeals file, which will remain in place until the complaint is resolved. After which time all complaints documentation will be placed on the Client file.

STEP 3 – Processing the Complaint or Appeal

No.	Who	Actions
3.1	RTO Manager	a) Implement appropriate resolution techniques to resolve the issue promptly to the mutual satisfaction of all parties.
3.2	RTO Manager	b) Review, investigate and mediate to resolve the complaint or appeal within fourteen (14) days. Actions which may be taken include, but are not limited to: i. Discussing the facts of the complaint and appeal with the complainant. ii. Where appropriate and applicable, discuss the complaint or appeal with the respondent giving details of the complaint and complainant, giving cause to procedural fairness.
3.3	RTO Manager	c) Determine the resolution of the complaint or appeal and provide details of the outcome in writing to all parties involved. Ensure that the complainant is advise that in unsatisfied they can appeal the decision to the NSS CEO or VRQA
3.4	Admin	d) Record the outcome of the complaints in VETtrak, the Complaints and Appeals Register and for all NSS client in Supportability.

STEP 4 – Review of Decision of Complaint or Appeal

No.	Who	Actions
4.1	Client	e) If unsatisfied by the final decision made by the RTO Manager of the complaint or appeal the complainant may request a review of the decision by the NSS CEO. f) A request for a review including the reasons why a review should be conducted must be made in writing and sent to the NSS CEO addressed to; CEO Northern Support Services 30 Union St Northcote VIC 3070
4.2	CEO	g) Review, investigate and mediate to resolve the complaint or appeal within seven (7) days. Actions which may be taken include, but are not limited to: <ul style="list-style-type: none"> iii. Discussing the facts of the complaint and appeal with the complainant. iv. Where appropriate and applicable, discuss the complaint or appeal with the respondent giving details of the complaint and complainant, giving cause to procedural fairness.
4.3	CEO	h) Determine the resolution of the review of complaint or appeal and provide details of the outcome in writing to all parties involved. Ensure that the complainant is advised that if unsatisfied they can progress their complaint or appeal to; <ul style="list-style-type: none"> i) the Victorian Registration and Qualifications Authority (VRQA), the Victorian vocational training regulator on 03 9637 2806 http://www.vrqa.vic.gov.au/complaints/Pages/default.aspx j) the National Training Complaints Hotline on 13 38 73 https://www.education.gov.au/NTCH
4.4	Admin	k) Record the outcome of the complaints in VETtrak, the Complaints and Appeals Register and for all NSS client in Supportability.