

# RTO Complaints and Appeals Policy and Procedure

## Background

The National Vocational Education and Training Regulator Act 2011 establishes the VET Quality Framework, a system which ensures the integrity of Nationally Recognised Qualifications. Included in the VET Quality Framework are the Standards for Registered Training Organisations (RTOs) 2015. NIET must comply with these eight Standards as a condition of registration.

*'ASQA Standard 6 requires RTOs to implement a transparent complaints and appeals policy that enables learners and clients to be informed of and to understand their rights, and the RTO's responsibilities under the Standards'.*

NIET ensures that these policies are publicly available, by including them on NIET's website, within the NIET student handbook and are available at Reception for viewing upon request.

## Scope

NIET will ensure that all complaints and appeals are dealt in accordance with the principles of natural justice and procedural fairness. All complaints and appeals shall be subject to notification within the RTO's management meeting and require the implementation of the RTO's complaints and appeals process. NIET will aim to complete all complaints and appeals within a reasonable timeframe. All complaints and appeals will take into account NIET policies, the applicable conditions of enrolment (if student) and the National Standards when determining the outcome of a complaint or appeal.

NIET will manage and respond to allegations involving conduct of:

- a) the RTO, it's trainers, assessors or other staff
- b) a third party providing services on the RTO's behalf, it's trainers, assessors or other staff (if applicable)
- c) a learner of the RTO

## Procedure

### Informal Complaints

- An individual may submit a complaint (verbally or in writing) directly to NIET's staff with the purpose to resolve a complaint through discussion and mutual agreement. All complaints received will be acknowledged in writing by NIET management within 10 business days.
- NIET are required to explain to the individual the informal and formal complaints processes available to them, and may direct them to the appropriate policy and procedure.
- All informal complaints shall be reported to NIET management for further review and consideration for potential action.
- All outcomes of the review shall be reported back to the individual making the complaint in writing, and may be additionally verbally address. Outcomes may also be provided by a third party (E.g. trainer to student).
- All complaints may be accompanied by a third party of their choice to support them, including any informal complaint discussions.

- All informal complaints that are not resolved with individuals by mutual agreement will require completion of the FORMAL complaints process.

### **Formal Complaints**

When a person wishes to submit a formal complaint or is dissatisfied with the outcome of an 'informal complaint', they must submit this by utilising the 'Complaint and Appeal form'. This can be requested through NIET administration.

- The RTO's management will respond in writing to all formal complaints within 10 business days of receiving the complaint, with the 'Complaint and appeal' form completed. This may include a proposed resolution to the complaint.
- Responses shall include information and procedures concerning the complainant's right to appeal the proposed solution and request an independent.
- All formal complaints may require parties to meet in person to discuss the complaint, and work collaboratively to resolve. Complainants are welcome to be accompanied by a third party. If complaint involves a student, NIET may request that the trainer/assessor or student support coordinator be present.
- When a complaint is recognised as requiring more than 60 calendar days to process, finalise and resolve, NIET will inform the individual reasons why in writing, and further providing regular updates on the progress. A weekly update will be provided via email through NIET management until the appeal is resolved.
- When finalised, this will be reported to NIET management who will review for potential continuous improvement and actions.

### **Assessment Appeals**

All appeals from students relating to assessment results must be received within 14 days, following the competency decision.

Staff delivering training and assessment services on behalf of NIET will be required to:

- Provide timely guidance to all course participants regarding the assessment appeals procedure.
- Clarify any aspects of the assessment results that a student does not understand.
- Provide each student that requests an assessment appeal with the required 'Complaints and Appeal Form'.
- Communicate directly via email within 10 business days to appeal an assessment decision. The student support coordinator may be responsible for initial communication pending circumstances.
- Schedule a meeting with the student, NIET and other relevant parties (E.g. Student Support Coordinator) when a completed form is received by the student
- Communicate any outcome decisions made by NIET to uphold or overturn an assessment appeal to the student's by completing the form and clearly identifying the reason for the outcome.
- All assessment appeals will be processed by NIET within 10 days of receipt of an appeal. All assessment appeals must be maintained on the student's file.
- Student records may be adjusted to comply with the management appeal outcome.

### **Independent Reviews**

In the event of a complainant being dissatisfied with the proposed solution of the formal complaint or appeal, management shall provide the individual with an opportunity to apply for an external appeal process.

Management will advise the individual that an Independent Third Party shall be sought to consider the nature of the complaint and a possible further resolution at no cost.

- The selection of the Independent Third Party shall be communicated with the individual, and the selection must be undertaken with mutual agreement.
- NIET's management shall make contact with the independent and provide all documentation related to the formal complaint and contact details.
- Independent justification responses must be received within 7 days from the date that all formal complaint documentation is provided to the independent adjudicator.
- When an appeal process is recognised as requiring more than 60 calendar days to resolve, NIET will inform the appellant in writing, including reasons why and regularly update on the progress of the matter. A weekly update will be provided via email through NIET management until the appeal is resolved.
- On receipt of the formal complaint documentation, the independent shall make contact with NIET and the individual to arrange a suitable time for further discussion pertaining to the matter.
- All independent third party proposed solutions shall be final and reported to management, and the individual informed in writing, and will require immediate implementation/action if required.

NIET have sourced the following service for independent reviews:

#### **Dispute Settlement Centre of Victoria (DSCV)**

DSCV offers mediation services and can help you decide how to deal with a dispute. Their services are free and you do not need a referral. They will answer your questions, help you clarify your issues and suggest any available strategies and options.

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

If they are not able to help you they also have other areas they can direct you to, to seek help via their Links Page.

#### **Victorian and Equal Opportunity Human Rights Commission**

This is an independent statutory body that operates under the Equal Opportunity Act 2010, Racial & Religious Tolerance Act 2001 and the Charter of Human Rights and responsibilities. In most cases, the purpose of the independent review is to consider whether or not NIET has followed its policies and procedures. They offer advice on the being discriminated against, sexually harassed, victimised or vilified. For any Charter related items they will provide contact details for organisations that handle dispute resolution, mainly the Ombudsmen who handle Charter complaints about breaches.

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

#### **Victorian & Civil Administrative Tribunal (VCAT)**

VCAT offer a Goods and Services dispute resolution option to Victorian residents that hears cases and resolves disputes through mediation, negotiation & hearings. Fees apply through VCAT and they will hear your dispute and decide if it is in their jurisdiction to be handled by them.

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

### **Australian Skills Quality Authority (ASQA)**

ASQA is a governing body for the training (VET) sector and accepts complaints about training providers. ASQA is not a consumer protection agency and can act on behalf of an individual as that individual's advocate. To find out whether to refer the complaint to ASQA, please visit the ASQA website at :-

<https://www.asqa.gov.au/>

### **Informing NIET Staff**

NIET are committed to ensuring that staff are aware of all policies and procedures. NIET require all new staff to read and acknowledge they have understood prior to employment. Staff are required to review all policies and procedures on a yearly basis and further acknowledge their understanding and commitment to following such policies. This is completed by signing an acknowledgement register. Any changes made to policies/procedures are discussed and tabled at monthly staff meetings.

### **Related documentation:**

- 286 Complaints and Appeals register
- 573 NIET student handbook
- 325 Staff Induction checklist
- 332 NIET Employee handbook
- 287 Complaints and Appeals form
- 305 Staff Meeting agenda template
- 298 Policy and Procedure Acknowledgement Register
- [www.niet.com.au](http://www.niet.com.au)

<b>Revision History:</b>	
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