

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 at every stage of the complaint and appeal process. NIET will ensure that the decision maker is independent of the decision being reviewed. NIET will also ensure that anyone subject to a decision by NIET and/or anyone who has an allegation made against them, will also be provided with the opportunity to tell their side of the story before a decision is made. NIET staff handling both informal and formal complaints will ensure that they treat the complaint as serious and are respectful of all parties. No complainant will be disadvantaged in any way, including students who may continue with their studies. The complaint will be held in strictest confidence with only NIET's delegated officers and those involved in the matter receiving information about the complaint and along the way of its resolution.

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 and usually within a 14 calendar day period after the lodgement of a complaint (with ongoing notification and in writing to the person/s who made the complaint, should the complaint take longer than expected and/or is expected to take more than 60 calendar days). 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:

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

A **complaint** is a statement in which a person wishes to express dissatisfaction with a particular service or situation.

An **appeal** is where a student wishes to express dissatisfaction with a particular assessment result or the outcome of a complaint.

Procedure

Informal Complaints (First Tier)

- 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 2 business days (48 hrs).
- NIET will 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 (the CEO)
- All outcomes of the review shall be reported back to the individual making the complaint in writing within 5 calendar days of the complaint being lodged, and may be additionally verbally addressed. Outcomes may also be provided by a third party (E.g. trainer to student).
- All complaintees may be accompanied by a third party of their choice to support them, including at the time of any informal complaint discussions.
- NIET will ensure that the person(s) whom are the subject of any complaint, are provided with the opportunity to share details of the occurrence prior to a decision being made by NIET.
- All informal complaints that are not resolved with individuals by mutual agreement will require completion of the FORMAL complaints process.

Formal Complaints (Second Tier)

NIET's delegated officer to manage formal complaints is: NIET's CEO or Learning & Development Manager unless the complaint is against one of the incumbent's and in this instance, NIET's CEO or Learning & Development Manager (whoever the complaint is not against) will manage the complaint.

A person may elect not to avail themselves of NIET's first tier informal resolution process and opt to lodge a formal complaint. NIET will not discourage the person from taking this action.

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 NIET's 'Formal Complaint Lodgement Form'. This can be requested through NIET administration at Reception.

- The RTO's management will respond in writing to all formal complaints within 14 calendar days of receiving the complaint, with the 'Complaint Lodgement Form' completed. This may include a proposed resolution to the complaint.
- 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 complaint is resolved.
- When finalised, this will be reported to NIET management who will review for potential continuous improvement and actions.

Third Tier Independent Resolution (Appeal)

NIET's delegated officer to manage this level of complaint resolution is: The CEO unless the complaint is against this incumbent and in this instance, NIET's Learning & Development Manager will manage the complaint.

The complainant must advise in writing of their dissatisfaction of NIET's decision within 14 calendar days of receipt of NIET's decision.

- NIET's responses to second tier complaints shall include information and procedures concerning the complainant's right to appeal the proposed solution and request an independent and impartial party to review the matter.
- The complainant is required to submit in writing their request for an independent review and within 14 calendar days of receipt of advice about the decision.
- As part of the formal complaint process and where it is considered that the matter may not be resolved, NIET may also suggest that the matter be escalated for resolution to the third tier of NIET's complaints process.
- NIET uses Maria Langwell Consulting to resolve such complaints with no cost to the complainant.
- NIET will organise the resolution session and ensure that Maria Langwell Consulting has all the documentation and evidence to prepare for the session.
- NIET will organise this resolution tier within 10 calendar days of written advice from the complainant and/or where it has been mutually agreed that an independent review is in the complainant's best interest.
- Both parties must agree to participate in this tier in good faith and with a willingness to find a resolution.
- Both parties may bring additional persons, e.g. support person, to the resolution session, however, must provide details of these persons to the other party within 2 days prior to the session.
- The decision of the third tier independent review will be taken as final by both parties and reported to management, and the student informed in writing, and will require immediate implementation/action.

Other Avenues for Lodging a Complaint

ASQA

NIET is committed to operating transparent business practices. A complainant may also elect to lodge a complaint with the regulator, ASQA, and in this instance, will be directed to:

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

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. A complainant that wishes to use this service will be directed to: <https://www.vcat.vic.gov.au> . Fees for this service will be at the complainants own cost, see: <https://www.vcat.vic.gov.au/resources/goods-and-services-fees> .

Recording of the Complaint and Business Improvement

- The complaint will be recorded on NIET's Complaints and Appeals Register.

- A copy of the complaint documentation will be held in NIET's Complaints and Appeals File, with restricted access by NIET's CEO and Learning and Development Manager. This File is securely stored, in line with the Victorian Privacy Act and Principles (1988).
- The matter (with no references to the persons involved) will be included in NIET's forthcoming management meeting agenda, for the purposes of discussion to better understand the root cause and ensuring that the relevant NIET policies, procedures and practices are amended accordingly – with staff notification of the changes.
- Where the matter may require individual and/or staff training, NIET will organise this within one month of the complaint's resolution.
- Should the matter be deemed as high or medium risk to NIET, it will be included in NIET's internal auditing schedule to ensure that the amended practices are embedded across the RTO.

Assessment Outcome Appeals

Requesting a Review of an Assessment Decision (First Tier)

All appeals from students relating to assessment results must be received within 3 calendar days, following the competency decision.

Staff delivering training and assessment services on behalf of NIET are the delegated officers to review and manage the appeal and are 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 NIET's 'Assessment Outcome Appeal Form'.
- Upon receipt of a completed 'Assessment Outcome Appeal Form', schedule a meeting with the student and any other relevant parties (e.g. Student Support Coordinator)
- Report the appeal to NIET management (the Learning & Development Manager).
- 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 14 calendar days of receipt of an appeal. All assessment appeals must be maintained on the student's file.
- Student records will be adjusted to comply with the appeal outcome.

Review of Appeal Decision (Second Tier)

NIET's delegated officer to manage this level of appeal resolution is: The CEO

In the event of a student being dissatisfied with the appeal decision, a review of the assessment decision will be conducted within 14 calendar days of the student advising in writing of their dissatisfaction with the decision.

Students must advise in writing of their dissatisfaction of the appeal review within 14 calendar days of receipt of NIET's decision.

- All appeals at this tier may require parties to meet in person to discuss the appeal and the review decision, and work collaboratively to resolve. The student is welcome to be accompanied by a third party.
- When an appeal review at this level 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.

Third Tier Independent Resolution

NIET's delegated officer to manage this level of appeal resolution is: Maria Langwell Consulting.

- NIET's responses to second tier appeals shall include information and procedures concerning the student's right to appeal the proposed solution and request an independent and impartial party to review the matter.
- The student is required to submit in writing their request for an independent review and within 14 calendar days of receipt of advice about the decision.
- As part of the formal appeal review process and where it is considered that the matter may not be resolved, NIET may also suggest that the matter be escalated for resolution to the third tier of NIET's appeals process.
- NIET uses Maria Langwell Consulting to resolve such appeals with no cost to the student.
- NIET will organise the resolution session and ensure that Maria Langwell Consulting has all the documentation and evidence to prepare for the session.
- NIET will organise this resolution tier within 10 calendar days of written advice from the student and/or where it has been mutually agreed that an independent review is in the student's best interest.
- Both parties must agree to participate in this tier in good faith and with a willingness to find a resolution.
- Both parties may bring additional persons, e.g. support person, to the resolution session, however, must provide details of these persons to the other party within 2 days prior to the session.
- The decision of the third tier independent review will be taken as final by both parties and reported to management, and the student informed in writing, and will require immediate implementation/action.

Other Avenues for Lodging a Complaint about NIET's Appeal Review Process or Decision.

ASQA

NIET is committed to operating transparent business practices. A student may also elect to lodge a complaint with the regulator, ASQA, about their dissatisfaction with the manner in which NIET handled their assessment appeal and/or the quality of NIET's assessment practices and in this instance, will be directed to:

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

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. A complainant that wishes to use this service will be directed to: <https://www.vcat.vic.gov.au> . Fees for this service will be at the complainants own cost, see: <https://www.vcat.vic.gov.au/resources/goods-and-services-fees> .

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. Staff not able to attend these meetings will be notified via email.

Related documentation:

- 286 Complaints and Appeals register
- 287 Formal Complaints Lodgement form
- 298 Policy and Procedure Acknowledgement Register
- 305 Staff Meeting agenda template
- 325 Staff Induction checklist
- 332 NIET Employee Handbook
- 573 NIET Student Handbook
- 722 Appeal of Complaint Resolution Lodgement form
- 723 Assessment Outcome Appeal Lodgement form
- www.niet.com.au

Revision History:	
Date:	September 2013 – Version 1, December 2013 – Version 2, May 2014 – Version 3, August 2014 – Version 4, December 2014 – Version 5, February 2016 – Version 6, March 2016 – Version 7, July 2017 – Version 8 , October 2017 – Version 9, January 2018 – Version 10;
Source:	Q:\VERSION CONTROLLED DOCUMENTS Acts, Regulations, Codes of Practice, ISO/AS/NZ Standards ASQA Standards for Registered Training Organisations (RTOs) 2015
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