

## *POLICY & PROCEDURES*

# **Complaints & Appeals**

National Skills Institute will ensure that complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively. We will also ensure that the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process, and make the policy publicly available via our website and other publications such as our student information guide.

## **COMPLAINTS**

### **Policy**

Students that have a complaint regarding their experiences with National Skills Institute, our staff, other learners (students) or any of our Third Party providers, either academic or non-academic, are welcomed and encouraged to have their say. Feedback is important to us and dealing with complaints is a positive way of improving our policies and procedures and therefore our company in general.

National Skills Institute will:

- Respect your privacy and dignity;
- Keep a written record;
- Keep all records confidential; and
- Ensure that you will suffer no retribution from having made the complaint.

### **Procedure (Non-Academic)**

Every effort will be made to resolve the complaint informally, where possible. However, there are a number of approaches possible and these are described below:

- If possible, the matter should be dealt with in the first instance between the person complaining (the Complainant) and the RTO, trainers, other relevant staff members, learners (students) or third parties.
- If the matter is not resolved within 7 days, the Complainant and/or the relevant staff member should raise it with the Managing Director either verbally or in writing. The Complainant should be reminded of our complaints and appeals procedures and offered a complaints and appeals form. This form is to be completed by the Complainant or other relevant parties and then submitted to the Managing Director.
- If the complaint is presented verbally, the Managing Director, if he considers it necessary, may ask that the complaint be presented in writing, otherwise the MD will complete the form on behalf of the Complainant.
- The Managing Director will consider the complaint and:
  - Inform those involved of the allegations
  - Provide those involved with an opportunity to present their side of the matter
  - Operate in a fair and unbiased way
  - Ensure complaints (and appeals) are acknowledged in writing
  - Ensure complaints (and appeals) are finalised as soon as practicable and provide a written response usually within 21 days, but not more than 60 calendar days.
  - In the event of a serious problem which cannot be resolved within 21 days of the original complaint having been made, the Managing Director may decide or may be requested by the Complainant to have the matter considered by an independent committee or an independent external conciliator.
  - If more than 60 calendar days are required to finalise the complaint (or appeal) the MD will inform the parties in writing of the reasons and provide regular updates in writing.

## Training and Assessment Related Complaints (Academic)

The emphasis in which NSI seeks to make in this policy is, that resolution of complaints is best worked as close to the level of operations and in as informal a manner as possible – this includes Third Party providers where applicable.

All participants have the right to request reconsideration of the results of assessment of a unit of competency/learning outcome that has been assessed as 'Not Yet Competent'. It is the student's responsibility to use the processes set up for this purpose within two (2) weeks of results being received.

NSI provides a maximum of two attempts at achieving competency. Further instruction and adequate practice time will be provided. All process steps below are to be completed within a period of four (4) weeks from date of lodgement of the complaint.

### STEPS TO FOLLOW:

1. Student complains about the assessment outcome in writing.
2. The relevant trainer will contact the student to discuss the details of the original decision.
3. If the student still does not agree with the decision, an opportunity to re-submit work / reassess competencies will be arranged.
4. The trainer will conduct a second assessment and provide feedback to the student.
5. Final decision is conveyed in writing to student.
6. All information is documented and archived as required under the provisions of the Privacy Act

If, for whatever reason, the complaint is not resolved, an appeal can be lodged as per process outlined below.

## APPEALS

Appeals may arise from a number of sources including appeals against assessment, appeals against discipline actions and appeals against decisions arising from general complaints. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by NSI. When a student makes an appeal, NSI will appoint an independent person or body to hear the appeal and propose a final resolution.

If the Complainant wishes to appeal the original decision they must do so in writing within four (4) weeks of being informed of the original decision (as documented in the completed, Complaints & Appeals Form) and addressed to the Managing Director detailing the reasons for the appeal. Contact details are:

National Skills Institute, PO Box 2073, Forest Hill 3130 or email [info@nsiskills.com.au](mailto:info@nsiskills.com.au)

### The Appeals Process:

- The Managing Director will acknowledge the receipt of the request in writing within 5 days. The acknowledgement will outline the process to be followed and the timeframes – these may vary but it is expected that a decision will be advised within four (4) weeks of receipt of the appeal but no longer than 60 calendar days.
- The Appellant will have an opportunity to formally present their case.
- The appeal will be recorded in writing and signed and dated by the Appellant, the relevant trainer/staff member or mediator (appointed by NSI) and the Managing Director.
- The outcome of the appeal and reasons for the decision will be recorded in writing and signed and dated by the Appellant, the assessor or mediator and Managing Director.
- If the person is still not satisfied, the Managing Director will advise the Appellant of any other avenues available. These may include:
  - Contacting the National Training Complaints Hotline on 13 38 73 (who will refer the complaint to the ASQA) and is available from Monday to Friday, from 8am to 6pm or by email at [skilling@education.gov.au](mailto:skilling@education.gov.au)
  - Requesting a review by the Australian Council for Private Education and Training (ACPET) on 03 9416 1355.
  - The Appellant must pay the required ACPET charges or charges for independent mediators that have been organized by them.

NSI will take appropriate actions to implement changes/improvements to policies, procedures, services, etc., where necessary in accordance with the outcome of substantiated complaints and appeals.

### **Independent Review**

The Complainant will be advised that they can at any stage undertake the following:

- When the Complainant puts forward their case, they can request a review of the complaint or appeal by an appropriate party independent of the RTO. They will also be provided the opportunity to have a support person present.
- Contacting the National Training Complaints Hotline on 13 38 73 (who will refer the complaint to the ASQA) and is available from Monday to Friday, from 8am to 6pm or by email at [skilling@education.gov.au](mailto:skilling@education.gov.au)

### **Secure Records Management**

The MD is responsible for managing the complaints and appeals process. All complaints and appeals will be fully documented and stored securely so that the privacy of the Complainant is protected and only relevant parties have access to the details as per our secure records management processes. All complaints and appeals will be recorded by the MD in the Complaints Register.

As per our Continuous Improvement policy and procedures, the MD is responsible for ensuring that potential causes of complaints and appeals are identified, reviewed and corrective action taken to eliminate or mitigate the likelihood of reoccurrence.