

Purpose

The purpose of this policy and procedure is outline and the process in which National Skills Institute (NSI) deals with complaints and appeals from all stakeholders. National Skills Institute will ensure that complaints and appeals are recorded, acknowledged and dealt with in a fair, efficient and effective manner.

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 this policy publicly available via our website and other publications such as our Student Handbook.

Students that have a complaint regarding their experiences with National Skills Institute, our staff, other students and third-party providers, either academic or non-academic, are welcomed and encouraged to have their say.

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, requested an appeal or provided feedback.

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. Feedback can also be provided to National Skills Institute at any time via the *Complaints and Appeals Form*.

Please Note: Although we refer to third-party providers throughout this policy and procedure, NSI does not currently utilise the services of third-party providers for any of its services.

Relevant Documents/Forms

- SC. Complaints and Appeals Form
- SC. Complaints and Appeals Register

Policy and Procedure Mapping

- ASQA Standards: Clauses 2.2, 6.1, 6.2, 6.3, 6.4, 6.5
- Victorian VET Funding Contract: 12.1
- Victorian VET Funding Contract - Schedule 1: 1.6

Referencing Documents

- [Standards for Registered Training Organisations \(RTOs\) 2015, Fact Sheets and General Directions](#)
- [Australian Qualifications Framework \(AQF\) and Policies](#)
- [Victorian VET Funding Contract, Guidelines and Contract Notifications](#)

Definitions

Academic: Relating to educational products and services.

Appeal: A request to have a decision reconsidered.

Appellant: A party who requests an appeal.

ASQA: Australian Skills Quality Authority the National VET Regulator.

Complaint: An expression of grief, pain or dissatisfaction. A formal allegation against a party.

Complainant: A party who makes a complaint.

RTO: Registered Training Organisation.

Stakeholders: Parties involved in or affected by the organisation.

Third-party Provider: Any party that provides services on behalf of the RTO but does not include a contract of employment between an RTO and its employee. Source: ASQA Standards for Registered Training Organisations (RTOs) 2015

VET: Vocational Education and Training.

Complaints and Appeals Policy

1. NSI takes the submission of complaints and appeals seriously and endeavours to resolve them within 30 calendar days.
2. Where NSI determines that more than 60 calendar days may be required to resolve the issue the Complainant/Appellant will be notified in writing and given reason as to why more time may be required.
3. During the process the Complainant/Appellant will be updated in writing of the progress of the complaint/appeal.
4. NSI endeavours to ensure all submissions of complaints and appeals are dealt with fairly, efficiently and effectively and ensuring that where possible, NSI implements corrective actions to eliminate or mitigate the likelihood of reoccurrence.
5. This *Complaints and Appeals Policy and Procedure* will be made available to all stakeholders via the NSI website.
6. All NSI stakeholders have the opportunity to submit a complaint about all services including those provided by a third-party provider of NSI. This can include but is not limited to:
 - Awards
 - Conduct of trainers, assessors, staff and students
 - Fee and refunds
 - Harassment, vilification, discrimination and bullying
 - Enrolment procedures
7. Appeals can be submitted by NSI students who are dissatisfied with the outcome of a decision made, including those made by third-party providers of NSI. This can include but is not limited to:
 - Enrolment Application decisions
 - Eligibility for a funded enrolment place
 - Disciplinary actions
 - Academic progress including assessment decisions
 - 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 included in fees, additional attempts will be charged as per the *SC. Standard Tuition Fee Schedule*. 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.

Step 1: Informal

1. All stakeholders are encouraged to speak with their Trainer/Assessor or relevant NSI staff member in an attempt to resolve the issue here.

Step 2: Formal – Investigation and Review

1. Where the issue cannot be resolved informally with relevant NSI staff member, individuals are encouraged to complete the *Complaints and Appeals Form* available on the NSI website.
2. The completed form is to be submitted to NSI's General Manager as per instructions on the form.
3. The General Manager will notify the Complainant/Appellant in writing upon receipt of the submission.

4. The General Manager will determine what investigations are required to take place and conduct investigation or allocate relevant staff members to conduct and report on the investigation.
5. Investigations of complaint will be conducted which can include but is not limited to:
 - Interviewing relevant individuals present during the incident/event, this can include Trainer/Assessors, third-party providers and other students.
 - Reviewing organisational processes and procedures
 - Reviewing completed documentation by the individual
6. Investigations of appeals will be conducted which can include but is not limited to:
 - Review the assessment decision by Trainer/Assessors not directly involved in this instance
7. Staff members directly involved in the complaint/appeal will not participate in the investigation.
8. Where the Complainant/Appellant is requested to participate in a meeting regarding the investigation they are permitted to bring a support person if they choose.
9. The Complainant/Appellant may request a meeting to further discuss their submission at any time during this process.
10. Details of the investigation will be recorded and retained on the *SC. Complaints and Appeals Form* and documented in the *SC. Complaints and Appeals Register*.
11. Once a decision has been made the General Manager will notify the Complainant/Appellant in writing of the decision made, including rationale behind the decision.
12. The Complainant/Appellant will be advised at this point they can appeal this decision and further investigations will be conducted as per the *Formal – Internal Investigation and Review* section of this policy and procedure.

Step 3: Formal - Internal Investigation and Review

1. Where the Complainant/Appellant is dissatisfied with the outcome of the initial investigation and formally advise they would like to appeal this decision, the General Manager will table the submission on the agenda for the next Management Meeting.
2. The General Manager will notify the Complainant/Appellant in writing of receiving the submission.
3. The Management Team will review the submission and all relevant documentation and determine what actions should be taken to resolve the Complaint/Appeal.
4. Further investigation will be conducted where the Management Team feels necessary.
5. Staff members directly involved in the complaint/appeal will not participate in the investigation.
6. Where the Complainant/Appellant is requested to participate in a meeting regarding the investigation they are permitted to bring a support person if they choose.
7. The Complainant/Appellant may request a meeting to further discuss their submission at any time during this process.
8. Once a decision has been made the General Manager will notify the Complainant/Appellant in writing of the decision made, including rationale behind the decision.
9. The Complainant/Appellant will be advised at this point they can continue this Complaint/Appeal with an external party as outlines in the *External Investigation and Review* section of this policy and procedure.

Step 4: External Investigation and Review

1. Complainant/Appellants have the right to request an external third-party review the Complaint/Appeal once Steps 1 – 3 have been completed.
2. Where a Complainant/Appellant chooses this, a cost may be incurred. This cost may vary dependant on the consultant engaged.
3. NSI will participate openly and honestly with external third-party and all previous submissions, notes of investigation and records will be made available to the external third-party for review.
 - Relevant staff will be made available to participate in this investigation.
 - NSI will accept and act upon decisions made by the external investigator to resolve the Complaint/Appeal immediately.
4. This policy does not remove the rights of individuals to submit complaints and NSI to external authorities.
5. If still dissatisfied with the outcome the Complainant/Appellant may wish to lodge a complaint directly to the following bodies:
 - **National Training Complaints Hotline:** The National Training Complaints Hotline is a joint initiative between the Commonwealth, state and territory governments. Anyone with a complaint or query about the training sector now has one number to call, so they can report a complaint and have it referred to the right authority for consideration.
Phone: 13 38 73. For more information: <https://www.education.gov.au/NTCH>
 - **Department of Education and Training:** Feedback and complaints may be directed to the Department regarding the conduct of registered training organisations (RTOs) in the government subsidised training market, including: aspects of training service delivery; RTO behaviour in the market; or potential misconduct including misclaiming of training funds.
VICTORIA: Phone: 03 9637 2000. For more information: <http://www.education.vic.gov.au/about/contact/Pages/compliancecomplain.aspx>
QUEENSLAND: Phone: 13 74 68. For more information: <https://www.qld.gov.au/education/schools/information/contact/complaint>
 - **Consumer Affairs Victoria:** Consumer Affairs Victoria (CAV) assists consumers when the product or service provided by a business does not meet the expectation of what was paid for, and the consumer has been unable to resolve the issue or dispute directly with the business (such as an RTO). CAV provides advice and conciliation services.
Phone: 1300 558 181. For more information: www.consumer.vic.gov.au

Record Keeping and Privacy

1. All records of complaints and appeal submissions and their outcomes will be securely retained and details recorded on the *Complaints and Appeals Register*.
2. Only relevant staff will have access to the information contained in each Complaint/Appeal submission.
3. All documentation arising from the complaint or appeal will be recorded and held for five years and access to these records will be available on application within ten business days subject to confidentiality.
4. All Complaints and Appeals will comply with *CG. Record Management Policy and Procedure*.

Outcome and Continuous Improvement

1. Where the outcome of a Complaint/Appeal identifies the need to change a process or identified the opportunity for improvement, this information will be processed and actioned as per the *CG. Continuous Improvement Policy and Procedure*.

Complaints and Appeals Procedure

Step 1: Informal

| Steps | Details | Person/s Responsible |
|-------|--|---------------------------|
| 1.1 | Where an individual approaches an NSI Staff Member regarding a potential formal complaint or appeal the relevant NSI Staff Member should attempt to resolve the issues in a fair and efficient manner. | Relevant NSI Staff Member |
| 1.2 | Where the individual is dissatisfied with the outcome at this point, refer the individual to this <i>Complaints and Appeals Policy and Procedure</i> and to the <i>Complaints and Appeals Form</i> available on the NSI website. | |
| 1.3 | Encourage the individual to read the <i>Complaints and Appeals Policy and Procedure</i> prior to submitting the <i>Complaints and Appeals Form</i> and allow them to clarify any items at this point. | |

Step 2: Formal – Investigation and Review

| Steps | Details | Person/s Responsible |
|-------|--|----------------------|
| 2.1 | Receipt of <i>Complaints and Appeals Form</i> . | General Manager |
| 2.2 | Submission is recorded in the <i>Complaints and Appeals Register</i> and collocated a CAF Number. | |
| 2.3 | Complainant/Appellant notified in writing upon receipt of submission. | |
| 2.4 | Investigation conducted and findings recorded on <i>Complaints and Appeals Form</i> . | |
| 2.5 | Ensure that staff members involved in the complaint/appeal are not utilised in assisting to determine the outcome of the complaint/appeal. | |
| 2.6 | Attempt to resolve the complaint/appeal within 30 calendar days. | |
| 2.7 | Where more than 60 calendar days may be required notify the Complainant/Appellant in writing and outline why more time may be required. | |
| 2.8 | Where more than 60 days is required ensure Complainant/Appellant is updated regularly in writing of the progress of the complaint/appeal. | |
| 2.9 | Decision of outcome made and Complainant/Appellant notified in writing with rationale behind decision. Also outline opportunity for Complainant/Appellant to appeal the decision as per <i>Step 3: Formal – Investigation and Review</i> of this policy and procedure. | |
| 2.10 | Details are recorded in the <i>Complaints and Appeals Register</i> . | |

Step 3: Formal - Internal Investigation and Review

| Steps | Details | Person/s Responsible |
|-------|--|----------------------|
| 3.1 | Where the Complainant/Appellant is dissatisfied with the outcome of <i>Step 2: Formal – Investigation and Review</i> and notifies the General Manager, the submission (including all notes and evidence gathered during the previous investigation) must be reviewed at the next Management Meeting. | General Manager |
| 3.2 | Complainant/Appellant notified in writing upon receipt of second submission. | Management Team |
| 3.3 | Previous investigation notes, evidence, findings and rationale behind findings will be reviewed and where relevant further investigation will be conducted. | |
| 3.4 | Ensure that staff members involved in the complaint/appeal are not utilised in assisting to determine the outcome of the complaint/appeal. | |
| 3.5 | Attempt to resolve the complaint/appeal within 30 calendar days. | |
| 3.6 | Where more than 60 calendar days may be required notify the Complainant/Appellant in writing and outline why more time may be required. | |
| 3.7 | Where more than 60 days is required ensure Complainant/Appellant is updated regularly in writing of the progress of the complaint/appeal. | |
| 3.8 | Decision of outcome made and Complainant/Appellant notified in writing with rationale behind decision. Also outline opportunity for Complainant/Appellant to appeal the decision as per <i>Step 4: External Investigation and Review</i> of this policy and procedure. | |
| 3.9 | Details are recorded in the <i>Complaints and Appeals Register</i> . | |

Step 4: External Investigation and Review

| Steps | Details | Person/s Responsible |
|-------|---|---|
| 4.1 | Where an individual advises their intent to request an external investigation to be conducted NSI will outline costs to all parties associated. | General Manager |
| 4.2 | All relevant NSI Staff involved in the investigation will be open and transparent during the investigation and all evidence will be provided. | NSI Staff Members |
| 4.3 | Outcomes of investigation will be acted upon immediately and recorded through as per the <i>Continuous Improvement Policy and Procedure</i> . | General Manager / Training and Compliance Manager |
| 4.4 | Details are recorded in the <i>Complaints and Appeals Register</i> . | |

Record Keeping and Privacy

| Steps | Details | Person/s Responsible |
|-------|---|----------------------|
| 5.1 | Notes about actions taken must be recorded on the <i>Complaints and Appeals Form</i> and evidence attached. | General Manager |
| 5.2 | Actions and outcomes of investigation (at all parts of the investigation) must be recorded in the <i>Complaints and Appeals Register</i> . | |
| 5.3 | Evidence must be retained electronically in a secure location for five years. Access is permitted to only those delegated by the General Manager. | |
| 5.4 | Details are recorded in the <i>Complaints and Appeals Register</i> and evidence is scanned and saved. | |

Outcome and Continuous Improvement

| Steps | Details | Person/s Responsible |
|-------|--|---------------------------------|
| 6.1 | Where NSI identifies the need to change a process or identified the opportunity for improvement, this information will be processed and actioned as per the <i>Continuous Improvement Policy and Procedure</i> . | Training and Compliance Manager |
| 6.2 | Outcomes from Step 4: External Investigation and Review will be acted upon immediately. | |

Complaints and Appeals Flow Chart

