

COMPLAINTS AND APPEALS POLICY AND PROCEDURE

POLICY STATEMENT

TrainSmart Australia is committed to developing and maintaining an effective, timely, fair and equitable complaints handling process which offers natural justice, is easily accessible and available to complainants. In so doing, we aim to:

- Develop a culture that views complaints as an opportunity to improve the organisation and how it works
- Have in place a complaint handling process and ensure that both clients and staff are made aware of this process
- Ensure complaints are resolved promptly, objectively and with sensitivity, with natural justice in mind and in complete confidentiality
- Ensure neither party to a complaint is discriminated against or victimised
- Ensure that there is a consistent and equitable response to complaints
- Take corrective action to deal with the identified causes of a complainant's grievance/complaint

This **Complaints and Appeals Policy and Procedure** is made publicly available on the following website: www.tsa.edu.au

Student Handbooks also contain reference to this policy and all students are informed of the **Complaints and Appeals Policy and Procedure** through the student induction process.

All staff are trained in the **Complaints and Appeals Policy and Procedure** during their induction process and the information is made available in writing within the Employee Handbook.

Definitions

A **complaint** can be defined as a student's expression of dissatisfaction with any aspect of our services and activities, including:

- the enrolment, induction, orientation and career counseling process
- the quality of education and training provided
- academic matters, including student progress, assessment and curriculum
- handling of personal information and access to personal records
- VET FEE HELP or VET Student Loan debt
- student dealings generally

An **appeal** is a process whereby the candidate, or other interested party, such as an employer, may dispute an assessment decision or handling of a complaint.

POLICY COVERAGE

This policy (and its related procedures) is designed to ensure that *TrainSmart Australia* responds effectively to individual cases of dissatisfaction. The policy (and its related procedures) will be made available to all students (or persons seeking to enrol), taking into consideration all factors, such as:

- location of the delivery of our services at which the grievance has arisen
- mode of study or their place of residence
- type of course undertaken
- students entitled to VET FEE HELP or Vet Student Loan assistance

During all stages of this process we will ensure that:

- natural justice occurs;
- the complainant and the respondent will not be victimised or discriminated against
- the complainant has an opportunity to formally present their case and each party to the complaint may be accompanied and assisted by a support person at any relevant meetings
- a full explanation in writing for decisions and actions taken as part of the process will be provided if so requested by the complainant or the respondent
- where the internal or external complaint handling or appeal process results in a decision that supports the complainant, TrainSmart Australia will immediately implement any decision and/or corrective and preventative action required and advise the complainant of the outcome
- there is no cost to the complainant for accessing this Complaint and Appeals process

Before an issue becomes a formal complaint:

Students (or persons seeking to enrol with TrainSmart Australia) are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned. There are support staff available to assist students to resolve their issues at this level.

PROCEDURE

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| <p>Stage One: Formal Complaint</p> <p>Duration: 15 working days</p> | <p>Formal complaints must be submitted in writing to the Compliance Manager (or representative) using the Complaints and Appeals form (available on the TSA website) and then recorded on the <i>Complaints and Appeals Tracker</i>.</p> <p>The complaint handling process will commence within five (5) working days of receipt of the written complaint.</p> <ul style="list-style-type: none"> • Receipt of the complaint will be acknowledged and the Compliance Manager (or representative) will then, if necessary, seek to clarify the outcome that the complainant hopes to achieve. Such clarification may be sought by written or verbal request or by a face-to-face interview with the complainant. When such clarification occurs in a face-to-face interview the complainant or respondent may ask another person to accompany them. • The Compliance Manager (or representative) will endeavour to resolve the complaint and provide a written report to the complainant on the steps taken to address the complaint, including the reasons for the decision, within 10 working days. The report will further advise the complainant of their right to access the internal appeals process if they are not satisfied with the outcome of their formal complaint. • If the Compliance Manager (or representative) is unable to resolve the matter within ten working days, the complainant is informed in writing of the reasons for the delay and an estimate of when the matter is likely to have a decision made and reported upon. |
| <p>Stage Two: Internal Appeal</p> <p>Duration: 15 working days</p> | <p>If a complainant is dissatisfied with the outcome of their formal complaint they may lodge a written appeal with the Managing Director (MD) who is senior to the original decision maker.</p> <ul style="list-style-type: none"> • An appropriate person or committee will be appointed to consult with the complainant and other relevant parties within five (5) working days. Such consultations may take the form of face-to-face interview or a phone call. The complainant or the respondent may ask another person to accompany them to these interviews. • Following the consultation, the MD (or representative), will provide a written report within 10 working days to the complainant advising of a |

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| | <p>decision, the reasons for the decision, along with any further steps to be taken to address the complaint. The report will further advise the complainant of their right to access the external appeals process if they are not satisfied with the outcome of their internal appeal.</p> <ul style="list-style-type: none"> • If the MD (or representative) is unable to provide a written report within ten working days, the complainant is informed in writing of the reasons for the delay and an estimate of when the matter is likely to have a decision made and reported upon. |
| <p>Stage Three: External Appeal</p> | <p>If the complainant is not satisfied with the outcome of Stage Two, they may wish to refer the matter to mediation. <i>TrainSmart Australia</i> is a member of the Resolution Institute (formerly LEADR) Student Mediation Scheme, an independent private organisation for dispute resolution.</p> <p>On informing <i>TrainSmart Australia</i> that they wish to initiate the mediation process, the complainant will receive all relevant information relating to Resolution Institute’s Model Clause for Mediation. The Resolution Institute Mediation Rules apply to the mediation and each party will meet its own costs of and in connection with the mediation.</p> <p>The mediation will be conducted by a mediator who is independent of both parties and appointed by agreement of both parties; or, failing agreement within seven (7) days of receiving either party’s notice of dispute, by a person appointed by the Chair of Resolution Institute or the Chair’s designated representative (ACN 008 651 232).</p> <p>Please note that although there is no initial cost to the student associated with lodging the complaint with the external mediator; the student will be responsible for incurring the costs associated with the services provided by the independent mediator.</p> |
| <p>Stage Four: Implementation</p> | <p>Following the external mediation, TrainSmart Australia will immediately implement any decision and/or corrective and preventative action required and advise the complainant of the outcome in writing.</p> |
| <p>Further Action</p> | <p>If a complaint still remains unresolved after the external appeal, the complainant may decide to refer the matter to an external dispute resolution process by an agency independent of the RTO.</p> <p>From July 2017, students with a complaint related to a VET Student Loans enrolment may access the VET Student Loans Ombudsman at:</p> <p>http://www.ombudsman.gov.au/How-we-can-help/vslo</p> <p>There is no cost associated with submitting a complaint to the Ombudsman.</p> |

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| | <p>For complaints not related to a VET Student Loans enrolment the claimant has the right to lodge a complaint to the Federal Government via the National Training Complaints Hotline on:</p> <p>https://www.dese.gov.au/national-training-complaints-hotline</p> <p>The procedures set out in this policy do not limit the rights of individuals to take action under Australia’s Consumer Protection laws or pursue other legal remedies.</p> |
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Other Information

Enrolment status

Where a student chooses to access this Policy and Procedure, TrainSmart Australia will maintain the student’s enrolment while the complaint handling process is ongoing.

Post Complaint

Internal Review

Regardless of whether the complaint was resolved internally, externally or unresolved, all complaints against TrainSmart Australia will undergo an internal review conducted by the Compliance Manager or another impartial person or complaints committee appointed by the RTO senior management.

Internal reviews will commence:

- within 10 days of the complaint being resolved
- immediately after the external appeal for unresolved complaints-

Recommended outcomes of internal reviews will be recorded, documented, advised and actioned as appropriate.

Record keeping and confidentiality

A written record of all complaints handled under this procedure and their outcomes shall be maintained for a period of at least five (5) years to allow all parties to the complaint appropriate access to these records, upon written request to the Compliance Manager.

All records relating to complaints will be treated as confidential and will be covered by TrainSmart Australia’s Privacy Policy.

Version Control

| Version | Date | Reviewed by | Amendments |
|---------|----------------|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| 3.5 | August 2016 | Carey Wright – National Compliance Manager | Updated process |
| 4.0 | January 2017 | Carey Wright – National Compliance Manager | Changed name of policy to Complaints and Appeals Policy (from Grievances and Appeals) Updated process |
| 4.1 | January 2017 | Pambela Gum | Add in VET Student Loan wording. Replace SMR with TrainSmart Australia |
| 4.2 | August 2018 | Tanya L’Estrelle-Adcock | Statement added to Stage 3: External Appeal regarding costs of the independent mediator |
| 4.3 | October 2018 | Andrew Baker | Updated process and policy to include numbers 0-9 written and number in brackets, and numbers 10 and above written as number |
| 4.4 | July 2019 | Andrew Baker | Version control table placed on separate page |
| 4.5 | September 2019 | Tanya L’Estrelle-Adcock | Update of external mediation scheme name |
| 4.6 | September 2019 | Matthew Darch | Update of mediation procedure |
| 4.7 | November 2021 | Marlon Schoep | Minor update and review |
| 4.8 | May 2022 | Marlon Schoep | Updated reference to Section 90: discrimination & victimisation |