

P-006 Complaints & Consumer Protection Policy & Procedure

Purpose

The RTO has a complaints process open to all students, clients, employees and other persons that treats all complaints in a fair and equitable manner based on procedures that are appropriate, accessible and easily understood.

The RTO has a duty of care in ensuring students study in a happy environment, free of coercion, unfair treatment or harassment.

Compliance

This policy relates to the following 2015 Standards: 2.2, 5.2, 6.1-6.6

Definition

A complaint would generally be directed at the general performance of RTO or its Staff in the delivery of our services.

Policy

Despite all efforts to provide satisfactory services to its students, clients, employees and other persons, complaints may occasionally arise that require formal resolution.

It is our goal to ensure that all complaints are resolved promptly, objectively and with complete confidentiality as well as ensuring the views of each complainant and respondent are respected and that each party to a complaint is not discriminated against nor victimised.

Nature of complaints

Complaints may be made in relation to any of RTO's services, activities and decisions such as:

- The enrolment, induction/orientation process
- The quality of education provided
- Training and assessment matters, including student progress, assessment, curriculum and awards in a course of study
- Access to personal records
- Decisions made by the RTO
- The way someone has been treated.

Resolving issues before they become a complaint

In the first instance, persons are encouraged, wherever possible to resolve the situation(s) directly with the individual or department the complaint is directed at, to rectify the situation before being escalated to a formal complaint. Where possible complaints are managed and resolved informally, however if the situation cannot be managed informally the person can submit a formal complaint in writing as per the following process.

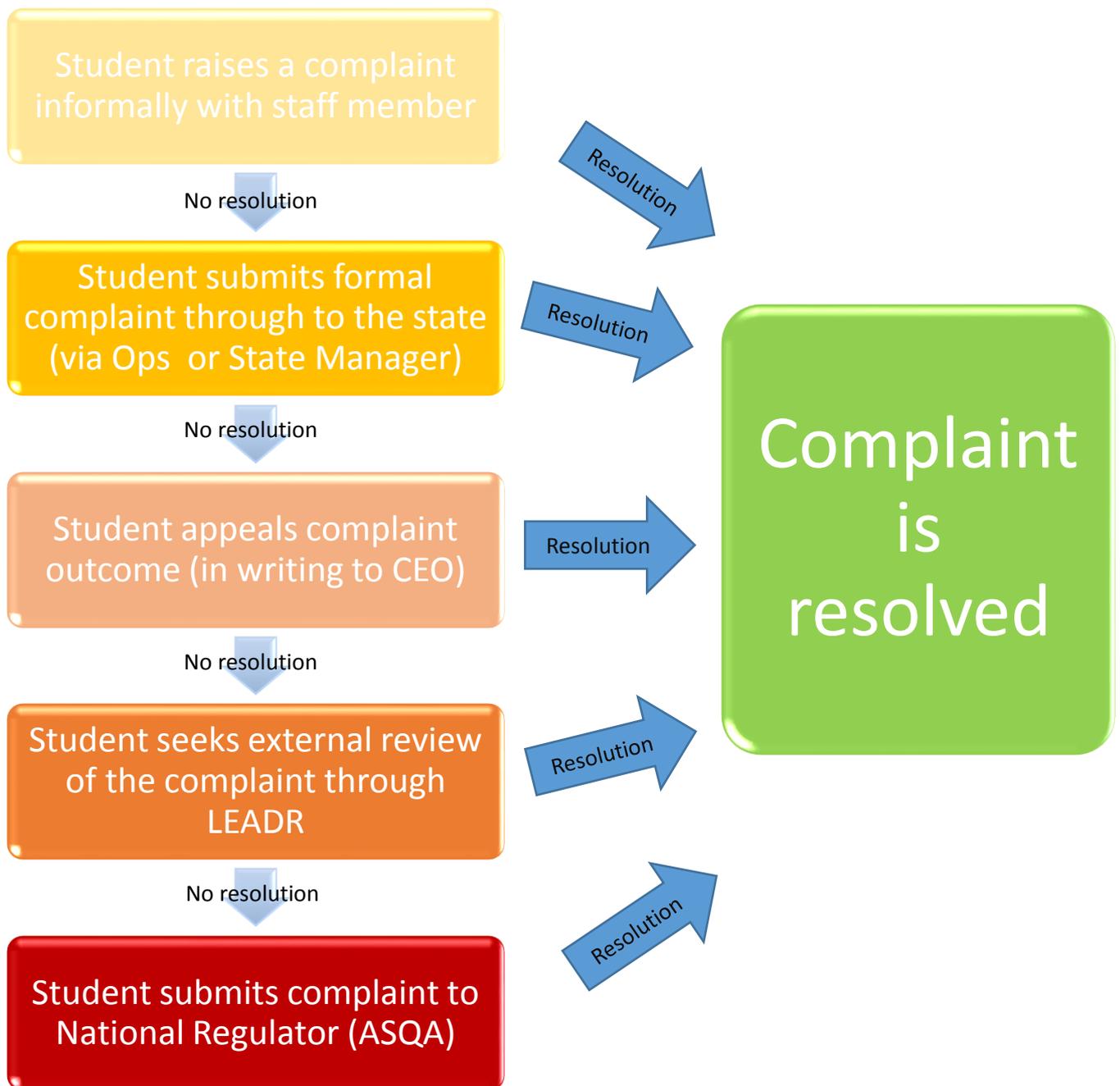
Lodging a complaint

A complaint must be made in writing and specify the particulars of the situation in dispute using the form located on the RTO website or alternatively this form can be forwarded to the individual by request. Complaints must be lodged within 28 days of the situation in question.

Formal complaints are to be made in writing and forwarded to the local RTO Office Attn: The Operations Manager/ and or State Manager.

An overview of the complaints process is provide below:

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The following procedure is to be followed when an application for complaint is received:

- A complaint is received by the RTO and is immediately recorded into JLB Track and noted within the RTO's Student Management System.
- Persons lodging complaints in other forms such as phone or email are to be provided with the complaints form and advised of the correct format for submission.
- The complaints form is to be forwarded to the Operations Manager or relevant State manager who is to review the matter and make recommendation as to how to respond. The Operations Manager/ State Manager may choose to consult with others within the RTO or relevant agencies external to determining his or her recommendations.

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- The Operations Manager may choose to make inquiries about the matter or may task another person to research the matter against relevant policies. The Operations Manager is to consider the application for a complaint on the basis of procedural fairness. In most cases, this should include careful examination of the RTO's internal systems, policies and or processes, the associated information and or communication the student has been provided with, that has led to the complaint in question.
- The Operations Manager is to finalise and provide a response within 20 working days from when the complaint is received.
- The CEO will be notified of all complaints and dependent on the nature of the complaint, it may escalate to the CEO for resolution.
- The response to the complainant must include information that demonstrates that the complaint was thoroughly reviewed and what actions and outcomes have been identified as a result of this process.
- Opportunities for improvement that are identified as a result of the complaint are to be recorded as a Corrective Action Request (CAR) within the JLB Track System and submitted for the next Management meeting. The Operations Manager may, at their discretion, follow-up with the complainant after consideration by the RTO investigation team to inform the complainant of the improvement actions identified.
- If the complainant is satisfied with the response, the complaint is to be closed in the JLB Track System. If the complainant is not satisfied with the response, the complainant is to have the opportunity for a person or a body that is independent of the RTO to review his or her complaint following the internal complaints process. This service is to be provided by the RTO at no cost to the complainant. The complainant is however required to meet their own costs in relation to travel, time and in preparing any submission to an independent person or body.
- At the conclusion of the review, decisions or outcomes of the complaint process that find in the favour of the complainant or otherwise shall be implemented immediately.
- JLB Track is to be kept up to date at all times to accurately reflect how the matter was responded to and the duration from the date the complaint was received to the date the complaint was resolved.

Resolution timeframe

All formal complaints will be responded to efficiently within a reasonable timeframe, within twenty (20) days or as soon as practicable. However in some cases, particularly if the matter is complex, the resolution may take longer. Where the process is going to take more than twenty (20) working days, the company will endeavour to keep all parties updated on a regular basis. You are welcome to contact the company for updates as required, alternatively you can nominate an advocate or set up a meeting. You are welcome to bring a friend or advocate to this meeting if that is your choice.

External mediation

If the Complainant is not satisfied with the outcome of their appeal then an independent mediator will be sourced by the RTO through LEADR, the Association of Dispute Resolvers. Complainants may request that their grievance is referred to the independent mediator by writing to the CEO. Please refer to the website for the latest address.

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Costs of such mediation will be shared equally by RTO and the Complainant. As a guide mediator's costs would be \$385 for the first four hours (or part thereof). Subsequent hours would be \$137.50 per hour. It is common for most disputes to be resolved within the initial four hour allocation. International students will not be charged for this process.

If the Complainant remains unsatisfied with the outcome of the mediator's decision, then they may contact the Australian Skills Quality Authority (ASQA). For contact details and information please see: <http://www.asqa.gov.au/complaints/making-a-complaint.html>.

Record keeping and confidentiality

A written record of all complaints handled under this policy and procedure and their outcomes shall be maintained for a period of at least five (5) years to allow all parties to appeal appropriate access to these records.

All records relating to complaints will be treated as confidential and will be covered by the RTO's **Privacy and Personal Information** Policy.

Non-limitation of policy

This policy and related procedure do not replace or modify those or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and related procedure limits the rights of individuals to take action under Australia's Consumer Protection laws. Also, this policy does not circumscribe an individual's rights to pursue other legal remedies.

External Assistance

All students, clients, employees and other persons are able to lodge an external complaint with the appropriate department for your state:

WA	www.ombudsman.wa.gov.au
NSW:	www.ombo.nsw.gov.au
NT:	www.omb-hcsc.nt.gov.au
TAS	www.ombudsman.tas.gov.au
VIC	www.ombudsman.vic.gov.au
SA	www.trainingadvocate.sa.gov.au
ACT:	www.ombudsman.act.gov.au
QLD	www.ombudsman.qld.gov.au

Students who are studying under Smart & Skilled can access additional assistance through <https://smartandskilled.nsw.gov.au/for-students/consumer-protection-for-students>

The RTO is dedicated to upholding the Smart & Skilled Code of Practice

https://www.training.nsw.gov.au/forms_documents/smartandskilled/contract/consumer_protection_strategy.pdf