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| Name: | Complaints and Appeals Policy and Procedures |
| Endorsed by: | Group General Manager |
| Date approved: | 22 February 2018 |
| Review Date: | 22 February 2019 |

PURPOSE

Despite the best efforts of Dynamic Learning Services (DLS) to provide quality services and outcomes to its students, complaints may occasionally arise that require formal resolution. The Complaints and Appeals policy and procedure addresses DLS formal, systematic approach to complaints handling, providing a mechanism for lodging and ensuring a prompt, objective resolution of any complaints and/or assessments appeals.

SCOPE

This policy applies to students and/or their employers, DLS trainers, assessors, staff and any third party providing services on behalf of DLS. The policy applies, regardless of the training location at which the grievance has arisen, the trainee's place of employment and/or mode of study. The document is available publicly on the DLS website. Information about complaints and appeals has been included in student and staff induction documents.

RELATED DOCUMENTS

- Complaints and Appeals Form
- Continuous Improvement Policy & Procedures
- Student Handbook
- Consumer Protection Policy and Procedures
- Complaints and Appeals Register
- Continuous Improvement Report
- Recognition Policy and Procedure
- Information Release Form

RELEVANT STANDARDS AND GUIDELINES

This Complaints and Appeals Policy & Procedure specifically addresses Standard 6 of the Standards for Registered Training Organisations (RTOs) 2015.

ADDITIONAL REFERENCES

- Smart and Skilled Contract Operating Guidelines,
- Smart and Skilled consumer protection strategy
- VET (WA) Ministerial Corporation, Purchase of Training Services, General Provisions (Conditions of Contract), 17.4.
- Department of Education and Training Pre-Qualified Supplier Policy 2017-2018

DEFINITIONS

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| AQF | Australian Qualifications Framework |
| ASQA | Australian Skills Quality Authority |
| Complaint | Any expression of dissatisfaction with regard to a product or service that requires action or response. |
| Complainant | A person or organisation expressing their dissatisfaction. |
| RTO | Registered Training Organisations (RTOs) are those training providers registered by ASQA to deliver VET services. |
| VET | Vocational Education and Training. |

POLICY

The Complaints and Appeals policy and procedure provides students the opportunity to have any issues relating to a complaint or appeal resolved and resolutions reached that attempt to satisfy all parties involved. This policy and procedure ensures a fair and equitable outcome, with sensitivity to the concerns of the student and in complete confidentiality.

What is a complaint?

A complaint is generally negative feedback about services or staff which requires a systematic and formal resolution management process. A complaint may be received by DLS in any form and does not need to be formally documented by the complainant in order to be acted on.

Complaints may be made by any person or agency in contact with DLS or a third party providing services on DLS behalf and can be lodged in a variety of different mediums, including email, phone or in person.

What is an appeal?

An appeal is an application by a student for reconsideration of an unfavourable decision or finding during training and/or assessment. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. A student appeal must be lodged to DLS within twenty eight (28) days of the decision or finding being advised to the student.

Early resolution of complaints and appeals

Where possible and to facilitate early resolution of complaints and appeals, all complaints are investigated and every attempt is made to resolve the complaint as soon as practicable.

Relationship to continuous improvement

Examination of all complaints and appeals provide an opportunity to improve service delivery and educational outcomes. The complaints and appeals handling process may also be related to administrative processes.

All complaints raised are tabled for discussion at the Operations Meeting and where required, corrective action to eliminate or mitigate the likelihood of reoccurrence is implemented and reviewed.

General principles

- The handling of a complaint or appeal is to commence within ten (10) working days of lodgement of the complaint or appeal. DLS acknowledges the complaint or appeal in writing and all reasonable measures are taken to finalise the process as soon as practicable.
- Each complaint is investigated objectively and without bias
- Where DLS considers more than sixty (60) calendar days are required to process and finalise the complaint or appeal¹, DLS:
 - informs the complainant or person lodging an appeal in writing, including reasons why more than 60 calendar days are required; and
 - regularly updates the complainant or person lodging an appeal on the progress of the matter.

¹ Standards for RTOs 2015, Clause 6.4

- A written record of all complaints and appeals is securely maintained by DLS including all details of lodgement, response and resolution.
- All associated records of grievances are kept for a minimum of five (5) years.
- A complainant or person lodging an appeal is to be provided an opportunity to formally present his or her case at no cost.
- Each complainant or person lodging an appeal may be accompanied and/or assisted by a support person at any relevant meeting.
- The complainant or person lodging an appeal has appropriate access to their records, while ensuring that the records are kept confidential.
- The complainant or person lodging an appeal is to be provided a written statement of the outcome, including details of the reasons for the outcome.
- The complainant or person lodging an appeal is to have the opportunity for a person or a body that is independent of DLS to review his or her complaint or appeal following the internal DLS complaint or appeals process. It is noted that a review of findings by an independent person or body will generally only relate to the appeals process and is less likely to be required in complaints handling.
- DLS shall maintain the enrolment of the complainant or person lodging an appeal during the complaint or appeals process.
- Decisions or outcomes of the complaint or appeals process that find in the favour of the student shall be implemented immediately.
- Complaints and appeals are to be handled in the strictest of confidence. No DLS representative is to disclose information to any person without the permission of the Group General Manager. A decision to release information to third parties can only to be made after the complainant or person lodging an appeal has given permission for this to occur. This permission should be given using the Information Release Form.
- Complaints and appeals are to be considered on the basis of procedural fairness and lead to opportunities for improvement as a Continuous Improvement Report.
- Students who are not satisfied with the complete complaints handling by DLS may refer their complaint to the National VET Regulator for consideration. Students are to be advised that the National VET Regulator will require the student to have exhausted all avenues through DLS before taking this option. Please refer to the Complaint Handling Procedure for more information.
- Appeals of assessment decisions are not able to be referred to the National VET Regulator and are to be determined by an approved independent body.

PROCEDURE

Provision of information

Information on the complaints and appeals process is communicated to students at Induction and via written mediums; Pre-enrolment Information and Student Handbook.

Employees and Contractors working for DLS are made aware of the Complaints and appeals policy and procedure at induction. Written information on the complaints and appeals process is contained within the DLS Induction Manual.

Appeals

Applications by students for reconsideration of an unfavourable outcome of an assessment are treated with the highest importance. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within 28 days of when the decision or finding is communicated to the student.

The following procedure is followed when an application for appeal is received:

A student appealing an assessment decision in writing is referred immediately to the Group General Manager or Compliance Manager. The handling of the appeal commences within ten (10) working days of lodgement of the complaint or appeal. The Group General Manager or Compliance Manager acknowledges the complaint or appeal in writing. The Group General Manager will arrange for a re-assessment or moderation of the original assessment tasks as soon reasonably practicable. The student is offered the opportunity to undertake additional training before this re-assessment, where required. Moderation of assessments or reassessment is conducted by an independent assessor. The student may be offered up to two (2) re-assessments.

If after the re-assessment, the student remains not-yet-competent and is unsatisfied with the assessment outcome, the student is encouraged to meet with the Group General Manager to discuss the assessment process and the assessment outcome.

If after consultation with the Group General Manager, the student remains unsatisfied with the assessment process, the student is provided the Complaints and Appeals Form and the matter will be dealt with in accordance with the complaint handling procedure.

Complaints Handling

Matters that cannot be resolved within a practicable period of time may be escalated by the complainant, by sending a completed 'Complaints and Appeals' form. This form is publicly available at www.dynamiclearningservices.com.au. The completed form should be sent via email to the Group General Manager to admin@dynamiclearningservices.com.au for action. Where email is not available, the complaint can be sent posted to:

Group General Manager
Dynamic Learning Services
PO Box 1047
Terrigal NSW 2260

The following procedure is followed by DLS when a complaint form is received:

- All Complaints and Appeals Forms received by DLS are immediately recorded into the DLS Complaints and Appeals Register.
- Complaints which are received in other forms such as phone or email are detailed on a Complaints and Appeals Form by the person receiving the complaint and then recorded in the Complaints and Appeals Register.
- The Complaints and Appeals Form is forwarded to the Group General Manager who will review the matter and make recommendation as to how to respond to the matter. The Group General Manager may choose to consult with others within DLS such as the Compliance Manager, in determining their recommendation. In all cases, the Continuous Improvement Policy and Procedure will be applied to the complaint or appeal.
- The Group General Manager will finalise his or her response to the complainant and provide the complainant a response as soon as possible but no later than ten (10) working days from when the complaint is received.
- The Group General Manager will communicate the response to the complainant personally either during a meeting or over the phone. Confirmation of complaint responses may be provided to the complainant via electronic communication such as e-mail. The Group General Manager will seek feedback from the complainant about their level of satisfaction with the complaint outcome and advise the complainant of their options if they are not completely satisfied with the outcome.
- If the Complainant is not satisfied with the outcome of the complaint or appeal handling, the Group General Manager or the complainant may escalate the complaint to either the CEO for response. The CEO will objectively and independently review the complaint and the complaint handling process and provide the complainant a written response within a period of seven (7) working days.
- If the complainant is not satisfied with the second stage response the Group General Manager may include arranging for the complaint to be considered by an appropriate independent third-party or the student may refer the complaint to the National VET Regulator (ASQA). In some cases, ASQA may not be the appropriate body to handle a complaint. ASQA can only deal with complaints about:
 - the information provided to the student by an RTO about the course/s they are interested in;
 - the delivery and assessment of the training the student has received; and
 - the qualifications the student have or have not been issued.
- DLS response to the complainant will include information that demonstrates that the matter was thoroughly reviewed and what actions and outcomes have been identified as a result of the complaint.
- Opportunities for improvement identified as a result of the complaint will be recorded in a Continuous Improvement Report and submitted for the next Operations Meeting.

- The Complaints and Appeals Register is 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.

Making a complaint to ASQA

Before submitting a complaint to Australian Skills Quality Authority (ASQA), the complainant needs to²:

- Complete the DLS Complaints Procedure
- Confirm that ASQA can consider the complaint (or part of the complaint).

Should a student choose to make a complaint to the Australian Skills Quality Authority (ASQA), they should contact ASQA on 1300 701 801 or email enquiries@asqa.gov.au For more information, or to complete the online complaints form, go to ASQA's website www.asqa.gov.au