

<b>Title</b>	Complaints and Appeals Policy and Procedure	<b>Type</b>	<input checked="" type="checkbox"/> POL	<input checked="" type="checkbox"/> PRO	<input type="checkbox"/> INS
<b>Section</b>	Quality Assurance	<b>Reference Number</b>	1.7, 5.4, 6.1 – 6.6		
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<b>Version</b>	2	<b>Review Personnel</b>	Sarah Smith		

<b>PURPOSE</b>
<p>SCCC is committed to transparency in the manner in which it receives and handles complaints made about the organisation, its partners including employers and its employees, as well as how applicant/student appeals may be received and are handled. This document outlines the procedures in place to resolve complaints and appeals in an efficient, effective and professional manner, in order that SCCC may demonstrate its responsiveness to the needs and concerns of students, staff, partners and all stakeholders and that at all times, it will manage any compliant/appeal fairly and transparently as well as against the principles of natural justice.</p> <p>All complaints and appeals will take into account the RTO's policies, the applicable conditions of enrolment (if a student) and all relevant legislation and regulation when determining the outcome of a complaint or appeal.</p> <p>This Policy and Procedure also assures complainants/appellants that their complaints/appeal can be submitted without fear of reprisal.</p>
<b>SCOPE</b>
<p>The scope of this policy covers all SCCC students, employees and/or third parties acting on behalf of the South Coast Careers College.</p> <p>The purpose of this policy is to ensure that assessment is conducted according to nationally understood principles and known rules of evidence.</p>
<b>PRINCIPLES</b>
<p>South Coast Careers College (RTO ID 6558) is a compliant organisation and takes its obligations under various legislation, standards, and contracts seriously. The organisation has quality assurance mechanisms in place to ensure ongoing compliance and continuous improvement across its operations.</p>

South Coast Careers College complies with Commonwealth and State legislation and regulatory requirements on:

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- Duty of care legislation
- Workplace harassment, victimisation and bullying
- Anti-discrimination, including equal opportunity, racial vilification or disability discrimination
- Prohibited Employment
- Child Care and Protection
- Disability Service Standards
- Fair Work Australia
- Worker Compensation
- Taxation legislation
- Vocational Education and Training
- Provision of international education and training services
- Apprenticeships and traineeships
- Privacy
- Consumer Protection

**POLICY AND PROCEDURE**

SCCC strives to ensure that each student is satisfied with their learning experience and outcome. It is anticipated that issues of concern can be resolved by meaningful and respectful communication. In the unlikely event that this is not the case, all students have access to rigorous, fair and timely complaint and appeal processes which are outlined in this document. The same processes will be made available to any other stakeholder who is seeking to lodge a complaint, for example, an employer about an RTO employee or a SCCC applicant.

This is based on the principles of natural justice and fairness that will ensure all complaints and appeals are addressed effectively and efficiently. This complaints and appeals policy ensures students and other stakeholders understand their rights as well as the responsibilities of SCCC.

This Policy and Procedure is available to all persons wishing to make a complaint, appeal or any other manner of objection in relation to the conduct of SCCC. This is through the website and summarised within the **Student Handbook**.

Any complaints or appeals will be reviewed as part of the continuous improvement process and where corrective action has been highlighted, it will be implemented as a priority. This approach ensures that outcome of the complaints process provides a positive and constructive contribution to the operations of the RTO.

**Principles of Transparency and Natural Justice**

SCCC will ensure that all complaints and appeals are dealt in accordance with the principles of natural justice and procedural fairness at every stage of the complaint and appeal process. The RTO will ensure that the decision maker is independent of the decision being reviewed and that anyone subject to a decision by any of the RTOs and/or anyone who has an allegation made against them, will also be provided with the opportunity to tell their side of the story before a decision is made.

Staff handling both informal and formal complaints and appeals will ensure that they treat the complaint and appeal as serious and are respectful of all parties. No complainant/appellant will be disadvantaged in any way, including students may continue with their studies. The complaint and appeals will be held in strictest confidence with only delegated officers (as identified by the CEO and/or Board Chairperson) and those involved in the matter receiving information about the complaint and appeals and along the way of its resolution.

Where a complaint and appeal is likely to take more than 60 days to investigate, SCCC's CEO will inform the complainant/appellant in writing via an email and commits to the provision of regular written updates in the form of emails, at least fortnightly (refer below for further detail).

In summary, in all circumstances complaints and appeals will be handled according to the following principles of transparency and procedural fairness:

- All complainants/appellants have a right to be heard.
- SCCC recognises, protects and promotes the rights of any person including an employee to lodge a complaint.
- SCCC **Complaints and Appeals Policy and Procedure** is accessible on the website with further reference in the **Student and Staff Handbooks**.
- This **Complaints and Appeals Policy and Procedure** is discussed during student and staff induction.
- A copy of the **Complaints and Appeal Form** may be accessed from Reception areas at any SCCC campus and/or any staff member.
- A complaint or appeals must be lodged on the **Complaints and Appeal Form** and submitted to the attention of SCCC's CEO. This may be provided in person at Reception or through an email: [sarahs@southcoastcolleges.edu.au](mailto:sarahs@southcoastcolleges.edu.au)
- All complaints and appeals will be acknowledged in writing by the CEO or her delegate and within 10 working days of the completed **Complaints and Appeal Form**.
- The handling of any complaint or appeal by SCCC is only on a 'need to know' basis and will be held in a secure and confidential manner, managed by the CEO.
- All complaints and appeals will begin to be assessed within 14 working days of their lodgement, with a commitment to finalising the outcome as soon as practicable. This time period will allow for the CEO or her delegate to collect as much evidence to support the investigation.
- A complainant/appellant has a right to be consulted during the resolution process and to participate in deliberations as appropriate.
- A complainant/appellant has the right to bring along a support person at any stage but must inform the CEO at least 2 days prior for Tier Two and Three resolutions.
- There will always be provision of a right of reply from the person who the complaint or appeal of decision was made as well as may include requesting information from witnesses.
- Complainants/appellants will be informed of the reasons for decisions and avenues for further review to pursue should they remain dissatisfied by the CEO. This will always be in a written statement, including the reasons for the outcome. This will always be within 5 working days of the investigation's outcome.

- A written record of the complaints or appeal will be held on the Complaints and Appeals file and lodged onto SCCC's **Complaints and Appeals Register**, including the cause and remedy put in place.

SCCC complaints and appeals will be reviewed at its management meetings and always result in a continuous improvement process. In these cases, adjustments will be made to planning, policies and processes if it is found that systems are lacking. SCCC also recognise that collecting and analysing information around complaints and appeals is one way for the RTO to improve its services. This in turn will enhance the level of satisfaction which employees and stakeholders have in the RTO's performance. When the initial causative factor of the complaint identifies a problem with existing policies and/or procedures, the continuous improvement procedure will ensure changes are made to prevent reoccurrence of the problem.

Where the matter may require individual and/or staff training, the CEO will organise this within one month of the complaint/appeal's resolution. Should the matter be deemed as high or medium risk to SCCC, it will be included in the RTO's internal auditing schedule to ensure that the amended practices are embedded across the RTO. The CEO is responsible for ensuring that the agreed actions are implemented and monitoring the likelihood of re-occurrence.

#### **Delayed Processes**

In the unusual circumstances where a delay in the complaint or appeal process occurs, where longer than sixty (60) calendar days are required to process and finalise the complaint or appeal, the CEO will inform the complainant/appellant in writing.

In line with the importance that SCCC places on open and transparent processes and communication, the first written communication will be made at least 10 days from the time of lodgement. From that point, the complainants/appellant will be regularly updated on the progress of the matter. Including reasons why more time is required, at least fortnightly.

#### **SCCC's Consumer Protection Officer**

In accordance with the NSW Smart and Skilled *Consumer Protection Strategy* and SCCC's contractual requirements, SCCC has in place a Consumer Protection Officer, specifically its designated Student Support Officer. This Officer ensures that SCCC has an up to date consumer protection complaints system that is fully accessible by all funded students.

#### **Complaints**

A complaint is an expression of dissatisfaction or concern regarding a decision or action that relates to any aspect of SCCC's services and activities, including:

- products & services
- policies, and/or
- conduct of staff and any third-party service provider.

A complainant is the person making the complaint. This may include:

- student and/or their parents/guardians and/or their families
- a member of the public
- an employee
- a stakeholder, and/or

- an employee of an engaged stakeholder or partnership body.

The complaints procedure will address both formal and informal complaints. A grievance (or an informal complaint) is one that is considered minor in nature and one, which is immediately correctable and will usually be the result of error rather than from a systemic problem. This is acted upon as a Tier One resolution. A formal complaint is one that is considered more serious and complex and will require investigation or consultation and will be acted about as a Tier Two and Tier Three resolution, as required.

A student may lodge a complaint regarding SCCC staff; third party; subcontractor; another student or a related stakeholder such as an employer where the student is placed on work placement. There is also provision for any and all interested stakeholders to make a complaint if they feel aggrieved.

### Appeals

An appeal is where a student wishes to express dissatisfaction with a particular assessment result and/or another adverse RTO decision impacting the student, such as non-eligibility to enrol.

SCCC's appeals process is concerned with a student's right to request change to decisions or processes of an official nature, usually in relation to academic or procedural matters.

In the case of a student's appeal against specific assessment decisions, the student should first discuss the decision(s) with the relevant trainer and assessor and request re-evaluation (Tier One). The trainer and assessor will hear the student's appeal, make fair judgement to the best of their ability as to whether change(s) are required and then discuss their final decision with the student. Ground for appeals made on assessment decisions can include where a student claims:

- disadvantage because the trainer and assessor did not provide a subject outline
- disadvantage because the trainer and assessor varied, without consultation, or in an unreasonable way, the assessment requirements as specified in the subject outline
- disadvantage because assessment requirements specified by the trainer and assessor were unreasonably or prejudicially applied to him or her
- a clerical error has occurred in the documenting of the assessment outcome
- there is a discrepancy between the practical observation and the formal assessment.

If the student is still dissatisfied with the decision, they have the right to take the appeal to the management team (Tier Two). The formal notice of appeal is required to comply with the following:

- the request for an appeal should be in writing using SCCC's **Complaints and Appeals Form**, and
- the request for an appeal must be submitted within 5 working days of any informal reassessment of the decision otherwise the original result will stand. If a student's appeal needs to be deferred due to emergency circumstances, such as in the case of serious illness or injury, a medical certificate supporting the case must be forward to the CEO. The notice of deferral must be submitted within 3 working days of the conclusion date displayed on the medical certificate.

The appeal will be investigated in line with SCCC's complaints handling timelines and procedures and the outcome of the appeal will be in writing to the appellant and will advise of the reasons for the decision. This will be issued to the appellant within 5 working days by the CEO.

Where the complainant/appellant remains dissatisfied with the outcome of the complaints and appeals handling procedure, they are directed to the following external agencies as the Third Tier independent resolution point:

- the Resolution Institute's NSW charter – this will be organised by SCCC, which will ensure that this independent party has all the documentation and evidence to fully prepare for the session. All fees will be fully covered by SCCC. However, should the appellant not agree to the resolution determined by the Resolution Institute, it may decide on an alternative resolution agency and will be expected to fully cover all expenses from this point.
- The Resolution Institute's details are as follows:  
Website: <https://www.resolution.institute/resolving-disputes/get-a-professional>  
Phone number: 1800 651 650

This Third Tier will be organised by the CEO or her delegate:

- Organising this independent resolution tier within 10 calendar days of written advice from the complainant/appellant and/or where it has been mutually agreed that an independent review is in the complainant/appellant's best interest
- Ensuring that both parties must agree to participate in this tier in good faith, with a willingness to find a resolution
- Advising both parties may bring additional persons, eg support person, to the resolution session, however, must provide details of these persons to the other party within 2 days prior to the session
- Informing that the decision of the Third Tier independent review will be taken as final by both parties and reported to SCCC's CEO
- The complainant/appellant will be informed in writing of the decision by the Resolution Institute and will require immediate implementation/action, and
- Ensuring the complainant/appellant knows that there is no cost. However, should the complainant/appellant remain dissatisfied and does not accept the Resolution Institute's findings and wishes to take the complaint/appeal further and/or seek a review of the decision, it must be organised by the complainant/appellant and all expenses related to this further stage will be incurred by the complainant/appellant from this point in time.

**Other Avenues for Lodging a Complaint/Appeal**

SCCC is committed to operating transparent business practices.

Complainants/appellants are advised of their rights to complain to other appropriate parties.

These include:

- ASQA: will be directed to: <https://www.asqa.gov.au/complaints/getting-started-making-complaint-about-training-provider>. There is no lodgement fee related with ASQA complaints.
- The National Training Complaints Hotline: will be directed to call 133 873. There is no fee related to lodging a complaint with the Hotline.
- The NSW Civil and Administrative Tribunal: will be directed to: ph: 1300 006 228 and website: [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au) to complete and submit the on-line Application Form. A fee of \$106-\$221 (or \$7 concession or no fee for apprentices and trainees under the Apprenticeship and Traineeship Act 2001 applies – effective as of 1 July 2020) which will be required to be paid by the complainant/appellant.

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<b>Authorised Officer Position</b>	CEO	<b>Authorised Officer Name</b>	Sarah Smith
<b>Signature</b>		<b>Date</b>	1 October 2020