

1. Purpose

The purpose of this procedure is to outline Skills Australia Institute's approach to managing dissatisfaction, formal complaints and appeals of students, clients, staff and other members of the community. It provides a transparent approach for all complaints and appeals to be addressed in a fair, efficient and confidential manner.

Skills Australia Institute endeavours to respect the right of students, staff and other members of the community and provide them with a positive environment with transparent and fair complaints and appeal procedure easily accessible to all and includes access to an independent external body if necessary. This policy ensures that all complaints and appeals are addressed promptly and equitably thus increasing satisfaction of students, staff and clients.

This procedure ensures compliance with Clause 6 of the Standards for RTO's 2015 Chapter 3 Support and Progression, as well as compliance with the of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, Standard 10.

2. Scope

2.1 This policy applies to:

- 2.1.1 all staff;
- 2.1.2 current VET and
- 2.1.3 prospective VET students.

3. Responsibility

3.1 The CEO is responsible for the following in relation to the complaints and appeals process:

- 3.1.1 oversight of the complaints and appeals management processes;
- 3.1.2 resolution of complaints and appeals;
- 3.1.3 recording of complaints and appeals; and
- 3.1.4 notifying students of the complaints and appeals outcome.

4. Definitions

<i>Appeal</i>	A dissatisfied result occurs and the student wishes to contest the results. The process involves the decision to be reviewed and re-evaluated with the student providing any evidence or an argument for this to occur. The results from this process may be Appeal decision upheld which results in the decision being overturned or the Appeal being rejected resulting in the previous decision standing.
Internal Appeal	An appeal against a decision where the appeal is brought under Skills Australia Institutes policies and code of conducts or where there is a process for appeal within SAI's policies and procedures.
External Appeal	An appeal to an external agency against a final decision of Skills Australia Institute. Agencies may include the Ombudsman, the Privacy Commissioner, the Equal Opportunity and Human Rights Commissions or Department of Education (In relation to ESOS Act)

Complainant	A student lodging a complaint or grievance.
Complaint	Occurs when a grievance is unable to be resolved informally and therefore is put into writing for a formal process to occur.
International Student	A student studying in Australia on a student visa.

5. Procedure

Informal Complaints

- 5.1 In the first instance, where a student feels that they are dissatisfied with some aspect of the service provided by the SAI, it is suggested that they speak with the person in charge of delivering the service in the first instance in an attempt to resolve the problem.
- 5.1.1 If the situation concerns a piece of assessment, then the student should speak to their Trainer;
 - 5.1.2 If the situation concerns enrolments or refunds, then speak to the Finance Officer; and
 - 5.1.3 For other concerns, please see the CEO.
- 5.2 For complaints of an academic nature, the student may speak to the Trainer or Training Manager in the first instance. This may, for example, be a query regarding an assessment outcome or other matters. However, the student may decide to speak to the Training Manager in the first instance. If the student is not satisfied with the outcome of the discussion, they may lodge a formal complaints and appeals following the Formal Procedure outlined below.
- 5.3 For complaints of a non-academic nature, the student may speak to the person involved in the first instance, or speak to the person's supervisor. If the student is not satisfied with the outcome of the discussion, they may lodge formal complaint following the Formal Procedure outlined below.
- 5.4 A staff member may also be able to help students assess whether an informal process may be more effective and provide a quicker resolution or whether a formal process is more suitable due to the circumstances. This could take into account whether a student could be placed at a greater risk if they were to make a direct approach to the respondent and whether in certain circumstances a further confidential investigation of the facts is warranted.
- 5.5 If a student feels uncomfortable or unable to approach the SAI staff member involved, they may be able to speak directly with a Senior Management Team member. It is intended that the issues of concern be resolved at the lowest level with minimal impact.
- 5.6 If the situation cannot be resolved, students may lodge a formal grievance by recording their issues in writing. Students can use a *Complaints and Appeals Form* available on the SAI's website under Current Students or Future Students 'Download'. This is then submitted by Student Services to the compliance@skillsaustralia.edu.au email account for processing.
- 5.7 The student may choose the following courses of action:
- 5.8 Take no further action
 - 5.9 Try undertaking an informal approach with the person concerned
 - 5.10 Proceed to a mediator
 - 5.11 Proceed with a formal grievance with or without an advocate
 - 5.12 Take the grievance to an external authority.

Informal Complaint Process

5.13 Approach the respondent

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The complainant may seek to resolve the issue with the respondent directly with the aim of resolving the matter as soon as possible and reaching an acceptable outcome that minimises potential detriment to ongoing working relationships. The informal process is preferred, where appropriate, to avoid lengthy formal proceedings, and to use a consultative approach to raise awareness and prevent further issues.

5.14 However, the complainant or respondent is not compelled to use the informal process. In such cases, they have the option of proceeding immediately to a formal process.

5.15 If an informal process has been agreed, and the issue is with a member of staff, the staff member will be expected to make a genuine attempt to resolve the issue fairly and appropriately. Any staff member who is approached informally with a complaint is obliged to respond to the student within 5 working days of receiving the complaint. Their response should include the following:

5.15.1 A formally acknowledged receipt of the complaint

5.15.2 An offer to organise a time to contact the student.

5.16 The aim is to try and establish:

5.16.1 Aspects of the issue that can be agreed on, and those where there is a difference in opinion

5.16.2 The relevant rules, requirements, policies or procedures (both written or implied) that have a bearing on the complaint

5.16.3 The preferred method for resolving a particular kind of complaint, and any other parties that may need to be involved in its resolution, such as the, Senior Management Team or CEO.

5.16.4 An understanding of whether an informal process will be sufficient to resolve the issue.

5.17 Approach the respondent's supervisor or manager

5.17.1 Make an informal complaints and appeals to the respondents' manager or other senior staff member

5.17.2 The respondent has five (5) working days to provide a response to the manager

5.17.3 The complainant considers the response and either considers it satisfactory or proceeds to informal conciliation

5.18 Informal conciliation

5.18.1 Meeting with the claimant and respondent in an attempt to achieve agreed outcomes. The aim is to provide an opportunity to air the complaints and appeals and permit a response to the allegations or request, via a facilitated discussion.

5.18.2 If the complainant or the respondent is not satisfied with the outcome, they may lodge a request to the CEO or Senior Management Team to proceed to the formal resolution process.

5.19 Complainants and respondents are encouraged to seek the support of another party to assist them during the process. The complainant can have present with him/her a support person at these meetings, but not a legal representative.

5.20 The timeframe for resolving the complaints and appeals through the informal resolution process should be timely and not exceed 10 working days, unless there are circumstances that warrant further time, such as persons being unavailable due to leave, semester break, and other such circumstances. Further time may be negotiated between all parties, up to 20 working days, after which the complaint should be withdrawn or the formal resolution process invoked.

5.21 If a student is not satisfied with the outcome of the informal procedure, then the student may choose to advance to the formal procedure, as outlined below.

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Formal Complaint for Academic Matters or Non-Academic Matters

- 5.22 The complainant is encouraged to seek advice from the Student Services Team regarding the process for formal resolution of the grievance.
- 5.23 Complainants and respondents are encouraged to seek the support of another party to assist them during the process. All parties are notified that the complaints and appeals is confidential and that they are protected from victimisation.
- 5.24 If the complaints and appeals has already undergone an informal resolution process, then the CEO may decide that the formal resolution process will proceed immediately to the investigation stage, after lodgement of the *Complaints and Appeals Form*.
- 5.25 Where the complaints and appeals involve a staff member, and it is considered that it may amount to misconduct, the matter must be reported to the Senior Management Team. In such circumstances, the CEO should also be notified.
- 5.26 There are various categories of grievance and they may include:
- 5.26.1 Academic matters, teaching quality, intellectual property, plagiarism and cheating.
 - 5.26.2 Administrative matters regarding policies, procedures, decisions and access to required resources.
 - 5.26.3 Intimidation by other students or staff members
 - 5.26.4 Collective complaints by a number of students with a similar issue.
- 5.27 Non-academic grievances may include:
- 5.27.1 Administrative matters regarding policies, procedures, decisions and access to required resources.
 - 5.27.2 Intimidation by other students or staff members
 - 5.27.3 Collective complaints by a number of students with a similar issue.

Formal Complaint Process for Academic or Non-Academic Matters

- 5.28 The stages of the formal resolution process are:
- 5.28.1 The student lodges a Complaint and Appeals Form to student services in person or via studentservices@skillsaustralia.edu.au. Emails must be directed to compliance@skillsaustralia.edu.au.
 - 5.28.2 The compliance@ email account administrator (Compliance/Training Manager) label and direct all Complaint and Appeals Form to the CEO or appropriate designated person. The CEO will log the complaint on the complaint register and label accordingly.
 - 5.28.3 A written acknowledgement of the complaint receipt is sent to the student by the Account Administrator.
 - 5.28.4 It is then forwarded to the CEO/Compliance team who must respond with a resolution within 20 working days (if required).
 - 5.28.5 The CEO/Compliance team is to ensure that there has not been previous involvement with the student's complaint and/or grievance. If required, an independent person will be called onto the panel.
 - 5.28.6 The complainant will be given an opportunity to present their case, and may choose to be accompanied by a support person.
 - 5.28.7 A conciliation process or internal investigation will be initiated.

Option 1: Conciliation Process

5.29 Conciliation aims to reach a resolution that is agreed by both parties via discussion and not via the submission of evidence.

5.30 Discussions are initiated and a facilitator appointed. All parties are advised that their statements will be confidential and without prejudice, if they agree to proceed. Meetings with the claimant and respondent commence within five (5) working days, either individually or together, in an attempt to achieve agreed outcomes. The aim of a group meeting is to provide an opportunity to air the grievance and permit a response to the allegations, via a facilitated discussion.

5.31 Proposed resolution is developed.

Option 2: Internal Investigation

5.32 Where a complaint requires feedback from a Skills Australia Institute employee or representative, an internal investigation is conducted.

5.33 The process involves:

- 5.33.1 Details of complaint/appeal are recorded on an Employee Meeting Record Form (EMRF), and are discussed with the staff member to gather information and responses.
- 5.33.2 Based on the complaints and appeals, and information collected as part of the EMRF process, additional interviews with complainant, and other parties involved may be required. All interviews recorded and kept as evidence for the complaint.
- 5.33.3 Responses and information gathered as part of the investigations are collected and recommendations provided to the Senior Management Team member to consider.
- 5.33.4 The Senior Management Team will make a decision within 10 working days of receipt of the report, together with a written decision sent to the complainant and respondent.
- 5.33.5 The CEO will ensure that all rectifications agreed are implemented and relevant processes actioned.

Finalising a Formal Complaint and Notifying the Student

5.34 Once a final resolution has been confirmed through conciliation, or the internal investigation has been completed, a written statement of the complaint decision will be sent to the complainant via the compliance@ email address or Student Services.

5.35 If the resolution of the complaint is not in the student's favour, the notification is to include the internal appeals information, including how to access the external appeals. Contact details of the external appeals avenue will be included to the student, who will be notified that they have 20 working days to lodge an appeal and notify Skills Australia Institute of the lodgement of the external appeal.

5.36 If the proposed resolution is agreed by both parties, then both parties will sign the Complaints and Appeals form confirming that the issue has been resolved. The resolution may include further actions such as counselling; relevant training; or other agreed actions. Parties should be advised that victimisation or any means of reprisal is unacceptable and could invoke disciplinary action. Monitoring of outcomes agreed should be actioned by the relevant senior staff members such as the Training Manager, complainant's supervisor and/or respondent's supervisor to ensure compliance with any agreed actions.

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5.37 If the internal investigation finds in the student's favour, Skills Australia Institute is to:

- 5.37.1 notify the student of the complaints finding;
- 5.37.2 immediately implement the decision or recommendation; and/or
- 5.37.3 take preventative or corrective action required by the decision and notify the student of that action.

5.38 Student Services must complete a CAFO Outcome Record Form (Part C) electronically and issue this as closed to the compliance@ email account. The complaint/appeal will then be closed on the complaint register.

Appeals

5.39 A student may decide to appeal a decision at any stage of the process if they are not satisfied with the outcome. A number of reasons may be valid grounds for appealing an outcome such as:

- 5.39.1 A belief that an irregularity in the procedures has occurred
- 5.39.2 New evidence and facts have emerged that could change the decision
- 5.39.3 The penalty imposed or decision reached could be considered unreasonable

Internal Appeals

5.40 If the complainant or the respondent is not satisfied with the outcome, they may lodge a request to the CEO to appeal the decision.

External Appeals

5.41 All students have the right to lodge an external appeal within 20 working days from the written notification sent by the SAI of the internal complaint or appeal finding.

International Students

5.42 For international students, if the complainant or the respondent is not satisfied with the outcome, they may lodge an appeal with the Overseas Students Ombudsman. The following applies to international students:

- 5.42.1 In Australia, you have the right to complain and appeal.
- 5.42.2 The Overseas Students Ombudsman's services are free.
- 5.42.3 In some cases, the Ombudsman may decide not to investigate your complaint and appeal. This might happen where another organisation can help you, or you have not spoken to your provider about your complaint.
- 5.42.4 If the Ombudsman decides not to investigate, they will tell you why and refer you to another organisation that can help.
- 5.42.5 The Ombudsman is independent and impartial. If they do decide to investigate your complaint and appeal, they will contact Skills Australia Institute and ask us what happened.
- 5.42.6 They will treat your information with privacy and respect, and collect, store, use and disclose your personal information only in accordance with Australian privacy laws.

5.43 If the internal or any external complaint handling or appeal process results in a decision that supports the student, Skills Australia Institute must immediately implement any decision and/or corrective and preventative action required and advises the students of the outcome. The final outcome of the external appeals process must be abided by both parties.

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Record Keeping and Confidentiality

- 5.44 All parties with an interest in the outcomes of a Senior Management Team should keep confidential notes of their discussions with other parties, and copies of such notes and associated findings made available for inclusion in the student's file and the staff member's file where relevant. To ensure that they can be represented as an accurate record of the grievance process, the parties attending should confirm in writing that the author has truthfully and accurately recorded the proceedings.
- 5.45 An explanation in writing for decisions and actions taken as part of the procedures will be given to the respondent and complainant.
- 5.46 Records of all complaints and appeals will be kept and be accessible to all interested parties for a period of 5 years. All complaints and appeals received via the [compliance@](mailto:compliance@skillsaustralia.edu.au) email address will be logged and all evidence of completion will be securely stored on Skills Australia Institute servers.
- 5.47 Each Month the Student Support Manager provides a Complaints Register to the CEO, who collates an overview of all complaints together for review with the Senior Management Team.

Email Account Management Process (compliance@skillsaustralia.edu.au)

- 5.48 All feedback and complaints will be directed to the [compliance@](mailto:compliance@skillsaustralia.edu.au) email account for processing. This process is in place to ensure that all complaints are captured and actioned upon. The following applies to all emails received within the [compliance@](mailto:compliance@skillsaustralia.edu.au) email address:
- 5.48.1 Any students that approach student services with a complaint concerning Skills Australia Institute or its staff are instructed to complete a Complaint and Appeals Form (CAFO).
 - 5.48.2 Any students wishing to provide feedback concerning Skills Australia Institute or its staff are encouraged to complete a Student Feedback Form.
 - 5.48.3 If forms are completed in person, Student Services must scan and email the CAFO/Student Feedback Form to the compliance@skillsaustralia.edu.au account for processing.
 - 5.48.4 Training Support Officer, Compliance Office, and CEO are required to check the [compliance@](mailto:compliance@skillsaustralia.edu.au) email inbox daily.
 - 5.48.5 Student Feedback emails (including Student Feedback Forms) appropriate for a CIR will be forwarded to the appropriate Course Coordinator/staff member. Compliance Officer to track CIR submission.
 - 5.48.6 CAFO forms received must be labelled for CEO's attention if necessary and the CEO notified for review response. Canned response sent to student to confirm receipt.
 - 5.48.7 CAFO - Set a calendar invite (within [compliance@](mailto:compliance@skillsaustralia.edu.au) mailbox) for the CEO, Compliance Officer, Student Support Manager and Training Manager to ensure deadlines for the decision outcome are met (20 working days).
 - 5.48.8 Log all complaints on the complaints register to be tracked for completion with a unique complaint code. (Assistant to the CEO to Manage complaint register)
 - 5.48.9 The Student Services Team must respond with a written statement of decision to each student complaint within 20 working days. This response must be CC to the [compliance@](mailto:compliance@skillsaustralia.edu.au) email address. If the case is being reviewed by Senior Management, the CEO will respond.
 - 5.48.10 The complaint is closed on the register and all documentation filed. The CEO must store a copy of the closed CAFO form (Part B and C) along with all email evidence/closing evidence.

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6. Procedure Information

Authorised Officer	CEO
Supporting documents, policies & forms of this procedure	Student Complaints and Appeals Policy Student Complaints and Appeals Procedure Assessment Policy Trainers Guide Complaints and Appeals Form (CAFO) CAFO_Outcome Record Form Student Feedback Form Complaints Register How to Guide_Processing emails within compliance@ Employee Meeting Record Form (EMRF) Student Handbook
Related Legislation and Codes of Practice	Standards for Registered Training Organisations (RTOs) 2015 National Code of Practice for Providers of Education and Training to Overseas Students 2018 Education Services for Overseas Students (ESOS) Act 2000 National Vocational Education and Training Regulator Act 2011 (Cth) Human Rights and Equal Opportunity Commission Act 1986 (Cth) Equal Opportunity Act 1995
Audience	Public