

COMPLAINTS AND APPEALS POLICY AND ASSOCIATED PROCEDURES

PURPOSE OF THE POLICY

This policy and associated procedures outline Smartlink Training's approach to managing complaints and appeals. This is to ensure that complaints are handled in a transparent way, as well as fairly, efficiently and effectively.

This policy and associated procedures meet the requirements of Standard 2.7 the Outcome Standards for RTOs.

Note that mechanisms for providing feedback is addressed in our Quality Assurance Policy and Associated Procedures.

POLICY STATEMENTS

APPROACH

We recognise that complaints are opportunities to improve the services we provide.

Complaints may be made against Smartlink Training, its trainers and assessors and other staff, a learner of Smartlink Training, as well as any third party providing services on behalf of Smartlink Training. Our authorised third party delivery partners who only deliver short courses are required to provide potential students with all the relevant pre-enrolment information via the student handbook prior to enrolment. Our authorised third party delivery partners who only deliver short courses are required to communicate to Smartlink any complaints they receive while delivering services on our behalf. Complaints about authorised third party delivery partners can also be made to Smartlink directly, using the process detailed in this document. Our authorised third party delivery partners also follow this complaints and appeals policy in the same way that Smartlink does.

We take your complaints and appeals seriously and ensure while assessing them that we look at the root causes and actions that we can take to reduce the likelihood of it occurring again.

Complaints can be in relation to any aspect of Smartlink Training's provided services.

Appeals can be made in respect of any decision made by Smartlink Training. An appeal is a request for Smartlink Training decision to be reviewed in relation to a matter, including assessment appeals.

In managing complaints, Smartlink Training will ensure that the principles of natural justice and procedural fairness are adopted at every stage of the complaint process. This means reviewing each complaint or appeal in an objective and consistent manner.

Smartlink maintains a complaints and appeals register to record actions taken to resolve complaints, which is reviewed regularly to identify any preventative actions that need to be implemented as a part of continuous improvement, in all relevant areas of operation.

The internal complaints and appeals process will be conducted at no cost to students.

The staff responsible for processing appeals are objective, impartial and adequately trained, and will follow the policies and procedures in this document where relevant. RTO manager and the CEO are responsible to monitor and oversee that all staff and authorised third party providers who deliver short courses only are following this complaints and appeals policy and procedure and the relevant Smartlink Training RTO policies and procedures as applicable.

Potential causes of complaints and appeals will be investigated, and corrective and preventative action will be taken in relation to complaint and appeals as a part of continuous improvement.

All individuals, including third parties will be informed of allegations made and will have the opportunity to present their case.

Nothing in this policy and procedure limits the rights of an individual to take action under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.

All records of complaints and appeals will be kept by Smartlink Training and stored securely in the complaints and appeals register, in a manner that complies with privacy, legislative and regulatory requirements.

Our internal complaints and appeals process can be accessed at no cost.

DEFINITIONS

INFORMAL COMPLAINT

A matter which has a minor impact on the services provided by our business, for which the student/complainant prefers to do it verbally by discussing it with one of the RTO staff (administration, trainers/assessors and or RTO Manager/CEO) and does not feel necessary to lodge an official/formal (written) complaint and may wish to either identify themselves or remain anonymous and does not require to be notified of the outcome. If the student/complainant wants this to be recorded as an informal complaint then it must be recorded.

Following are some examples:

- Student wishes to raise an issue or concern (example: the air conditioning is too cold or not working)
- Student wishes to bring something to our attention (example: Vending machine needs to be restocked)
- Student wishes to provide general feedback (example: classroom was left untidy by previous group)

Students should see the solutions in action, and if they are not satisfied with them, they can escalate the issue to a formal complaint which follows the formal complaints process as listed in this document.

However, if the student does not feel comfortable with the informal complaints process or you have tried it and did not get the outcome they wished for, then they can access the formal complaints and appeals process.

FORMAL COMPLAINT

A matter which has a medium to significant impact on the services provided by our business, for which the complainant feels will require thorough investigation and significant action to resolve and will severely impact on their training and its outcomes

APPEAL

An appeal is a request for the review of a decision including:

- Assessment decisions made by our trainers/assessors; or a third party providing services on our behalf or
- Suspension or exclusion from our training.

INFORMAL COMPLAINTS PROCEDURE

We do encourage you to firstly seek to address any issues informally by discussing them face to face, over the phone or via email with the person(s) involved.

1. Smartlink Training and all its RTO staff are trained to handle and capture all sorts of complaints and feedback and will attend to each informal complaint before it has the potential to escalate further into formal complaint.
2. Smartlink Training's staff will ensure to discuss the nature of the informal complaint so that they can clearly identify and distinguish if it is an issue or concern or general feedback that the student is raising or if it is a informal complaint.
3. Smartlink Training's staff will inform and confirm with the student/complainant to find out if they wish to identify themselves or remain anonymous.
4. Smartlink Training's staff will inform and confirm with the student/complainant that given the nature of the informal complaint they will not be notified of the outcome unless they specify that they wish to be informed verbally.
5. Smartlink Training's staff will look into the matter and will discuss it with the relevant staff as applicable.
6. RTO Manager and CEO will be informed about these matters and appropriate actions will be taken to resolve the matter as soon as possible.
7. Based on the severity/relevance of the matter and any likelihood of it to escalate further into a formal complaint the CEO/RTO Manager will make a decision if the informal complaint needs to be recorded.

8. These matters will be recorded based on the severity/relevance of the matter either in the feedback register as part of the feedback policy and procedure or in the continuous improvement register as applicable or in the informal complaints and appeals register when the student makes it explicitly clear that they are making an informal complaint.
9. An outcome for the informal complaint will state the actual action taken to fix the issue or resolve the matter.
10. The CEO /RTO Manager have the final decision making authority on all matters.

COMPLAINTS AND APPEALS PROCESS

Formal complaints and appeals are to be made as follows:

- Submit complaint or appeal in writing using the complaints and appeals form. The complaints and appeals form outlines the information that should be provided.
- Submit complaint within 30 calendar days of the incident or in the case of an appeal within 30 calendar days of the decision being made.

RESPONSE TO COMPLAINTS AND APPEALS

Complaints and appeals will be responded to as follows:

- The complaint or appeal will be acknowledged in writing within 3 working days of receipt.
- Review of the complaint or appeal will commence within 5 working days of receiving the complaints.
- Complaints and appeals will be finalised as soon as practicable or within 30 calendar days.
- Where the complaint or appeal is complex and is expected to take more than 60 calendar days to process, Smartlink Training will write to inform the complainant/appellant of this including the reasons for such. Following this update, regular updates will be provided of progress.
- The outcomes of the complaints and appeals process will be communicated in writing to the person making the complaint or appeals. This will also include the reasons for the outcome.
- Complaints and their outcomes will be stored securely as part of our continuous improvement process.

COMPLAINTS AND APPEALS HANDLING

Each individual involved in the complaint may have a support person of their choice present at any meetings to resolve the complaint or appeal.

An independent assessor will be identified to conduct a review of an assessment decision that is being appealed.

ENROLMENT DURING A COMPLAINTS PROCESS

Students' enrolment will be maintained throughout the complaints and appeals process unless the complaint is in relation to misconduct.

Students' enrolment will also be maintained throughout the internal appeals processes.

Additionally:

- if the appeal is against Smartlink Training's decision to cancel the student's enrolment for unsatisfactory course progress or attendance, the student's enrolment will be maintained until the external process is completed and has supported or not supported Smartlink Training's decision to cancel their enrolment
- If the appeal is against Smartlink Training's decision to defer, suspend or cancel a student's enrolment due to misbehaviour, Smartlink Training will cancel the student's enrolment after the outcome of the internal appeals process and the outcome communicated to the student.

INDEPENDENT APPEAL PROCESS

Where the internal process has failed to resolve the complaint or appeal, the matter can be referred to an independent mediator.

All associated costs are to be met by the complainant/appellant unless it is Smartlink Training that made the decision to appoint the independent party.

The independent party recommended by Smartlink Training for cases involving domestic students is the Resolution Institute. However, another mediator of the student's choice can be appointed.

During the mediation process, Smartlink Training will cooperate in full and commits to immediately implement the decision or recommendation made by the external mediator and/or take preventative or corrective action required by the decision or recommendation.

All actions taken will be communicated in writing to students.

INFORMATION ABOUT EXTERNAL BODIES TO WHOM COMPLAINTS CAN BE MADE

Complaints can also be made to the organisations indicated below:

NATIONAL TRAINING COMPLAINTS HOTLINE:

The National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency/authority/jurisdiction to assist with their complaint. Access to the Hotline is through:

Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally

Email: ntch@education.gov.au

AUSTRALIAN SKILLS QUALITY AUTHORITY (ASQA):

Complainants may also complain to Smartlink Training's registering body, Australian Skills Quality Authority (ASQA). It is important to understand that ASQA does not act as an advocate for individual students and is not responsible for resolving disputes between students and training providers. ASQA only uses information from all complaints as intelligence to inform regulatory activities. More information can be found at: <https://www.asqa.gov.au/complaints>

FORMAL COMPLAINTS AND APPEALS PROCEDURES

1. PROCESS COMPLAINTS AND APPEALS

- 1.1 File the complaints and appeals form received.
- 1.2 Send out an acknowledgement within 3 working days of receiving the complaint or appeal.
- 1.3 Record details of the complaint or appeal on receipt on the complaints and appeals register.
- 1.4 Determine whether the complaint or appeal can be resolved quickly and easily. If so, take immediate action to resolve the complaint or appeal and inform the student in writing of the outcome.
- 1.5 If the complaint is more complex, organise relevant staff to review the complaint and commence investigation.
- 1.6 Inform the complainant or appellant within 5 days of receiving the complaint that the investigation will commence or of the action that will occur in the case of simple complaints.

1.7 Conduct an investigation that includes:

- checking of all facts and accuracy of information
- requesting further information as required
- organising a meeting with the complainant/appellant
- identifying relevant corrective/preventative action
- confirming a solution.

1.8 Where the matter is an appeal about an assessment decision, the investigation process will include an independent review of the assessment evidence and decision by another assessor. A relevant independent assessor should be organised.

1.9 The investigation will be completed within 30 days, or if it is considered that it will take longer than 60 calendar days to process, Smartlink Training will write to inform the complainant or appellant of this including the reasons for such. Following this update, regular updates will be provided of progress.

1.10 Where the process finds in favour of the student, organise a management meeting to discuss:

- the process and its outcome; and
- actions to be taken to implement the decision, including both corrective/preventative actions.

1.11 Following the meeting, agreed actions will be immediately implemented.

1.12 Update the complaints and appeals register.

1.13 Once the investigation is complete, the complainant or appellant will be informed in writing of the outcome. Where the response is in relation to a complaint, the letter will advise that the internal appeals process may also be accessed.

1.14 Securely store the complaint/appeal documentation, and compare it to other stored complaints/appeals to identify trends and develop preventative actions.

2. ORGANISE EXTERNAL APPEALS

2.1 In cases where the student has organised the mediator, it will be responding to the mediator's requests.

2.2 Cooperate with all requirements of the mediator, providing all information as required.

2.3 Where the mediator finds in favour of the student, organise a management meeting to discuss:

- the external process and its outcome; and
- actions to be taken to implement the decision, including both corrective/preventative actions.

2.4 Following the meeting, agreed actions will be immediately implemented.

2.5 Advise the student of the action that Smartlink Training will take in response to the external mediator's decision.

This applies whether a student enrolls in a course directly with Smartlink or any of our delivery partners who deliver short courses only.

RESPONSIBILITIES

The CEO is responsible for:

- investigating complaints and appeals
- making decisions about complaints and appeals in conjunction with others.
- Using information from a variety of sources including complaints and appeals to continuously improve Smartlink Training's services in a manner that minimises operational risk.

The RTO Manager is responsible for:

- investigating complaints and appeals
- making decisions about complaints and appeals in conjunction with others
- facilitating external decisions.

The Administration and Student Support Officer is responsible for:

- processing complaints and appeals forms
- filing all documentation.