

Policy name:	SP3 Complaints and Appeals Policy	Version:	5.0
Policy owner:	National Operations Manager		
Approved by:	Tash Hartig, Head of Compliance and Continuous Improvement		
Approved date:	May 2018	Review date:	May 2019

SECTION 1 - INTRODUCTION

PURPOSE

Selmar Institute of Education is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (SRTOs 2015) and Skills First State Funding Contract. As such, Selmar Institute of Education is required to have a policy and processes in place to manage and respond to complaints and appeals regarding our services, assessment outcomes, conduct of staff, learners and third party training and assessment providers who provide services on behalf of Selmar Institute of Education.

This policy is based on providing and maintaining training and assessment services that are fair and reasonable and afford a forum where issues or inadequacies can be raised and resolved.

The object of this policy is to ensure that Selmar Institute of Education staff act in a professional manner at all times. This policy provides clients with a clear process to register a complaint. It ensures all parties involved are kept informed of the resulting actions and outcomes.

SCOPE

This policy applies to all employee, partners and associates of Selmar Institute of Education (121531) in relation to handling compliant, grievances and appeals in relation to its services. The policy covers complaints involving the RTO directly, its trainer/assessors, other staff, third party associates and learners. This policy includes all regulatory requirements that fall under the RTOs obligations as a registered training organisation.

DEFINITIONS

Appeals - means a request for a decision made by the RTO to be reviewed.

Compliant - means a person's formal expression of dissatisfaction with any product or service provided by the RTO.

Complainant - means a person's formal expression of dissatisfaction with any product or service provided by the RTO.

RTO – means the Selmar Institute of Education (121531)

Services - means training, assessment, related educational and support services and/or activities related to the recruitment of prospective learners. It does not include services such as learner counselling, mediation or ICT support.

SECTION 2 - POLICY

Selmar Institute of Education acknowledges the clients' right to lodge a complaint when they are dissatisfied with the training and /or assessment services and experiences that they have been provided by Selmar Institute of Education.

Selmar Institute of Education will ensure that clients have access to a fair and equitable process for expressing complaints, and that Selmar Institute of Education will manage the complaint with fairness and equity.

In doing so, Selmar Institute of Education:

- has written procedures in place for collecting and managing complaints in a constructive and timely manner;
- ensures that these procedures are communicated to all staff, third party partners and clients;
- ensures that all necessary documentation and resources are in place to enable clients to submit a complaint;
- ensures that each complaint and its outcome is recorded in writing; and
- ensures that customer complaints and their outcomes are fed into continuous improvement initiatives.
- Learners are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned informally which means through conversation or adjustments on which both the parties agree.
- These principles, which will be adhered to by Selmar Institute of Education, apply to all stages of this grievance policy and procedure:
- Develop a culture that views complaints as an opportunity to improve the business and how it operates;
- Set in place a complaints handling and resolution procedure that is Learner focused and helps the business to prevent complaints from recurring;
- Ensure that any complaints are resolved promptly, objectively and with sensitivity and with complete confidentiality;
- The Complainant and any respondent will have the opportunity to present their case at each stage of the procedure.
- The Complainant and any respondent have the option of being accompanied/assisted by a third person (such as a family member, friend or counsellor) if they so desire.
- The Complainant and any respondent will not be discriminated against or victimised.
- At all stages of the process, discussions relating to grievances and appeals will be recorded in writing. Reasons and a full explanation in writing for decisions and actions taken as part of this procedure will be provided to the Complainant and/or any respondent if requested.
- Records of all grievances will be kept for a period of five years to allow all parties to the grievance appropriate access to these records. These records will be kept strictly confidential and stored at Selmar Institute of Education and address. Access to these records may be requested by writing to the General Manager at the aforementioned address.
- A Complainant shall have access to the internal stages of this grievance procedure at no cost. Costs for an external appeal will be shared equally by Selmar Institute of Education and the Complainant.
- All complaints and appeals are acknowledged in writing and finalised as soon as practicable.
- The complaints policy is publicly available
- The complaint resolution procedure emphasises mediation and education while acknowledging that in some instances formal procedures and disciplinary action may be required.

- If the complaint or appeal will take in excess of 60 calendar days to finalise Selmar Institute of Education will inform the complainant in writing providing the reasons why more than 60 calendar days are required. The complainant will also be provided with regular updates on the progress of the complaint.
- Victimisation of complainants, respondents or anyone one else involved in the complaint resolution process will not be tolerated.
- All complaints will be handled as Staff-In-Confidence and will not affect or bias the progress of the client in any current or future training.
- Clients have the right to lodge an appeal against an assessment decision if they feel they were unfairly treated during an assessment, and/or where they feel the assessment decision is incorrect and they have grounds for an appeal.
- The principles of natural justice and procedural fairness are adopted at every stage of the appeal process.
- The appellant can provide detail of their appeal in writing.

Records of all grievances will be kept for a period of five (5) years to allow all parties to the grievance appropriate access to these records. These records will be kept strictly confidential and stored at 3 Wellington Street, St Kilda VIC 3182. Access to these records may be requested by writing to the Board of Directors and the Senior Leadership Team at the aforementioned address.

Types of complaints

1.	Informal grievance
1.1	<p>Learners who are dissatisfied in any way with the services offered by Selmar Institute of Education or a third party delivery training on Selmar Institute of Education behalf which includes but are not limited to:</p> <ul style="list-style-type: none"> • Enrolment process; • Orientation process; • Assessment decision; • Suspension or Cancellation of studies process; • Facilities provided by Selmar Institute of Education e.g. toilets, kitchen facilities, resources etc. • Staff member including Trainer/Assessor. <p>Learners are encouraged initially to attempt to resolve a grievance informally by talking directly with the person concerned to resolve the problem. This step is not mandatory and a Learner may proceed directly to the Formal Grievance stages.</p>
2	Formal Grievance: Stage One
2.1	<p>Formal grievances should be submitted in writing to the National Operations Manager at Selmar Institute of Education and address. The Complainant is invited to include suggestions about how the grievance might be resolved.</p> <p>The National Operations Manager will notify the Complainant of receipt of the grievance within 5 working days.</p> <p>The National Operations Manager or their nominee will then, if necessary, seek to clarify the outcome that the Learner hopes to achieve. At this time the Learner will be provided with an opportunity to formally present his or her case.</p>

	<p>The National Operations Manager will then assess the grievance, determine the outcome and advise the Complainant in writing of their decision within 20 working days.</p> <p>The Complainant will be advised of their right to access Stage Two if they are not satisfied with the outcome of Stage One.</p>
3.	Appeals: Stage Two
3.1	<p>If the Complainant is not satisfied with the outcome of Stage One they may lodge an appeal in writing within 20 working days of receiving the written response with the Chief Executive Officer at Selmar Institute of Education and address.</p> <p>The Complainant’s appeal will be determined by the Chief Executive Officer or a member of the Senior Leadership Team who wasn’t involved in stage one, who will conduct all necessary consultations with the Complainant and other relevant persons and make a determination of the appeal. The Complainant will be advised in writing of the outcome of their appeal, including the reasons for the decision within 20 working days.</p> <p>The Complainant will be advised of their right to progress to Stage Three of the grievance procedure if they consider the matter unresolved.</p>
4.	Independent Mediator – Stage Three
4.1	<p>If the Complainant is not satisfied with the outcome of their appeal then an independent mediator can be requested through LEADR/ IAMA, the Association of Dispute Resolvers. Complainants can contact LEADR/ IAMA directly as follows:</p> <p>Address: Level 1, 13-15 Bridge Street, Sydney NSW 2000</p> <p>Phone: 02 9251 3366 Freecall: 1800 651 650</p> <p>Fax: 02 9251 3733 Email: infoaus@resolution.institute</p> <p>Costs of such mediation will be shared equally by Selmar Institute of Education and the Complainant. As a guide mediator’s costs would be \$440 for the first four hours (or part thereof). Subsequent hours would be \$165 per hour. It is common for most disputes to be resolved within the initial four hour allocation.</p> <p>Selmar Institute of Education will give due consideration to any recommendations arising from the external review of the grievance within 30 days of receipt of the recommendations and the CEO will ensure that they are fully implemented.</p>
5.	Further Action
5.1	<p>If the Complainant has been through all stages of this grievance handling process and remains unsatisfied with the outcome of their grievance, then they may :</p> <ul style="list-style-type: none"> • contact the National Training Complaints Hotline on 13 38 73 (Monday–Friday, 8am to 6pm nationally) or by email: skilling@education.gov.au • contact the Australian Skills Quality Authority (ASQA). For contact details and information please see: www.asqa.gov.au

Records Management

Records of all complaints and their outcomes are maintained securely.

Records of complaints include:

- a) How the complaint was dealt with;
- b) The outcome of the complaint;
- c) The timeframes for resolution of the complaint;
- d) The potential causes of the complaint; and
- e) The steps taken to resolve the complaint.

All documentation from Refund processes are maintained in accordance with Records Management Policy. (See Records Management Policy)

Monitoring and Improvement

All complaints practices are monitored by the Director Selmar Institute of Education and will be discussed at Management Review Meetings with areas for improvement identified and acted upon. (See Continuous Improvement Policy).

SECTION 3 - LEGISLATIVE CONTEXT

Name	Section
Standards for RTOs 2015	Standard 6.1-6.6
VET Student Loans	Clause 4.8.9
Victorian Skills First Program	Clause 12.1
NSW Smart and Skilled Program	Operating Guidelines 3.1 and 5.2
Queensland PQS Program	PQS Policy 2017-18 Performance Standard 2. G

SECTION 4 - RELATED DOCUMENTS

Name	Document Type
SP3.1 Complaints and Appeals Procedure	Procedure
Student Handbook	Manual
SFM1 Complaints Handling Record Sheet	Form
Continuous Improvement Register	Register

SECTION 5 - VERSION CONTROL

Version #	Approval Date	Approved by	Details
1	19 August 2010	Marcus Sellen	Document creation
2	17 December 2010	Marcus Sellen	Addition of off-site scanning and disposal
3	24 January 2011 24 January 2013	Marcus Sellen	Clarification of staff with authorised access. Change of archiving process
3.1	18 August 2014	Marcus Sellen	Review of policy, updated payroll and legislation information

4	7 January 2016	Julie Bowry-Needham	Review of policy, amendment of forms
5	2 May 2018	Tash Hartig	Document review and reformat. Included policy for VSL funding.