

Complaints and Appeals Policy

RTO Number 90198

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Contact	Executive Manager, NSW Health RTO
Consultation	NSW Health RTO Strategic and Steering Committee NSW Health RTO Operations and Compliance Committee
Applies to	NSW Health RTO
Related Policies	<ul style="list-style-type: none"> • Complaints and Appeals • Academic Progress • Misconduct • Records Management • Cancelling a VSL Student's Enrolment • Re-crediting VSL Balances
Related Procedures	<ul style="list-style-type: none"> • Complaints • Assessment Decision Appeal • Appeal • Academic Progress • Misconduct • Privacy
Forms and supporting documents	<ul style="list-style-type: none"> • Student Handbook • Program Guides • Complaints and Appeals Form • Assessment Decision Appeal Form • Complaints and Appeals Register • NSW Health Code of Conduct
Review date	January 2022

DOCUMENT HISTORY

Version	Issued	Author	Reason for Change
v1.0	April 2015	RTOEO	Updated in line with the new National Standards for RTOs 2015
v2.0	February 2017	RTOEO	Added the requirement to invite the student to a meeting to present their case, separated the appeal process to internal and external and appealing an assessment decision.
v2.1	February 2018	RTOEO	Added the requirements to set up a Student Appeal Committee (SAC) convened by the RTOEO.
v3.0	August 2018	RTOEO	Major amendments to contents Separated the policy and procedures into separate documents.
v3.1	May 2019	RTOEO	Updated to include VET Student Loans Ombudsman information
v3.2	October 2019	RTOEO	Change from bullet points to numbering.
v3.3	March 2020	RTOEO	Amended the titles of the RTO new Committees
v4.0	July 2021	RTOEO	Added the SLED requirements
v5.0	Jan 2022	RTOEO	Removed reference to Academic Misconduct and replaced with Misconduct. Added reference to Procedural Fairness.

Issued by the Executive Manager, NSW Health RTO under the authority of the Chief Executive (CE).

Definitions

Academic Progress Requirements	Where a student is required to achieve competence in all units of competency undertaken during each study period, as well as achieving the maximum program attendance requirements.
Appeal	A request to review a decision that has previously been made. This includes both assessment appeals, decisions about academic progress and attendance, as well as non-assessment related decisions.
Appeal Committee	Reviews the complaints and appeals escalated by the students. It may have the following members: <ul style="list-style-type: none"> • Executive Manager, NSW Health RTO • Executive Officer, NSW Health RTO • Director, Education and Training, HETI Higher Education
ASQA	Australian Skills Quality Authority.
Assessment Decision Appeals	May only occur after a student has received a Not Competent (NC) result for a Unit of Competency (UOC).
Census Date	For VET Student Loans (VSL) approved courses: 20% of the way through the Unit of Study.
Complaint	A person's expression of dissatisfaction with any aspect of the services provided by NSW Health RTO, including the conduct of trainers and assessors, any other staff or any other learner.
Misconduct	Behaviour or conduct which seriously or repeatedly breaches expected standards. The terms 'minor misconduct' and 'substantial misconduct' in the Policy indicate NSW Health RTO's view of the gravity of the impact of the alleged breach of the Policy.
Procedural Fairness	The guiding principles for ensuring a fair and just process. Respondents are provided with an opportunity to respond and be heard; decision makers are free from bias and decisions are based upon factual and credible evidence.
RTOEO	NSW Health RTO Executive Office.
SLED	Security Licensing & Enforcement Directorate, NSW Police Force
SRP	Student Review Panel
VET	Vocational Education and Training
VSL	VET Student Loans

Purpose

NSW Health RTO is committed to managing complaints and appeals fairly, efficiently and effectively and to ensuring that all complaints and appeals are acknowledged and recorded and result in continuous improvements.

Refer to the RTOEO Complaints and Appeals Procedures which outline the procedures for managing complaints and appeals.

Scope

This policy and associated procedures:

- Applies to all students and staff of NSW Health RTO
- Provide for all complaints and appeals, including complaints about alleged breaches of privacy, to be addressed in a fair, efficient and confidential manner
- Meet the requirements of the VET Quality Framework, including the Standards for RTOs 2015

This policy does not relate to complaints in relation to the quality of health care. These are addressed through the NSW Health Complaints Management Policy Directive.

Policy

1. All NSW Health RTO staff and students are bound by the NSW Health Code of Conduct.
2. NSW Health RTO encourages all students to resolve concerns or difficulties directly with the person(s) concerned and to deal with the issue before it becomes a formal complaint. However, NSW Health RTO understands that complaints and appeals may arise that require formal resolution and is committed to resolving these complaints and appeals promptly, objectively, with sensitivity and in confidence.
3. The views of each person involved in the complaint and/or appeals process will be respected and no one involved in a complaint or appeal will be discriminated against or victimised. NSW Health RTO will maintain a student's enrolment while the complaints/appeals handling process is ongoing.
4. All students are entitled to procedural fairness in the handling of complaints.
5. Procedural fairness must be applied at all stages of the process and by all personnel involved.
6. NSW Health RTO will have in place procedures that allow for an internal and external review of appeal decisions.
7. NSW Health RTO will have in place procedures that deal with appeals that arise from:
 - Complaints
 - Assessment Decisions
 - Academic Progress Decisions including Dismissals
 - Misconduct Matters
 - Breaches of Privacy

8. All formal complaints and appeals, including complaints about alleged breaches of privacy, and their outcomes will be recorded on a secure Complaints and Appeals Register that is kept by each Delivery Site Office and is consolidated on regular basis by the NSW Health RTO Executive Office and will be included as a standing item on the appropriate NSW Health RTO management committee.
9. All complaints about breaches of privacy are to be immediately actioned using the Privacy Procedure.
10. All complaints and appeals will be acknowledged in writing within forty-eight (48) hours of receipt and finalised as soon as is practicable. Where possible, complaints will be finalised within twenty (20) working days. Where this is not possible, the complainant or appellant will be informed in writing of the reasons why. In this case, complainants or appellants will be regularly informed of updates on the progress of the matter.
11. Where a meeting is required to discuss a complaint or appeal, the complainant or appellant is entitled to have a support person present at the meeting. This may be a family member or friend. This person may attend the meeting with the student but must not interfere with the proceedings.
12. Where a complaint or appeal cannot be resolved through the internal complaints and appeals process, the NSW Health RTO Executive Office will facilitate an external appeal process through an independent mediator.
13. For VET Student Loans (VSL) complaints and appeal matters, the VET Student Loans Ombudsman will act as the external dispute resolution body to conduct investigations and make recommendations in relation to VET loan assistance and compliance.
14. For SLED approved training, NSW Health RTO:
 - 14.1 May refer a student directly to SLED if their complaint cannot be resolved after reasonable attempts have been made and the matter relates to SLED's legislative or regulatory requirements.
 - 14.2 Within 24 hours of receipt of the complaint, report any student complaint to SLED if the allegation would constitute a breach of the NSW Conditions of Approval or SLED's regulatory requirements.
15. Students seeking to make an external complaint about any administrative decision should do so after following both, NSW Health RTO Internal and External Appeals Procedures.
16. Students will be informed of other avenues of complaints.
17. There is no charge to make a complaint or request an appeal. However, appellants who progress to an external appeal must be advised of the relevant charges.
18. The role of an external appeal person/body is to look at the NSW Health RTO Complaints and Appeals Policy and Procedures, review the case and provide feedback on whether the NSW Health RTO followed and implemented its internal policy and procedures for the appellant. Written determination is provided including feedback and improvements required.

NSW Health

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