

Complaints Procedure

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
Related Procedures	<ul style="list-style-type: none"> • Assessment Decision Appeal • Internal Appeal • External Appeal • Academic Progress • Misconduct • Privacy
Forms and supporting documents	<ul style="list-style-type: none"> • Student Handbook • Program Guides • Complaints Form • Assessment Decision Appeal Form • Complaints and Appeals Register
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 Review 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	March 2019	RTOEO	Updated to include procedure for privacy complaints.
v3.2	Mar 2020	RTOEO	Amended the titles of the RTO new Committees.
v4.0	July 2021	RTOEO	Added reference to SLED and changed the timeframe to acknowledge complaints from 5 days to 48 hours.
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).

Overview

- This procedure is to be read in conjunction with the NSW Health Complaint Management Policy Directive.
- 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.
- Complaints relating to serious matters are escalated directly to the NSW Health RTO Executive Office.
- 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.
- All complaints and appeals are seen as an opportunity to improve NSW Health RTO systems and processes.

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.
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)
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 student.
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
Serious Matters	Matters associated with cheating, plagiarism, collusion, fraud, bullying and harassment, failure to abide by the NSW Health Code of Conduct Policy Directive, use of drugs and alcohol, sexual harassment, physical harm, and any other matters deemed by the NSW Health RTO as a detriment to the learning environment.
Student Appeals Committee (SAC)	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

SRP	Student Review Panel
VET	Vocational Education and Training

Procedure

- All students are entitled to procedural fairness in the handling of complaints.
- Procedural fairness must be applied at all stages of the process and by all personnel involved.
- All complaints and appeals will be acknowledged in writing within forty-eight (48) hours of receipt and finalised as soon as is practicable.
- All complaints should be finalised within twenty (20) working days of the initial receipt of the complaint except where the matter is complex and/or goes to the next stage of the complaint process.
- Should the matter take more than twenty (20) working days, inform the complainant of the reason and report progress to them on a regular basis.
- Wherever possible, the aim should be to resolve the complaint in a manner that is satisfactory for the complainant.
- ALL complaints, no matter how small must be recorded in the Complaints and Appeals Register.
- ALL complaints that relate to **SLED** approved programs must be referred to the RTOEO within **12 hours**.

Complainant	<ul style="list-style-type: none"> • In the first instance, resolve any concerns or difficulties directly with the person involved and discuss the matter with the Program Coordinator, before making a formal complaint. • Where the complainant is uncomfortable with dealing directly with the person concerned or the Program Coordinator and/or is unable to resolve concerns or difficulties, a formal complaint should be made in writing, by completing the Complaints Form and send via email to the Delivery Site Director/Manager. • The Complaints Form should include as much information as possible about the complaint including any suggestions for resolving the issue. • All complainants with breaches of privacy should be encouraged to follow the Privacy procedure and contact the HETI Privacy Contact Officer.
Delivery Site Acknowledge the Complaint	<ul style="list-style-type: none"> • Encourage complainants with allegations of privacy breached to follow the Privacy Procedure and report directly to the HETI Privacy Contact Officer. • Complaints relating to serious matters, including alleged breaches of privacy, must be escalated directly to the delivery site Director/Manager. • Inform RTOEO of all serious complaints, including alleged breaches of privacy. • The RTOEO will refer all alleged breaches of privacy to HETI Privacy Contact Officer. • Acknowledge all complaints in writing within 48 hours of receipt. • Record on the delivery site Complaints and Appeals Register.

<p>Delivery Site Investigate the Matter and ascertain complaint resolution</p>	<ul style="list-style-type: none"> • If the complaint is made to the delivery site administration office, the administrative staff must escalate the matter to either the Program Coordinator or the delivery site Director/Manager. • The delivery site Director/Manager may delegate the management of the complaint to appropriate staff. • Investigate the complaint • The complainant or delivery site staff associated with the complaint, may be contacted for further information. This can be in writing or over the phone or through a face-to-face conversation • Ascertain what the complainant requires to resolve the complaint to their satisfaction (if they have not already provided this) • Document any interaction undertaken as part of the investigation
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<p>Delivery Site Resolve complaint or Refer to Director/Manager</p>	<ul style="list-style-type: none"> • Resolve the complaint if it is minor and is able to be resolved (within authority) • If not able to be resolved escalate the complaint to the Delivery Site Director/Manager for advice and further action.
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<p>Delivery site Director/Manager Review</p>	<p>The delivery site Director/Manager will:</p> <ul style="list-style-type: none"> • Review the complaint and the evidence compiled • Make a decision on further action to be taken. This may involve seeking advice from the RTOEO or referral to a Student Review Panel. • Investigate if there are any gaps in the internal system/processes • Decide on any rectification actions that will be undertaken • Ensure that resolution actions are undertaken in a timely manner
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<p>Delivery Site Inform the complainant and RTOEO</p>	<ul style="list-style-type: none"> • Provide a written response to the complainant on the steps taken to address the complaint. Include: <ul style="list-style-type: none"> - Recommendations and reasons for the decision - Their right to access the internal appeal process, if they are not satisfied with the outcome of the formal complaint process. • Inform the RTOEO of the outcome of all serious complaints.
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<p>SRP Record Keeping</p>	<ul style="list-style-type: none"> • Ensure all documentation is filed in the Complaints and Appeals file. • A file note referring to the complaint must be placed on: <ul style="list-style-type: none"> - The student's file if the complaint is from and/or about a current or former student - The staff member's file if the complaint is from and/or about a staff member • Update the Complaints and Appeals Register on the outcome of the complaint process.
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<p>SLED Approved Training</p> <p>For SLED approved training, the RTOEO within 12 hours of receipt:</p> <ul style="list-style-type: none"> • 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.

- 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.

NSW Health

Registered Training Organisation

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