

RTO - Complaints Policy and Procedures

Introduction

The *Complaints Policy and Procedures* provides comprehensive guidance on Riverina Community College's (RCC) complaints handling process. RCC is firmly committed to delivering high-quality services to students, clients and customers and considers their feedback, both positive and negative, as an opportunity for continuous improvement.

The *Complaints Policy and Procedures* is based on the principles of natural justice and procedural fairness. RCC will ensure all complaints are recorded, acknowledged, and dealt with fairly, efficiently, and effectively. Any complaints from RCC employees, students, and clients will be dealt with in an equitable and impartial manner, respecting all privacy and confidentiality matters.

This policy and procedures relates to the *Standards for Registered Training Organisations (RTOs) 2015 Standard 6. Complaints and appeals are recorded, acknowledged, and dealt with fairly, efficiently, and effectively.*

Commencement

The commencement date of the *Complaints Policy and Procedures* is 26th February 2024. It replaces all other Complaints Policies, whether written or not.

Application and Definitions

This policy and procedures covers complaints in relation to the following:

- Riverina Community College (RCC) as a Registered Training Organisation (RTO).
- RCC employees, agents, and contractors (including temporary contractors), collectively referred to in this document as "employees"
- any third parties acting on behalf of RCC
- clients and/or students of RCC.

A complaint may be an expression of dissatisfaction or allegation concerning:

- the quality of services and training provided by RCC
- RCC facilities, with particular emphasis on health and safety concerns related to students, clients, or employees
- an opinion or belief that RCC has not fulfilled its promises
- an opinion or belief that a student, client, or employee has been treated unfairly, harassed, or discriminated against.

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A complainant is:

- an individual or several individuals who lodge a complaint.

A respondent is:

- the person about whom the complaint has been made.

An investigator is:

- a member of RCC who is independent from the complaint and is capable of investigating the matter according to procedural fairness and without a conflict of interest.

A client may refer to:

- parents, guardians, or carer of a student or
- entities such as businesses, another College or an educational body or any government department dealing with RCC.

Complaints Register is:

- a register maintained by RCC of all complaints received and subsequent findings which is monitored as part of the continuous improvement process.

Responsibilities

It is crucial that RCC's *Complaint Policy and Procedures* is publicly available and understood so that individuals have the right to a fair and equitable training experience, and RCC uses such experiences as an opportunity for review and improvement (clause 4.1, 5.1, and 5.2).

1. All RCC employees are responsible for:
 - a. conducting themselves in a professional and ethical manner to minimise the incidence of complaints and allegations
 - b. ensuring the accurate and timely documenting of complaints as outlined in the following process
 - c. ensuring students are fully informed of RCC's policy and procedures for handling complaints
 - d. assisting a complainant to resolve concerns directly and informally with parties involved in the first instance and
 - e. assisting a complainant to lodge a formal complaint using RCC's *Complaints Form*, where required.

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2. RCC Operations Manager is responsible for:
 - a. ensuring complaints are managed in a transparent manner in accordance with the principles of justice and procedural fairness
 - b. maintaining *RCC Complaints Register*
 - c. offering independent reviews of decisions, where required
 - d. ensuring complaint outcomes are used to inform continuous strategies in RCC through the internal audit process.
3. VERTO Chief Executive Officer (CEO) is responsible for:
 - a. ensuring complaints are managed in a transparent manner in accordance with the principles of justice and procedural fairness
 - b. determining independent external third parties to review the complaint processes and decisions.
 - c. ensuring complaint outcomes are used to inform continuous strategies in RCC through the internal audit process.

General Principles

- Principles of natural justice and procedural fairness are followed at every stage of the complaint process by allowing anyone subject to a decision by RCC, or anyone who has allegations made against them, to a right of reply before a decision is made.
- The decision maker in the process is independent of the decision being reviewed.
- Each complainant may be accompanied and/or assisted by a support person throughout the process, where required or requested.
- Any person who makes a complaint is entitled to feel safe and supported and is not open to any retaliatory actions by any other persons who are the subject of the complaint.
- Complaint process is inclusive of cultural and gender perspectives.
- Persons who are the subject of the complaint are to be informed of the complaint or allegation and are entitled to have their position or situation heard.
- Complaints are handled in the strictest of confidence and records are secured in accordance with *RCC Document Management Policy*.
- All complaints and outcomes are documented the *RCC Complaints Register*.
- If a complaint is made and the complainant does not wish to proceed with the complaint the

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complainant will be advised that because of the requirements of procedural fairness, no further action can be taken by RCC.

- Complaint handling by RCC does not incur any cost to the complainant. The complainant will be advised if any costs are to be incurred as a result of the investigation of the complaint.
- Complaints of a serious nature such as those related to the protection of a child or vulnerable person, allegations of fraud, theft or misappropriation must be made in writing directly to the RCC Operations Manager. RCC Operations Manager may be required to notify the Police or other relevant government authorities as appropriate.

Complaint Handling Procedures

Students, employees, and clients are encouraged to initially address their complaints by discussing their concerns with their trainer, Training Coordinator or Operations Manager as this is often the most effective and efficient means of resolving disagreements or complaints. If this informal approach proves unsuccessful, the formal process for complaint handling is as follows.

Step 1

Complaints should be submitted in writing, which may include email, or by completing the *RCC Complaint Form* available on RCC's website or from RCC Reception. The complaint should be emailed to the Operations Manager. Support is available to those who require assistance in completing the form.

The confidentiality of the complaint will be maintained however the nature and details of the complaint may require it to be shared with relevant parties to support the principles of natural justice and facilitate any subsequent investigation.

If the complaint pertains to the Operations Manager, the complaint is to be lodged with the Chief Executive Officer (CEO).

Step 2

The Operations Manager shall review the complaint and provide written acknowledgment of its receipt to the complainant within two (2) business days. Efforts to resolve complaints will be made as soon as possible with a maximum resolution time of 30 business days.

The Operations Manager may investigate the complaint or appoint an investigator to hear the complaint. The investigation will require:

- the complainant and respondent to be interviewed and where applicable any other persons

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involved and

- seek any further information as necessary.

During the interview the complainant or respondent may choose to bring a support person.

Step 3

The investigator may determine whether the complaint is justified and recommend appropriate action which may include but not limited to:

- counselling for either or both parties
- arranging for conciliation of the complaint
- recommending disciplinary action or
- no action to be taken.

The complainant and respondent will receive written notification of the outcome of the complaint, the reasons for the decision and specify any action to be taken.

In cases where resolution has not been achieved within 30 working days, or if there is an anticipated significant delay, regular updates will be provided until an outcome is reached.

Step 4

Should the complainant be dissatisfied with the outcome of the complaint, they may submit an **appeal** in writing via email to the CEO (email address provided upon request).

Step 5

The CEO will conduct an independent review of the complainant's appeal and advise the complainant of the decision in writing. The appeal process will be completed within 30 working days from the date the appeal is received by the CEO.

After the review if the complainant's appeal and the matter remains unresolved to the complainant's satisfaction, the complainant is entitled for an independent third party to review the complaint and appeal.

In selecting this option, it is important to note that there will be costs associated with an independent third-party review however there is no set standard as to what the cost is or who is responsible as any cost would be negotiated or determined on a case-by-case basis with the relevant independent third party.

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External independent parties include:

- Department of Fair Trading in the relevant capital city
- For courses funded by the NSW Department of Education, the Consumer Protection Unit for Students can be contacted via <https://smartandskilled.nsw.gov.au/for-students/consumer-protection-for-students>.
- NSW Ombudsman <http://www.omb.nsw.gov.au/making-a-complaint/how-to-make-a-complaint>

Students enrolled in a NSW Government subsidised courses including any Smart and Skilled subsidised courses, who are not satisfied with how RCC has handled their complaint, or the appeal of the complaint decision may refer their matter to NSW State Training Services. To make a complaint to NSW State Training Services students should contact:

- NSW State Training Services Customer Support Centre

Note: Any complaints to ASQA will only be accepted where the complainant has:

- exhausted all avenues in RCC's complaints process and
- only where the complaint relates to a breach of legislative or regulatory requirements by RCC.

ASQA cannot resolve disputes between students and a training provider such as RCC. ASQA's regulatory functions allow for the collection, analysis, and dissemination of information about vocational education and training. ASQA does not have the legislative power to act as a student advocate.

If assistance is required in resolving an issue with a training provider, ASQA suggests contact be made with the National Training Complaints Hotline which is a referral service and will ensure any complaint is handled by the most appropriate authority.

(ASQA Fact Sheet – Complaints about training providers)

Students enrolled in Smart and Skill Subsidised Courses

Consumer Protection Policy

RCC is committed to ensuring customer protection as a requirement of NSW Government Smart and Skilled subsidised courses. RCC's policy for *Customer Protection* is embraced within the *RCC Complaints Policy and Procedures*.

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On notification of any complaint by a student enrolled under Smart and Skilled, the compliant handling procedures specified in this policy may be actioned. Complaints will also be monitored for continuous improvement purposes.

Breach of the Complaints Policy and Procedures – RCC Employees and Students

RCC employees and students of RCC must comply with the *Complaints Policy and Procedures* at all times. If an RCC employee or student is found to have breached this policy, they may be subject to disciplinary action. The type and severity of the disciplinary action will depend upon the circumstances of the case and the seriousness of the breach.

In serious cases, this may include termination of employment (employee), or withdrawal from a course (student). Responsibility for determining the course of action to be taken for a breach of the policy rests with the Operations Manager. If a breach pertains to the Operation Manager, the matter will be referred to the CEO.

Other examples of disciplinary action that may be taken include but are not limited to:

- counselling or a formal warning
- demotion or suspension
- transfer to another area
- termination of employment, withdrawal from a course

Agents or contractors (including temporary contractors) of RCC who are found to have breached this policy may have their contracts with RCC terminated or not renewed.

More Information

If any person is unsure of or has questions about the *Complaints Policy and Procedures*, they should seek the assistance of the Operations Manager.

For more information about consumer protection or to make further enquiries if dissatisfied with the outcome of the RCC complaint handling process contact can be with the following external organisations listed below.

NSW Fair Trading	Phone: 13 14 50	https://www.fairtrading.nsw.gov.au/
NSW Ombudsman	Phone: 1800 451 524	NSW ombudsman- https://www.ombo.nsw.gov.au/
NSW State Training Services Customer Support (Smart and Skilled)	Phone: 1300 772 104	Email: SmartandSkilled.Enquiries@det.nsw.edu.au
SafeWork NSW - Wagga	Phone: 02 6933 6500	www.safework.nsw.gov.au
NSW Police	Phone: 131 444	www.police.nsw.gov.au

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Information and Privacy Commission NSW	Phone: 1800 472 679	www.ipc.nsw.gov.au
Australian Human Rights Commission	Phone: 1300 656 419	www.humanrights.gov.au
Anti-Discrimination Board of NSW	Phone: 1800 670 812	www.antidiscrimination.justice.nsw.gov.au

Related Documents

- RCC Complaints Form
- Complaints and Appeals - Student Handbook
- RCC Assessment Appeal Policy and Procedures
- RCC Student Assessment Appeal Form
- Student Rights and Responsibilities – Student Handbook
- RCC Rights and Responsibilities – Student Handbook

Variations

RCC reserves the right to vary, replace or terminate the Complaints Policy and Procedures at any time.