

PART A - TAC COMPLAINTS HANDLING PROCESS – COMPLAINTS AGAINST REGISTERED TRAINING ORGANISATIONS (RTOs)

This process applies to complaints received by the Training Accreditation Council (TAC) against Registered Training Organisations (RTOs) relating to compliance with the Australian Quality Training Framework (AQTF) and the Australian Qualification Framework (AQF). The Office of the Training Accreditation Council of the Department of Education and Training implements and manages the Complaints Handling Process on behalf of the Council.

The Training Accreditation Council is responsible under the *Vocational Education and Training Act 1996*, for making decisions regarding registration and de-registration of training providers; accreditation of courses and recognition of skills and qualifications obtained by individuals. TAC registers and de-registers training organisations (RTOs) in Western Australia on the basis of a national quality system framework known as the Australian Quality Training Framework (AQTF). The Council's role is that of a regulator rather than a mediator/arbitrator and as a result it can only investigate complaints about RTOs that relate to compliance with the registration requirements under the AQTF.

Resolution of a complaint is subject to the RTOs compliance with the AQTF Standards for RTOs. It is important to note that if an RTO's responses or the outcomes to an investigation are considered by the Council to be unsatisfactory, the Council only exercises limited powers, the most severe of which is to de-register the RTO.

The Office of the Training Accreditation Council will clearly define the limits of TAC's jurisdiction with complainants and set realistic expectations for resolution. As a result of TAC's limited jurisdiction it is possible that a complaint may not be resolved to the satisfaction of a complainant, with a suitable remedy achieved.

This document describes the process to be undertaken for dealing with complaints relating to the compliance of RTOs with the AQTF and AQF.

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Note: VET consumers with complaints may also contact the Australian National Training Authority at vetqueries@anta.gov.au or the National Complaints Hotline on 1800 000 674 or at NationalComplaintsHotline@dest.gov.au.

Contacting the Office of the Training Accreditation Council

Contact details:	Address:	22 Hasler Road OSBORNE PARK, WA 6017
	General inquiries:	(08)9441 1910
	Complaint inquiries:	(08)9441 1925
	Facsimile:	(08)9441 1932
	Email:	tac@det.wa.edu.au
	Website:	www.tac.wa.gov.au
	Office hours:	8am – 5pm Monday to Friday

Who can make a complaint against a Registered Training Organisation?

Complaints may be lodged by:

- Students;
- Clients of RTOs ; or
- Other RTOs and/or industry stakeholders may also refer complaints for example, misleading advertising by a training organisation.

Note: Friends, family and organisations may assist a VET consumer to make a complaint and may complain on behalf of a VET consumer.

What you need to do first, If you have a complaint against an RTO

If you have a complaint about the products and services provided by an RTO then you must lodge a complaint directly with the training organisation in the first instance¹. All RTOs must adhere to the AQTF and must have systems in place to ensure the quality and validity of training and assessment. This includes a requirement for RTOs to have documented procedures for handling complaints, grievances and appeals, which must be implemented and dealt with in a timely manner.

Resolution through the RTOs own Grievance and Appeals procedures

Under Standard 1.5 of the AQTF each RTO is required to establish and promote its own Grievance and Appeals processes. Complaints against RTOs should only be directed to the Council after the RTO has had the opportunity to address and resolve any complaint in the first instance.

VET consumers should be routinely advised by the RTO of its processes for Grievances and Appeals.

Where complaints cannot be resolved through the RTO's own process, the complaint, including information of attempted resolution, should be documented and forwarded to the Training Accreditation Council (see below for further information).

Lodging a complaint with TAC about an RTO?

Making a complaint is simple and you can start by contacting the Office of the Training Accreditation Council via telephone for advice or you can obtain information about the process via the TAC Website. Complaints can be lodged with the Office of the Training Accreditation Council by a variety of methods, however, it is the preference of the Council that complaints are submitted in writing, with relevant copies of documents/evidence provided to support/substantiate the allegations/claims that the RTO may not be complying with registration requirements (Note: the level and scope of any enquiry/investigation into a complaint lodged may be limited by the detail and specific information provided).

Prior to lodging a complaint it is suggested that you contact the Office of the TAC (see contact details above) to help clarify any issues and determine that the complaint relates to compliance with the registration requirements under the AQTF. Complaints outside the bounds of the AQTF will be referred to the relevant Department or external authority, where appropriate. Complaints made about interstate RTOs operating in Western Australia will be referred to the relevant State/Territory registering/accrediting body for advice and action.

If it is clear from the initial contact that the issue/complaint is not directly about an RTOs compliance with the registration requirements under the AQTF, you may be referred as follows:

- Issues with Apprenticeships and Traineeships - the Apprenticeship and Traineeship Support Network (ATSN), Department of Education and Training can be contacted on Ph: (08)9229 5450 or via the hotline Ph: 13 19 54.

¹ Note: the above step may not be applicable in all situations, if a complaint is received from someone, other than a student (**this includes family, friends and organisations wishing to complain on behalf of a student**), eg. Another RTO, industry organisation, etc, the complaint may be lodged directly with the TAC for consideration. In situations such as this complainants should go directly to the section titled 'Lodging a complaint with TAC about an RTO'.

- Contracted RTOs – issues concerning User Choice and/or Competitively Allocated Training (CAT) should in the first instance be directed to the Business Support Choice, Training Resource Allocation, Department of Education and Training on (08)9264 4173.
- International Students / International Education Providers - complaints concerning International Students and/or International Education Providers should be directed in the first instance to the International Education Conciliator, Department of Education Services on (08)9441 1900.
- Consumer Protection – the Department of Consumer and Employment Protection (DOCEP) can be contacted via their General Advice Line on Ph: 1300 304 054.

To assist VET customers in making a complaint a 'Complaints Form' has been developed and can be accessed via the TAC Website. The Complaints Form can be printed and/or downloaded electronically. If you are unable to access a copy of the Complaints Form, please contact the Office of the TAC and a hard copy of the document can be sent to you.

Methods of lodging a complaint include:

- Electronic complaints - A complaint against an RTO can be lodged with the Office of the TAC via the TAC email address (see above). To assist the Office in its consideration and to help ensure sufficient information has been provided you will need to include with your email a completed copy of the 'Complaints Form' located on the Website and forward a copy of any relevant details/evidence to support that the RTO may not be complying with registration requirements.
- Verbal (telephone/in person) complaints - A VET customer may complain verbally either over the telephone or in person. If a 'verbal complaint' is received and is considered complex or very serious the complainant may be required to restate the complaint in writing (or complete a Complaints Form) or sign a Complaints Form completed by the Office of the TAC. Complainants will need to provide contact details including name, address, phone number and details of the complaint and a copy of any relevant details/evidence to support that the RTO may not be complying with registration requirements.

Complaints can also be lodged 'in person' at the Office of the TAC (see contact details above). Prior to visiting the Office of the TAC it is important that you arrange an appointment during office hours (Office hours are 8am – 5pm Monday to Friday). This will help ensure an Officer is available to meet with you and provide assistance in making your complaint. It is important that you bring all details of the complaint and a copy of any relevant details/evidence to support that the RTO may not be complying with registration requirements.

- Written complaints (including facsimile) - VET customers can lodge a written complaint with the Office of the TAC (see address details above) and must provide contact details including name, address, phone number and details of the complaint and a copy of any relevant details/evidence to support that the RTO may not be complying with registration requirements. To assist VET customers in making a written complaint a 'Complaints Form' has been developed and can be accessed via the TAC Website.

If you have difficulty in making a complaint due to issues with English language, hearing or speech/communication impairment, assistance can be provided by contacting the Office of the TAC on (08)9441 1925 or you can contact the following services:

- Translating and Interpreting Service (TIS) on 131 450 ; or
- Callers who have a hearing or speech/communication impairment may call through the National Relay Service using modem or textphone (TTY) by dialling 133 677 and quoting the following OTAC number (08)9441 1925.

Note: Anonymous complaints will be acted upon at the discretion of the Manager, Office of the Training Accreditation Council and will not normally be investigated unless it raises a serious matter and there is sufficient information in the complaint to make out a prima facie case or justify conduct of an investigation.

Maintain privacy and confidentiality - Please note that all complaints will be treated confidentially and the privacy of the complainant will be maintained where requested, however, it is important to note that the Office may not be able to preserve the anonymity of a complainant, if a complaint is investigated. It is sometimes impossible to guarantee that a

VET customer will not be identified, particularly if the circumstances of their complaint are unique or well known within the RTO.

In addition, it is important to note that in attempting to maintain privacy and confidentiality the ability of the investigation to address the issues raised in the complaint may be restricted and/or limited. It should be noted that the provision of more detailed and specific information will enable a more focussed investigation of the complaint.

What should I include in my complaint?

It is important for you to briefly explain your complaint in your own words. There should be enough information for the Office of the TAC to make an assessment of the circumstances of your complaint and determine the most appropriate response/action. When writing your complaint, please consider the following:

- What is the issue and what happened? who is the training organisation? when and where did it happen (place, time and date, etc)? who was involved? include details of any telephone conversations and meetings.
- Do you have any evidence or relevant documents to support your complaint? if so, you will need to supply copies with your complaint.
- Have you complained to another agency/Department or taken any action already in relation to your complaint? include details and copies of any relevant documents (remember you must lodge your complaint directly with the training organisation in the first instance, if appropriate).
- What action or outcome would you like to see as a result of your complaint?

Not all of the above questions may be relevant to your situation. However, you should include all relevant information so the Office of the TAC has a clear picture of the problem.

Withdrawal of a complaint

A complaint may be withdrawn at any time. A written complaint should preferably, be withdrawn in writing and a verbal complaint may be withdrawn verbally, with the Office of the TAC to record the relevant details. Complaints that warrant investigation may be pursued even though the complaint has been withdrawn (to be determined by the Manager, Office of the TAC).

How long will it take and what happens to my complaint?

Some complaints can be finalised quickly. Other more complex or serious complaints may take several weeks to investigate properly. All complaints will be dealt with in a timely manner and following lodgement of a complaint, you can expect the following:

- acknowledgment of a complaint will be confirmed in writing within 5 working days.
- action on complaints will commence within a reasonable period of time and an interim response, if necessary, will be issued within 15 – 20 working days (either in writing or via telephone).
- where possible, complaints will be dealt with within 30 working days.

The Office of the TAC will give your complaint careful attention and review all information provided to ensure that the complaint relates to the RTOs compliance with the registration requirements under the AQTF. If we are unable to action your complaint we will tell you the reasons why.

How will the Office of the Training Accreditation Council handle complaints lodged against RTOs?

Complaints against RTOs will be handled promptly, confidentially and in accordance with procedural fairness and the principles of natural justice. As previously mentioned the Office of the TAC of the Department of Education and Training implements and manages the complaints resolution process on behalf of the Council.

The Manager, Office of the TAC has overall responsibility for the management and implementation of the TAC Complaints Handling Process and the following will apply when dealing with complaints.

Initial considerations by the Office of the TAC

The Office of the TAC will take the following into consideration when dealing with complaints:

1. The Office of the TAC will investigate complaints that relate to possible breaches of the AQTF Standards for RTOs. Investigations of RTOs conducted by the Office of the TAC are confidential between the TAC and the RTO.
2. Complaints outside the registration requirements of the AQTF will be referred to the relevant agency, department or external authority, where possible.
3. Complaints made about interstate RTOs operating in Western Australia will be referred to the relevant State/Territory registering/accrediting body for advice and action. If a complaint is made about the interstate operations of a Western Australian RTO then the complaint will be investigated in accordance with the TAC Complaints Handling Process.
4. Under the *Vocational Education and Training Act 1996* the Training Accreditation Council has only limited powers, and cannot enforce the RTO to offer remedies to VET consumers. However, action may be taken against RTOs that breach the AQTF, the most severe of which is to de-register the RTO.

Note: While many cases are resolved during the investigation of complaints, the Office of the TAC does not offer a mediation service but an investigation of the complaint. The ultimate responsibility for resolving the complaint rests with the RTO and the VET consumer. The RTO may wish to consider using the services of an independent mediator.

Receiving, registering and acknowledging complaints

On receipt of a complaint (electronic, verbal or written) – the complaint will be registered by OTAC, an acknowledgement letter will be forwarded and the complaint will be reviewed by OTAC to ensure:

- The RTO has had the opportunity to resolve the complaint through its own Grievance and Appeals processes (where appropriate);
- The complaint relates to the RTOs compliance with registration requirements of the AQTF; and
- Enough evidence/details have been provided to make an initial assessment that the RTO may not be complying with registration requirements.

Actioning/investigating complaints

If a determination is made that the complaint is relevant to the AQTF and an investigation is to be undertaken, the nature and seriousness of the complaint will determine how the investigation will be conducted and may involve a range of information gathering techniques, accounting for the various types of complaints. The investigation will be conducted within the scope of the AQTF.

As a result of the investigation a determination will be made as to whether grounds for the complaint have been substantiated.

Grounds for complaint not substantiated

If as a result of the investigation into the issues raised it is determined that grounds for the complaint could not be substantiated, the following action will be taken:

1. the RTO will be informed in writing of the outcome of the investigation and the decision.
2. the Complainant will be informed in writing of the outcome of the investigation into the complaint and the decision. Please note the Council does not release detailed information or provide copies of its investigations and/or audit findings to third parties, including complainants (an AQTF audit is conducted only for the exercise of its registration and de-registration function).

Grounds for complaint substantiated

If as a result of the investigation it is determined that grounds for the complaint have been substantiated, the following action will be taken / may occur:

1. Advice to the Complainant - the Complainant will be informed in writing of the outcome of the investigation (i.e. grounds for substantiating the complaint) and the action to be taken. Please note the Council does not release detailed information or provide copies of its investigations and/or audit findings to third parties, including complainants (an AQTF audit is conducted only for the exercise of its registration and de-registration function).

This will finalise the Complaints Handling Process for the complainant and the Office of the TAC will liaise directly with the RTO concerning any action required in addressing outstanding issues.

2. Determination of Action to be taken by the Office of the TAC - the action to be taken will depend on the severity and complexity of the issues identified in substantiating the grounds for the complaint and the RTOs progress in addressing the identified issues.

Finalising complaints

Once a determination has been made with respect to the complaint, the RTO will be informed in writing of the outcome and the Council's decision, and any appeal process (if appropriate).

What happens if I am dissatisfied with the outcome of the Complaints Handling Process

Complaints against RTOs are handled in accordance with procedural fairness, the principles of natural justice, and will be considered within the TAC Complaints Handling Policy and Process. The Policy and Process reflect the Council's philosophy that the complaints handling is a positive opportunity to improve systems and processes.

As previously mentioned the role of the Training Accreditation Council (TAC) is to register and de-register training organisations (RTOs) in Western Australia. The Council is a regulator rather than a mediator/arbitrator and as a result can only investigate complaints about RTOs that relate to compliance with the registration requirements under the AQTF. It is important to note that the resolution of a complaint is subject to the RTOs compliance with the AQTF Standards for RTOs and the Council can only exercise limited powers, the most severe of which is to de-register the RTO.

Please note as a result of the Council's limited jurisdiction it is possible that a complaint may not be resolved to the satisfaction of a complainant or an RTO. If you have an issue about the way your complaint was handled under the TAC Complaints Handling Policy and Process you may wish to consider the following:

- Complainant - If as the complainant you are unhappy about the services provided by the Office of the TAC (on behalf of the Council) or the process adopted when handling your complaint you can complain to The Ombudsman in Western Australia, see details below:

Contact details:	The Ombudsman
Address:	PO Box Z5386, St Georges Terrace Perth WA 6831
Telephone:	(08)9220 7555 (if outside metro area telephone: 1 800 117 000)
Facsimile:	(08)9325 1107
Email:	mail@ombudsman.wa.gov.au
Website:	www.ombudsman.wa.gov.au

- *RTO* – For information on appeals against TAC decisions, complaints against TAC processes and services, and complaints against individual officers, please see the Section titled Part B - TAC Complaints Handling Process - Appeals against TAC decisions, Complaints against TAC Processes and Services, and Complaints against Individual Officers.
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