

# Policy and Procedure: Complaint Management

## Complaints against Registered Training Organisations

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Related policies/ documents:	<i>Standards for Registered Training Organisations (RTOs) 2015</i> <i>Standards for VET Regulators 2015</i> <i>Vocational Education and Training Act 1996</i> <i>Vocational Education and Training (General) Regulations 2009</i>

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### 1. Purpose

This policy outlines the Training Accreditation Council's (the Council) commitment to the *Standards for VET Regulators 2015* and the *Vocational Education and Training Act 1996* (VET Act), by providing students, parents and consumers with a mechanism to lodge complaints against RTOs registered with the Council.

The TAC Secretariat within the Department of Education implements and manages the Complaints Handling Policy and Process on behalf of the Council and is responsible for ensuring complaints are investigated and resolved efficiently and effectively.

### 2. Scope

This policy applies to complaints received by the TAC Secretariat against Council registered RTOs relating to compliance with the *Standards for Registered Training Organisations (RTOs) 2015*.

The Council is responsible under the VET Act for making decisions regarding registration of training providers; accreditation of courses and the cancellation of qualifications, and can only investigate complaints about RTOs that relate to compliance with the *Standards for RTOs*.

### 3. Definitions

<b>Complainant</b>	The complainant is the person or organisation that is lodging the complaint with the Council against an RTO.
<b>Complaint</b>	A complaint is any expression of dissatisfaction with an action, product or service of an RTO lodged with the Council.
<b>Complaint audit</b>	A complaint audit is scheduled when a complaint has been verified and not resolved during the complaint investigation process.
<b>Complaint closure</b>	RTO has been informed of the complaint outcome and no further action is to be taken in relation to the complaint.
<b>Complaint enquiry</b>	A complaint is considered an enquiry until it has been scoped to determine if it falls within the Council's jurisdiction.
<b>Complaint investigation</b>	Evidence is provided to the Council from the complainant and RTO and is reviewed to determine if there are any potential non-compliances against the <i>Standards for RTOs</i> . A complaint investigation can be conducted in house or be externally reviewed. During the investigation, the Complaint Officer may contact or conduct meetings with the complainant and RTO to gather evidence. It is possible for a complaint to be resolved during this stage.
<b>Complaint level</b>	Each complaint is given a complaint level to aid in the actioning of the complaint. The complaint levels consist of: <ol style="list-style-type: none"> <li>1. Level 1 – Low risk. These complaints may include: <ol style="list-style-type: none"> <li>a) use of incorrect logos;</li> <li>b) marketing issues; and</li> <li>c) scope issues including incorrect or superseded units of competency or qualification</li> </ol> </li> <li>2. Level 2 – Medium risk complaint. A complaint that is neither a registration issue nor a high risk complaint but is required to go through the complaints process.</li> <li>3. Level 3 – High / Severe risk complaint which indicates possible injury or death if not resolved. These complaints may require an immediate audit.</li> </ol>
<b>Compliance</b>	The requirements of the <i>Standards for RTOs</i> have been met, based on the evidence reviewed.
<b>Procedural fairness</b>	Procedural fairness refers to: <ul style="list-style-type: none"> <li>• the decision makers act fairly and provide reasons for decisions</li> <li>• the person/s affected are given a fair hearing</li> <li>• all parties to a matter have an opportunity to present their case</li> <li>• the decision maker is impartial and acts without bias when making the decision</li> <li>• all relevant arguments are considered and irrelevant arguments are excluded</li> <li>• the decision, the reasons for the decision and evidence upon which the decision is made are explained and are capable of review</li> </ul>
<b>Substantiated complaint</b>	A complaint is considered substantiated when minor, significant or critical non-compliance in relation to the complaint have been identified at audit.
<b>The Council's jurisdiction</b>	An RTO must be registered with the Council and a complaint is within the <i>Standards for RTOs</i> for the Council to progress.
<b>Verified complaint</b>	Possible non-compliances have been identified following a complaint investigation.

#### 4. Policy

The Council believes that an effective complaints policy and associated procedures are integral to the overall compliance function of the Council in-line with compliance against the *Standards for VET Regulators 2015*.

As a regulator, the Council is responsible for providing a mechanism for students, parents and consumers to lodge complaints if they are dissatisfied with an RTO's service or product as they relate to the *Standards for RTOs*.

The Council encourages complaints from the public as an important source of regulatory information. Complaints made to the Council are dealt with in a confidential manner, however there may be circumstances in which the Council or TAC Secretariat may be required to disclose documents in response to a request under the *Freedom of Information Act 1992 (WA)*, a subpoena, or in light of other legal requirements.

Where a complaint is not within the jurisdiction of the Council's responsibility, the complainant will be advised of the most appropriate authority for handling the complaint. These may include other agencies such as the State Training Board, Western Australian Ombudsman, Consumer Protection and the Australian Skills Quality Authority (ASQA).

Complainants and/or respondents, who are not satisfied with the handling of a complaint or the outcome of a complaint investigation, have the right to request a review of the investigation process or outcomes. Complainants and/or respondents are advised to contact the TAC Secretariat in the first instance. If the matter remains unresolved, complainants and/or respondents may contact the Western Australian Ombudsman to discuss the matter further.

The outcomes of complaint investigations inform the risk management strategies of other Council compliance functions such as Strategic Industry Audits, compliance audits or reviews of individual RTOs. The review and analysis of complaints also aims to identify any systematic non-compliance issues which may enhance the Council's communication with RTOs. In these ways, the complaints system contributes to continuous improvement and adds 'public value' to the overall VET compliance systems within Western Australia.

To aid the investigation of a complaint, the Council is authorised to share with other registering bodies, information about an RTO they have registered.

#### 5. Requirements

The TAC Secretariat will outline to each complainant the TAC Complaints Handling process and provide the appropriate complaints handling form for use. Complaints will be handled in accordance with the key principles of complaints handling of:

- customer focus – the TAC Secretariat is committed to effective complaints handling and values feedback through complaints;
- visibility – information about how and where to complain is well publicised to learners, RTOs, stakeholders and other interested parties;
- accessibility – the process for making a complaint and investigating it is easy for the complainant to understand and access;
- responsiveness – complaints are acknowledged promptly, addressed according to urgency, and the complainant is kept informed through the process;
- objectivity and fairness – complaints are dealt with in an equitable, objective and unbiased manner. This will help ensure that the complaint handling process is fair and reasonable;
- confidentiality – personal information related to complaints is kept confidential;
- accountability – accountability for complaint handling is clearly established and responses to them are monitored and reported to management and other stakeholders;
- continuous improvement – complaints are a source of improvement for RTOs and the TAC Secretariat.

**a. Responsibilities**

The TAC Secretariat within the Department of Education implements and manages the Complaints Handling Policy and Process on behalf of the Council and is responsible for ensuring complaints are investigated and resolved efficiently and effectively.

**b. Approval/review**

This policy is submitted to the Council for endorsement.  
The Council will review and endorse the policy or return with advice to amend.

**c. Recording keeping and publication**

The approval of the policy is recorded in Council minutes.  
The date of approval is entered electronically and the document made final.  
An electronic version of the policy is available on the TAC Website.

**6. Supporting information**

*Standards for Registered Training Organisations (RTOs) 2015*  
*Standards for VET Regulators 2015*  
*Vocational Education and Training Act 1996*  
*Vocational Education and Training (General) Regulations 2009*  
TAC complaints handling form – Industry Employer Other  
TAC complaints handling form – Student Parent  
Information Sheet – Student / Consumers  
Information Sheet – RTOs  
TAC complaints checklist  
TAC complaint review and investigation

**7. Procedure**

This procedure applies to complaints received by the TAC Secretariat against Council registered RTOs relating to compliance with the *Standards for Registered Training Organisations (RTOs) 2015*. It specifies actions to be taken by TAC Secretariat personnel in relation to these complaints.

Complainants are encouraged to complete one of two complaints forms located on the Council's Website ([www.tac.wa.gov.au](http://www.tac.wa.gov.au)) and be lodged electronically via the TAC Complaints email address ([tacomplaints@des.wa.gov.au](mailto:tacomplaints@des.wa.gov.au)). Verbal complaints will subsequently need to be made in writing to enable a full investigation.

All completed complaint forms must have the full name and contact details of the complainant. Any complaint forms that do not have this information will be treated as an anonymous complaint. Anonymous complaints will be acted upon at the discretion of the Director, Training Regulation and will not normally be investigated unless it raises a serious matter and sufficient information is provided in the complaint for action to take place or justify the conduct of an investigation.

Complaints made to the Council are dealt with in a confidential manner, however there may be circumstances in which the Council or TAC Secretariat may be required to disclose documents in response to a request under the *Freedom of Information Act 1992 (WA)*, a subpoena, or in light of other legal requirements.

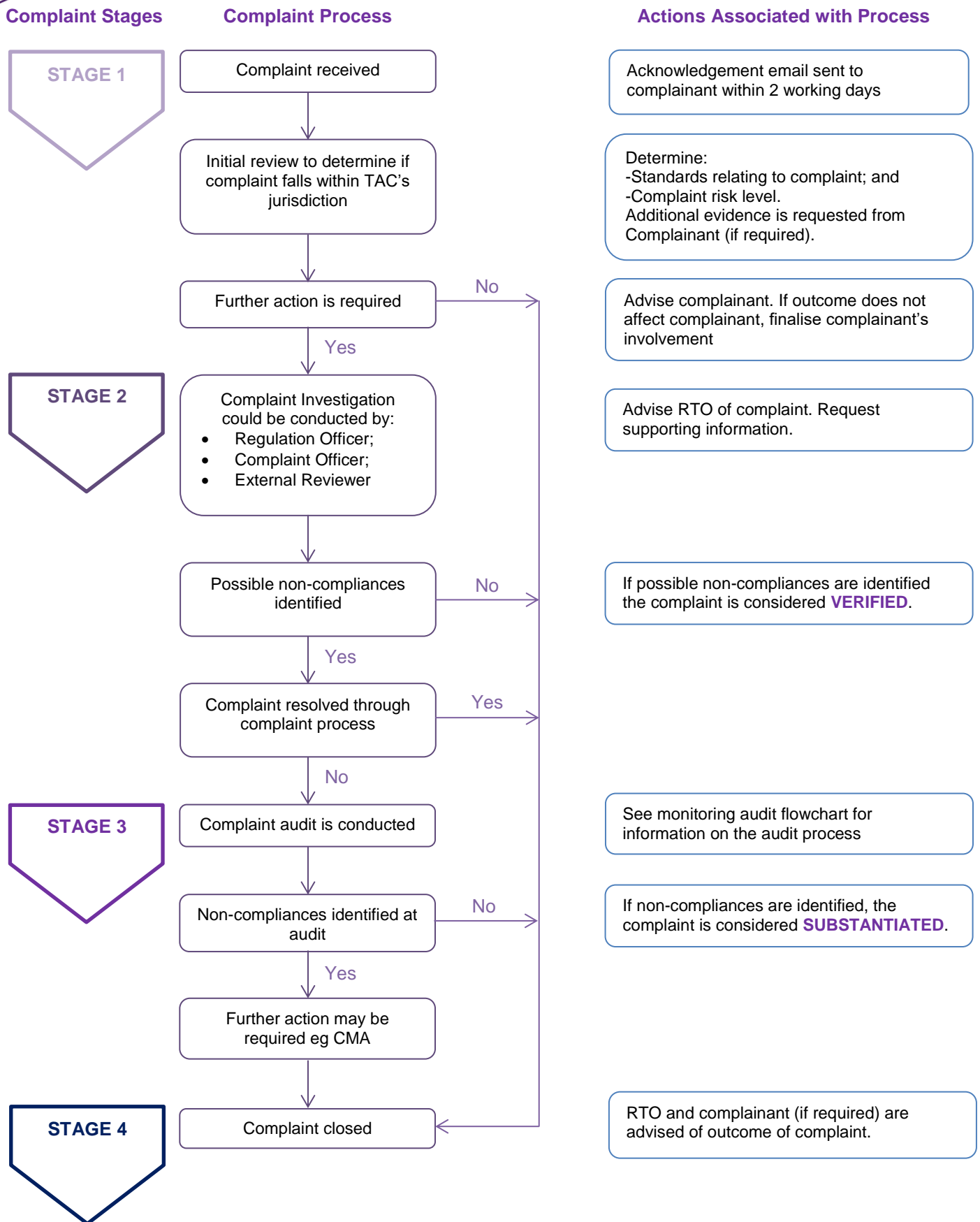
A complainant may elect to have their name withheld from the RTO during the complaints process. While the TAC Secretariat will make every effort to ensure their name is withheld, they cannot guarantee anonymity of a complainant. Where the withholding of information may limit the investigation process or negatively affect the outcome of the complaint, the TAC Secretariat will share information with other parties on an as needs basis. The TAC Secretariat will advise and seek the consent of the complainant should these issues arise.

If a complaint is within the scope of the *Standards for RTOs*, the TAC Secretariat will assign a Complaint Officer to investigate. The Complaint Officer may contact or arrange a meeting with the RTO to discuss the complaint and provide an opportunity to present any evidence. The RTO will be notified at each stage of the complaint process as appropriate. This is to ensure procedural fairness is followed and the investigation is undertaken free of bias.

If the outcome of the complaint does not directly affect the complainant, the complainant will be advised if the complaint will be progressed but will have no further participation in the process. If the outcome of the complaint directly affects the complainant, at the conclusion of the complaints review and investigation (if applicable) the complainant will be provided a summary of the outcome. Due to privacy restrictions, please note that some information regarding the outcome of the complaint, including audit outcomes, cannot be provided.

As a result of the Council's limited jurisdiction, complaints may not always be resolved to the satisfaction of all parties. Should the complainant or RTO be dissatisfied with the outcome, it is suggested the Western Australian Ombudsman is contacted on 1800 117 000 or PO Box Z5386, St Georges Terrace, Perth WA 6831.

### 8. Complaint Process Flowchart



The following guidance on the complaint process has been provided to assist RTOs in understanding the TAC Complaint Policy.

Stages	Description
<b>Stage 1</b> Complaint Received	Complaint is received and an acknowledgement email is sent to complainant within 2 working days.
	Complaint is scoped to determine if it falls within TAC's jurisdiction and the following is determined; <ul style="list-style-type: none"> <li>- Standards relating to complaint; and</li> <li>- complaint risk level.</li> </ul>
	Request additional information from complainant if required
	Advise complainant if complaint will be progressed within 10 working days of receiving all required evidence from complainant. If outcome does not directly affect complainant, complainant's involvement is finalised.
<b>Stage 2</b> Complaint Investigation	RTO is advised of the complaint and information is requested.
	Complaint investigation is conducted by either of the following depending on the severity of the complaint and amount of evidence that is received: <ul style="list-style-type: none"> <li>- Regulation Officer;</li> <li>- Complaint Officer;</li> <li>- External Reviewer.</li> </ul>
	If possible non-compliances are identified the complaint is considered <b>VERIFIED</b> . Verified complaints do not affect the risk rating of the RTO.
	If the complaint is resolved as a result of the complaints process, the complaint can be closed.
	If the complaint remains outstanding a complaint audit may be required.
<b>Stage 3</b> Complaint Audit	The complaint audit is conducted in line with the established audit process outlined in the Monitoring Audit Flowchart.
	If non-compliances are identified at the complaint audit, the complaint is considered <b>SUBSTANTIATED</b> . Substantiated complaints will have an effect on the RTO's risk rating.
	Further action may be required. This may include a Compliance Monitoring Audit being endorsed.
<b>Stage 4</b> Complaint Closed	The RTO and complainant (if required) are advised of outcome of complaint.