

## Complaints Handling and Appeals Process Policy

<b>Relevant Standard/s</b>
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<b>Standards for Registered Training Organisations (RTOs) 2015</b>
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Standard 6 – Clauses 6.1, 6.2, 6.3, 6.4, 6.5, 6.6
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### Purpose

Pivotal Education has developed their complaints handling process to ensure that a positive student experience is central to all aspects of learning journey including the student’s right to complaints resolution to comply with Standard 6 – Clauses 6.1, 6.3, 6.4, and 6.5 - *Standards for Registered Training Organisations (RTOs) 2015*.

As the major target group of students studying with Pivotal Education are existing workers through traineeships, the employer is also regarded as a significant stakeholder in the complaints handling process.

Pivotal Education ensures that students have access to a fair and simple complaints process, retaining all outcomes in student files.

### Compliance with Standards for Registered Training Organisations (RTO’s) 2015:

Pivotal Education complaints handling process for individual students complies as follows:

- a. Pivotal Education complaints handling policy is set out to manage and respond to allegations involving the conduct of:
  - Pivotal Education as an RTO
  - Pivotal Education staff
  - third party/ies who may be engaged at some point in time to provide services on Pivotal Education’s behalf, its trainers, assessors, or other staff; or
  - student(s)
  - employers (work place delivery)
- b. Pivotal Education complaints policy:
  - ensures the principles of natural justice and procedural fairness are adopted at every stage of the complaint process
  - informs those involved of the allegations in a respectful manner
  - provides opportunities for those involved to present their side of the matter
  - fair and unbiased
  - publicly available
  - sets out the procedure for making a complaint
  - ensures complaints are acknowledged in writing and finalized as soon as practicable; and
  - provides for a review by an appropriate party independent of and the complainant at the request of the individual making the complaint, if internal processes fail to resolve the complaint
- c. Where Pivotal Education considers more than 60 calendar days are required to process and finalise the complaint, Pivotal Education:

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- informs the complainant in writing, including reasons why more than 60 calendar days are required
  - regularly updates the complainant on the progress of the matter
- d. Pivotal Education:
- securely maintains records of all complaints and their outcomes; and
  - identifies potential causes of complaints and takes appropriate corrective action to eliminate or mitigate the likelihood of occurrence

### Principles for Handling Complaints

Pivotal Education makes sure that the process for lodging a complaint is clear and explains what will happen as a result. Students engage with staff about any concerns they have to stop minor issues becoming more serious.

Pivotal Education ensures students are not disadvantaged and specifically:

- a. does not require students to complete overly complex forms, which can be a barrier to students expressing their concerns; or
- b. does not require students to provide extensive written information as part of the complaints process
- c. allows students to have a support person (not legal) to be with them at all stages of the complaints process
- d. ensures students know the timeframe necessary to handle the matter (where it requires more than 60 days will inform in writing)
- e. informs students of external organisations they can refer to if they are dissatisfied with the outcome of internal complaint's handling processes
- f. allows anyone who has allegations made against them, to give their side of the situation before a decision has been made
- g. maintains student enrolment during the complaints handling process
- h. where the matter involves work place delivery, the employer is positively engaged as a stakeholder in the complaints handling process

### Procedural Fairness

During all stages of the complaints procedure Pivotal Education will take all steps to ensure that:

- a. student(s) will not be discriminated against with students maintaining their enrolment
- b. a full explanation for decisions and actions taken as part of the process will be maintained at each stage
- c. all parties involved will have the opportunity to have their opinion heard and respected
- d. no cost to the student for accessing internal complaints processes

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- e. records relating to complaints are treated as confidential and adhere to the principles of privacy and personal information requirements
- f. transparent information regarding external organisations is made available
- g. a student will maintain their enrolment during the complaint process unless the presence of the student/complainant creates an unsafe or hostile environment for staff and other students, the CEO may suspend enrolment till the duration to resolve the complaint has reached a mutually agreed and understood outcome
- h. all matters are handled with sensitivity to enable a safe environment for reaching a mutually satisfying outcome
- i. students may have a support person (Not legal) to be with them at any stage of the complaints process

### Relevant Staff Responsible to Handle Complaints

The following staff are responsible for handling student complaints:

Area of Concern	Staff	Appeal of Decision if required	Final Decision
Training and assessment	Trainers	Compliance Officer	Chief Executive Officer
Finance Matters	Marketing and Recruitment Consultant	Chief Executive Officer	Chief Executive Officer
Marketing services	Marketing and Recruitment Consultant	Chief Executive Officer	Chief Executive Officer
Administration services	Administration Officer/ Training Coordinator	Chief Executive Officer	Chief Executive Officer
Student Service Provisions	Administration Officer/ Training Coordinator	Chief Executive Officer	Chief Executive Officer

### Complaints and Appeals Procedure

- a. Early resolution
  - The complainant is advised to speak directly with the person or person responsible to solve a complaint first to see if it can be resolved through consultation
  - Although a formal complaints form is not required at this stage, the Pivotal Education staff member is obligated to make a file note and record it in the Complaints Register to risk manage escalation
  - Where a student is involved, the file note must also be retained on the student file
  - Where an employer is involved, the file note must also be retained on the employer file
- b. Making a complaint
  - Pivotal Education will receive complaints from any stakeholder that is engaged with Pivotal Education

- In the case where early resolution has not resulted in a positive outcome, the complainant may complain using the Complaints Resolution Form which may be filled in by the complainant directly or by the relevant Pivotal Education staff member that conduct the complaints process
- The Complaints Resolution Form:
  - includes the details of the complaint
  - includes provision for strategies to ensure that where it involves a student it results in agreed action to ensure a positive student experience
  - where it is a complaint about a student, the strategies includes any details regarding agreed actions that the student is required to undertake as part of their training program
  - other stakeholders will be recorded and actions agreed upon as required
  - in the case of work place training, the employer may be involved where appropriate as agreed by all relevant stakeholders involved in the complaints process

c. Complaint Handling Process

- Pivotal Education receives a completed Complaint Resolution Form or the complainant may make an appointment with the relevant Pivotal Education staff member to verbally provide information and the relevant staff member will complete the form
- The complainant will be provided with acknowledgement that the complaint has been received and/or appointment made to commence the process within 24 hours or at the complainants earliest possible convenience
- A written record, predominantly using the Complaints Resolution Form will be retained as evidence to utilise as an agreement for rectification and institutional improvement where possible
- Where the complaint involves another person, Pivotal Education will inform the other person about the complaint and provide them with an opportunity to respond to the issues raised as part of the process to establish a mutually satisfactory outcome for both parties.
- Where the complaint involves a Pivotal Education service including but not limited to pre-enrolment information, marketing, training and assessment or other services, the published steps for rectification as per “ASQA’s Student Centred Audit Approach” and “Addressing Non Compliances” will be referred to and included as positive corrective action to adopt to ensure a positive student experience and mutually productive outcome
- Provided that the matter is resolved mutually and any recommended rectifications are made, the details will be maintained on the student file and complaints register
- In the event that the complaint involves any perceived or alleged criminal conduct, Pivotal’s Chief Executive Officer will refer the matter directly to the relevant authority

d. Appeals Process

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- If the complaint is dealt with by the relevant Pivotal Education staff member (as per Relevant Staff to Handle Complaints Chart) and the complainant is dissatisfied with the outcome, they may access Pivotal Education Internal Appeals Process
- The complainant may then refer the matter to the relevant staff member in the column “Appeal of Decision if Required” as per nature of complaint
- The relevant staff member will objectively assess the information that was retained in the original complaint and listen to the reason the complainant is dissatisfied
- If the relevant staff member agrees that the complainant has reasonable grounds for appeal and review of the original decision, the original decision may be reviewed and a new outcome mutually agreed between the complainant, original relevant staff and relevant appeal staff
- If the relevant staff member does not agree with the complainant but has reviewed the decision and supports the original decision, the complainant is advised that the matter may be escalated to the Chief Executive Officer who makes the final decision on any internal complaints and appeals matters.
- The Chief Executive Officer will review both the details provided by the complainant and procedural fairness to ensure that the complainant was afforded fair and due process
- In the event that the Chief Executive Officer decides that the complainant has reasonable grounds, the original decision and first step appeal will be reviewed and the final outcome will be agreed upon, actioned and documented
- In the event that the Chief Executive Officer finds that the original decision was reasonable and that the complainant had been afforded fair and due process, will support the original decision.
- Where the internal appeals process has supported the original decision, the Chief Executive Officer will explain the external appeals process that the complainant may access.
- Pivotal Education will not charge the complainant for any information regarding accessing the external appeals process but will the
- student is there is any cost the external appeals process charges.

### External Review Organisations

The complainant may go to the external review organisation who will consult with the student and Pivotal Education to resolve the complaint. The student will bear any costs associated with external review as per external reviewer charges only if they are applied. The student may ask another person to accompany them to interviews with the external reviewer.

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Pivotal Education agrees to be bound by the independent reviewer’s recommendations. The Chief Executive Officer or delegate will ensure that any recommendations made are implemented immediately upon receipt of the report.

If a complaint still remains unresolved after the external dispute resolution process, the complainant may decide to refer the matter to an external agency such as The NSW Anti-Discrimination Board or The NSW Office of Fair Trading (Sydney Centre)

External agency options available to students include:

- ASQA ( <http://www.asqa.gov.au/complaints/making-a-complaint.html>)
- Department of Fair Trading (<http://www.fairtrading.nsw.gov.au>)
- NSW Ombudsman ([www.ombo.nsw.gov.au/contact-us](http://www.ombo.nsw.gov.au/contact-us))
- Administrative Appeals Tribunal (<http://www.aat.gov.au>)

ASQA can directly deal with complaints about:

- the information provided by an RTO about its course/s
- the delivery and assessment of training received
- the qualifications issued or to be issued

### **NSW Smart and Skilled Consumer Protection**

Pivotal Education is an Approved Provider to deliver Approved Qualifications under the NSW Smart and Skilled training which is subsidised by the NSW Government. To ensure consumer satisfaction and protection, Pivotal Education also adheres to the consumer protection requirements of the NSW Government.

Students undertaking NSW Government subsidised training that have a complaint must also refer to the Pivotal Education “Smart and Skilled Consumer Protection Policy” for details of additional support from the NSW Department of Industry, Skills and Regional Development.

### **Recording Complaints**

Pivotal Education maintains complaints information in the students file, employers file and Complaints Register

Pivotal Education process for recording complaints is as follows:

- a. Appointed staff give the complaints documentation to the Student Support Officer
- b. Student Service Officer
  - updates the student’s client journal on VET Trak to identify a complaint has been made
  - updates the Complaints Register
  - files one hard copy of the complaint in the Complaints file and one copy in the student file

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The Complaints Register is kept up to date at all times to accurately reflect how complaints were dealt with and the duration from the date the complaint was received to the date the complaint was resolved

**Student Notification about Complaints Process & Student Rights**

Students are informed about the complaints process and their student rights in the following ways:

- Student Induction Session
- Student Handbook
- Website

**Consumer Rights**

Nothing in this policy limits the rights of students or potential students to take action under Australia's Consumer Protection laws. The procedures set out in this policy do not replace or modify procedures or any other responsibilities which may arise under statute or any other law. In addition, these complaint resolution procedures do not circumscribe an individual's rights to pursue other legal remedies.

**Complaints as Action for Improvement and Addressing Matters of Compliance**

The Chief Executive Officer monitors the data contained in the Complaints Register as part of internal systems audit. The appropriate staff member provides this information for staff in meetings for review and improvement of services and systems.

If the complaint raised is in direct relation to a service provided by Pivotal Education, opportunities for improvement are identified as a result of service-related complaints which are to be submitted for meetings that include continuous improvement on the agenda. The Chief Executive Officer may follow-up with a student(s) that complained after consideration by the continuous improvement process to inform the complainant of the improvement actions identified and actioned.

Any rectifications that Pivotal Education are required to make includes guidance from ASQA in the Fact Sheets “Student Centred Audit Approach” and “Addressing Non-Compliances Following an Audit”. This information is utilised as a quality approach to maintaining compliant daily operations.

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