



# Complaints and Feedback policy

**Policy number: PL04**

**Version: 3.0**

**Policy Owner: General Manager Organisational Services**

**Subject Expert: Director Planning & Reporting**

**Next review date: 2 December 2022**

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## 1. PURPOSE

South Metropolitan TAFE (SM TAFE) values and encourages feedback to identify and resolve issues, prevent them from occurring again and to make improvements. This policy establishes the college's commitment to ensuring complaints and feedback are recorded, acknowledged and dealt with fairly, efficiently and effectively.

## 2. SCOPE

The policy applies to all staff, students and stakeholders. It gives students and stakeholders the right to provide feedback or make a complaint about: products and services and how they are delivered; something the college has failed to do; college facilities; conduct of college staff or enrolled students or the way in which a complaint is managed.

The policy does not apply to:

- disputes referred outside the college
- complaints about training contracts, other than training delivery and training plans
- complaints about assessment results – these are dealt with under the SM TAFE VET Academic Appeals Policy
- grievances lodged by employees of SM TAFE – see Grievance Resolution Policy.

## 3. POLICY GOVERNANCE

- Public Sector Commissioner's Circular 2009-27 Complaints Management
- Standards for Registered Training Organisations (RTOs) 2015
- Guidelines for complaint management in organizations AS/NZS 10002:2014
- Equal Opportunity Act 1984 (WA)
- Disability Discrimination Act 1992 & Disability Standards for Education 2005
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013
- Freedom of Information Act 1992 (WA)
- Privacy Act 1988
- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- International Student Complaints and Appeals policy – Department of Training & Workforce Development



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- WA Language Services Policy 2014
- State Records Act 2000
- VET Student Loans Rules 2016

### 4. KEY DEFINITIONS – refer to QMS Glossary

**Feedback** – opinions, comments and expressions of interest or concern

**Complaint** – an expression of dissatisfaction made to or about SM TAFE where a response or resolution is requested, expected or legally required. A complaint may relate to SM TAFE products, services or training delivery, something the college has failed to do, or the handling of a complaint. A complaint may also relate to the conduct of SM TAFE staff, a third-party providing services on behalf of the college or a breach of the Student Code of Conduct by an SM TAFE student

**DTWD** – Department of Training and Workforce Development

**Grievance** – a grievance is an unresolved matter of concern that becomes subject to the grievance resolution process. The grievance must be a situation where an employee is aggrieved because they believe the agency or one of its employees has breached legislation, or a policy, code or standard. The alleged breach must have occurred in a manner that affects the aggrieved employee and there is some action that the agency can take to remedy the situation

**Appeal** – is typically a request from a student requesting feedback/further reconsideration of decision made by the College. Please refer to the appropriate Appeals Policy

**Appellant** - a person specified in the scope of this policy who makes an appeal in accordance with this policy

**Stakeholder** – a person, organisation or their representative giving feedback or making a complaint. As well as students, a stakeholder may include SM TAFE staff, employers, customers, advocates, parents or other members of the community

**Resolution** – the matter is settled or concluded and the parties are notified of the outcome, regardless of whether this is in the favour of one party or another. Students and stakeholders may appeal if they are not satisfied with the resolution.

**Natural justice and procedural fairness** – requires that a fair and proper procedure to be used when making a decision. Procedural fairness requires a fair hearing appropriate to the circumstances; lack of bias; evidence to support a decision; and inquiry into matters in dispute.

### 5. PRINCIPLES

- 5.1** Feedback and accountability are encouraged and enabled. The right to make a complaint and have concerns treated seriously and investigated appropriately, is supported by SM TAFE management and staff.
- 5.2** Feedback and complaints may be lodged at no charge and students and stakeholders will not be disadvantaged or treated unfavourably as a result of making a complaint or giving negative feedback.



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- 5.3** The College must ensure that a student is not victimised or discriminated against for:
- a) seeking review or reconsideration of a decision; or
  - b) using the provider's processes or procedures about dealing with grievances; or
  - c) making an application for re crediting of the student's HELP balance under Division 2 or 3 of Part 6 of the [VET Student Loans] Act [2016].
- 5.4** Direct informal resolution of issues with those involved is encouraged. If a matter is not resolved informally, is of a serious nature or if a person wishes to make a formal record of compliments, suggestions or complaints, the feedback will be logged in the college's comment database.
- 5.5** The college makes information publicly available on the SM TAFE website about rights, responsibilities and expected behaviour in relation to complaints and feedback. To ensure the system is easy to use, this includes information about how to lodge feedback and complaints, how the process works, relevant timeframes, appeals procedures and alternative ways to resolve issues.
- 5.6** Where clients have individual needs, every reasonable effort will be made to provide assistance if requested and to make the complaint lodgement process as flexible as possible.
- 5.7** The principles of natural justice and procedural fairness are applied at every stage of the feedback and complaints process, including fair and open investigation and assessment of a complaint or feedback and any potential conflict of interest.
- 5.8** At all stages of the process the complainant and/or respondent have the right to be represented by an advocate (such as a family member, friend, counsellor or other professional support person).
- 5.9** Where the investigation and assessment of a complaint shows that SM TAFE contributed to a problem or issue, appropriate and effective remedies will be made available. The desired outcome of the student or stakeholder will be taken into consideration.
- 5.10** The college will collect adequate and appropriate information to investigate, manage and respond to complaints effectively.
- 5.11** Personal information given in the feedback and complaint process will be kept confidential unless permission is given to share it. The information will then only be shared where necessary to resolving the complaint or feedback.
- 5.12** Complaints from students and stakeholders about the conduct of a student will be assessed in relation to the Student Code of Conduct. Student or stakeholder complaints about the conduct of staff will be assessed in relation to the SM TAFE Staff Code of Conduct. Any complaint relating to the misconduct of staff, whether informal or through the formal complaints



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management system, must be referred to the staff member's supervisor/ line manager.

- 5.13** The Manager Student Support Services will be consulted regarding complaints made by International students, in line with DTWD's International Student Complaints and Appeals policy.
- 5.14** The Manager Education Pathways will be consulted regarding complaints made by or involving a minor (students under 18 years of age) or a student attending a VET in Schools (VETiS) program.
- 5.15** The Manager, Admissions will be consulted regarding complaints involving VET Student Loans matters.
- 5.16** Where a complaint alleges harassment, discrimination or criminal activity, the student or stakeholder will be informed of their right to refer the matter to external bodies or the police.
- 5.17** SM TAFE provides resources and training to staff, with authority to manage complaints delegated on a case-by-case basis, to relevant managers of the college business units.
- 5.18** Complaints and feedback will be tracked and documented. People giving feedback or making complaints will be kept informed during the process and advised of the resolution and reason for the decision/s.
- 5.19** Feedback and complaints are managed and resolved promptly, with timeframes specified for each step in the procedure. If the college considers more than 10 business days are needed to finalise the complaint the complainant will be informed in writing, including the reasons why more than 10 business days are required. In this case the complainant will also be regularly updated on the progress of the complaint.
- 5.20** An appeal may be made if a person is not satisfied with the outcome with internal and independent review available.
- 5.21** Appeals must be lodged in writing within 10 working days of notification of the outcome of the original complaint and detail the grounds for the appeal. Appeals may be made on the grounds of lack of procedural fairness only. Procedural fairness, also known as natural justice, is a principle of law concerned with the procedures used by the decision maker, rather than the outcome reached. An Appellant has no right of appeal simply because they do not agree with the decision.
- 5.22** Complaints are monitored and analysed to evaluate trends and identify potential causes so that they can be prevented from occurring again and/or improvements made in the delivery of training, customer service and the way the college operates.



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- 5.23** The complaints and feedback process is evaluated for efficiency and effectiveness through regular review. Planning and Evaluation reports biannually to Executive and SM TAFE management staff.

## 6. DOCUMENTS SUPPORTING THIS POLICY

### 6.1 Policies

- IS02 Records Management Policy
- IS09 Privacy Principles Policy
- TS01 Student Code of Conduct Policy
- HR01 Staff Code of Conduct Policy
- CS08 International Students Policy
- TIWA International Student Complaints and Appeals Policy – DTWD

### 6.2 Procedures

- PL0401 Complaints and Feedback procedure
- TS0101 Student Code of Conduct – Process for managing breaches and appeals

### 6.3 Forms

- PL040101 Customer feedback form (available as webform and downloadable as hardcopy at [www.southmetrotafe.wa.edu.au](http://www.southmetrotafe.wa.edu.au) )
- TIWA Complaint Review Form (available from TIWA)
- IS090001 Record of Conversation
- PL040102 Complaint Appeal Form

## 7. POLICY REVIEW AND COMMUNICATION

All staff will be notified of this policy and policy changes and the documents will be available on the QMS.

## 8. POLICY APPROVAL

Approved and Endorsed:

Terry Durant

Managing Director

Date: 26 June 2018



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### 9. DOCUMENT HISTORY AND VERSION CONTROL

Version	Date Approved	Approved by	Brief Description
V1.0	16/05/2017	Managing Director	Complaints and Feedback policy
V2.0	26/06/2018	Managing Director	Policy set - full review done.
V2.1	20/09/2019	General Manager Organisational Services	Governance updated. 5.14 added.
V3.0	2/12/2020	General Manager Organisational Services	Full policy document set review with minor updates.