

## Purpose

Vative has a defined complaints and appeals process that will ensure learners and clients appeals, complaints and grievances are addressed effectively and efficiently. Vative strives to ensure that all learners and clients are satisfied with their learning experience and outcome.

All Complainants' have access to a rigorous, fair and timely appeals, complaints and grievances process, outlined below. Any appeals, complaints and grievances will be reviewed as part of the continuous improvement process and where corrective action has been recommended, it will be implemented as a priority.

Vative will cooperate with ASQA, the relevant department responsible for State funded contracts, their representatives, or other interested parties, and the and respond to any complaints in good faith in the resolution of student complaints or other issues raised from time to time.

For the purposes of the NSW Smart and Skilled Contract, this policy is the Provider Consumer Protection Policy.

## Standards and Conditions

The following table identifies standards and clauses this policy relates to within the identified Federal and State Government contract guidelines.

| ASQA: Standards  | VIC Funding Contract     | NSW Funding Contract              | QLD Funding Contract                                   |
|------------------|--------------------------|-----------------------------------|--------------------------------------------------------|
| Standard 2.2 (b) | Clause 4.9 (i)           | S&S operating guidelines Clause 3 | 2021 – 24 User Choice policy<br>3 Provider performance |
| Standard 6       | Schedule 1 Clause 1.3(e) | Consumer Protection Strategy      | Skills Assure Performance Standard 1G                  |
|                  |                          | Contract Ts & Cs 13.2             |                                                        |

| Version Control | Date of Release | Approved By | Scheduled Review |
|-----------------|-----------------|-------------|------------------|
| 5.0             | June 2024       | Theo Pappas | June 2025        |

## Responsible Parties

A grievance, complaint or appeal is deemed to be formal when it is made in writing to the RTO Manager or the Chief Executive Officer (CEO).

The Quality Management Team will support the Chief executive in ensuring the grievance, complaint or appeal is handled in accordance with this policy.

### For NSW Smart and Skilled

- The RTO Manager is authorised Consumer Protection Officers.
- Contact details - [studentinfo@vative.com.au](mailto:studentinfo@vative.com.au) 1300 828 483

## Policy Outline

### Definitions outlining this policy:

- ✓ **Appeal:** In law, an appeal is a process for requesting a formal change to an official decision.
- ✓ **Complaint:** A statement that a situation is unsatisfactory or unacceptable.
- ✓ **Grievance:** An official statement of a complaint over something believed to be wrong or unfair.

If a learner, client (employer) or facilitator is dissatisfied with any aspect of the training, the complainant will be encouraged to first discuss directly with the Facilitator, or if that is not appropriate, with the Quality and Compliance Team.

All appeals, complaints and grievances will be handled in an unbiased manner and will adopt the principles of natural justice and procedural fairness.

If the issue is unable to be resolved within 10 working days or it is not appropriate that the Consumer Protection Officer deal with it, the matter will be referred to Vative's CEO.

Where more than 60 calendar days are required to process and finalise the complaint or appeal. Vative will:

- Inform the Complainant in writing, including reasons why more than 60 calendar days are required; and
- Regularly update the Complainant on the progress of the matter

Learners and clients have the right to present a complaint and to appeal any decisions (including assessment decisions), and to be treated fairly in the process. Vative will treat all appeals, complaints, and grievances in confidence.

| Version Control | Date of Release | Approved By | Scheduled Review |
|-----------------|-----------------|-------------|------------------|
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Where a grievance, complaint or appeal cannot be resolved through discussion and conciliation, Vative acknowledges the need for an appropriate external and independent agent to mediate between the parties, whose details are listed below:

## Victoria

Victorian Ombudsman

Phone: 1800 306 184

Online complaints portal <https://www.ombudsman.vic.gov.au/complaints/>

## New South Wales

Smart and Skilled enquiries/complaints

Phone: 13 28 11 / 1300 772 104

Email: [SmartandSkilled.Enquiries@det.nsw.edu.au](mailto:SmartandSkilled.Enquiries@det.nsw.edu.au)

## Queensland

Queensland Training Ombudsman

Call 1800 773 048 (8.30am–4.45pm (AEST), Monday to Friday)

The complainant may submit a complaint to the regulator ASQA, but only after attempts to resolve the issue have been exhausted with Vative.

For NSW Smart and Skilled

Vative will ensure students are made aware of their rights and options for making a complaint or providing feedback about their training and will confirm receipt of this information by way of gathering and retaining the signature of the student.

ASQA

National Training Complaints Hotline

Phone: 13 38 73

Complainants are advised that the regulator ASQA will not act upon any complaint unless efforts to resolve the complaint have occurred with Vative and been exhausted.

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|-----------------|-----------------|-------------|------------------|
| 5.0             | June 2024       | Theo Pappas | June 2025        |

## Procedure Outline:

The below section outlines the steps that support the Policy.

All complaints and appeals, received via all methods, are to be logged within the **Complaints & Appeals Register**. Emails and file notes in relation to complaints and appeals are also kept within Quality and Compliance folder on SharePoint.

If a complaint is received via email, the following details should be included:

- Complainant full name
- Date of event
- Details of the complaint
- Who is involved in the complaint
- Any witnesses
- A description of the event/incident
- Whether the complaint is formal or informal
- Whether the email is a complaint or grievance

### Formal Complaint or Appeal

In the event of a Formal Complaint or Appeal the following action will be taken:

1. Formal complaints and appeals must be made via the **Appeals, Complaints and Grievances Form** or sent via email detailing the complaint.
2. The **Appeals, Complaint and Grievances Form** is in the student handbook, available at the end of this policy, which is published on the website or upon request.
3. The form to be addressed to Vative's Consumer Protection Officer (the consumer protection officer)
4. Upon receipt of the complaint (via complaints form or email) the RTO Manager will acknowledge the complaint in writing within 3 working days.
5. Will investigate the complaint and respond within 10 working days.
6. The RTO Manager will inform those involved in the allegation and provide an opportunity to present their side of the matter.
7. The RTO Manager notifies the complainant of the investigation results and commences the processes for resolution.
8. The RTO Manager will provide the Complainant with his/her recommendations and outcome including reasons for the decision/s made with reference **to Appeals, Complaint and Grievances form**.
9. Refer to the **Appeals, Complaints and Grievance Form** at Appendix 1
10. Substantiated complaints will also be logged on the Improvement Register for further investigation to identify any potential causes and ensure appropriate action is taken to mitigate or remove the cause.

| Version Control | Date of Release | Approved By | Scheduled Review |
|-----------------|-----------------|-------------|------------------|
| 5.0             | June 2024       | Theo Pappas | June 2025        |

## Appeal

1. If a student does not agree with the outcome recorded on their assessment, Not Yet Satisfactory, or Not Yet Competent, they may appeal the decision in writing.
2. Vative will appoint another Facilitator to review the assessment outcome and provide an opportunity to the appellant to present their case.
3. If the original decision of Not Yet Satisfactory, or Not Yet Competent stands, the appellant may request a review by the Quality Compliance team, or other qualified personnel. A meeting will be held, and evidence reviewed.
4. If the decision is upheld, the appellant may undertake further training, or appeal the decision through the formal complaints process.
5. All appeals will be reviewed and finalized within three (3) business days.

## Informal Complaint

In the event of an informal complaint is received via telephone or email the following steps will be taken:

1. The call recipient will be professional and convey confidence at all times regarding Vative and the service products offered by Vative.
2. The call recipient will take details from the complainant specifically.
  - Complainant full name
  - Date of event
  - Details of the complaint
  - Who is involved in the complaint
  - Any witnesses
  - A description of the event/incident
  - Whether the complaint is formal or informal
  - Whether the email is a complaint or grievance
3. The call recipient will refer the complaint to the RTO manager, who will respond to the Complainant within 3 working days.

Alternatively, the complainant may raise their informal complaint with their facilitator, who will discuss the issue with you and any other relevant parties. If the complaint is resolved at the time of discussion, no other action is required. If the informal complaint cannot be resolved within 3 working days, then a formal complaint is to be raised.

If the informal complaint is resolved within 3 working days, the facilitator is to record the complaint in the complaints register.

## Complaints Register

A complaints register will be maintained and complaints which are not resolved immediately will be logged.

| Version Control | Date of Release | Approved By | Scheduled Review |
|-----------------|-----------------|-------------|------------------|
| 5.0             | June 2024       | Theo Pappas | June 2025        |

The complaints register will be reviewed monthly to ensure opportunities for improvement are identified and recorded in the Continuous Improvement register.

## **Publication**

Vative will publish the policy in a prominent place on the website.

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## Appendix 1

| Vative                                                                                                         |         |                                                                                                             |              |
|----------------------------------------------------------------------------------------------------------------|---------|-------------------------------------------------------------------------------------------------------------|--------------|
| APPEALS, COMPLAINTS, GRIEVANCE FORM                                                                            |         |                                                                                                             |              |
| <b>Name of Person Reporting:</b>                                                                               |         | <b>Company (if applicable):</b>                                                                             |              |
| <b>Reported to</b><br>RTO Manager <input type="checkbox"/><br>Chief Executive Officer <input type="checkbox"/> |         | Appeal <input type="checkbox"/><br>Complaint <input type="checkbox"/><br>Grievance <input type="checkbox"/> | <b>Date:</b> |
| Description of Issue                                                                                           |         |                                                                                                             |              |
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| Expected Outcome                                                                                               |         |                                                                                                             |              |
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| Action already taken by person reporting issue                                                                 |         |                                                                                                             |              |
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| Appellant/<br>Complainant                                                                                      | Signed: |                                                                                                             | Date:        |
| RTO Manager/CEO                                                                                                | Signed: |                                                                                                             | Date:        |

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