

COMPLAINTS POLICY

COMPLAINTS ABOUT REGISTERED TRAINING ORGANISATIONS (RTOS)

EFFECTIVE: 8 AUGUST 2019

VERSION: 1.0

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1. POLICY STATEMENT

This policy outlines the Training Accreditation Council's (TAC or the Council) commitment under the *Vocational Education and Training Act 1996* (VET Act), *Vocational Education and Training (General) Regulations 2009* (Regulations) and the *Standards for VET Regulators 2015* to provide students, parents and consumers with a mechanism to lodge complaints about Registered Training Organisations (RTOs) registered with the Council.

The aims of the policy are to:

- provide information on the role and responsibilities of the Council; and
- set out the process and procedures when dealing with complaints.

The Council believes that an effective Complaints Policy and associated procedures are an important source of regulatory information. The outcome of complaint investigations inform the risk management strategies of the Council and other compliance activities such as strategic reviews, compliance audits or reviews of individual RTOs.

The complaints process contributes to continuous improvement and adds 'public value' to the overall VET compliance framework within Western Australia.

2. SCOPE

The Council is Western Australia's registering and course accrediting body. It is responsible for the quality assurance and recognition of VET services in Western Australia. The TAC Secretariat supports the Council in the performance of its regulatory functions by investigating complaints.

The Complaints Policy applies to complaints received:

- about TAC registered RTOs relating to their compliance with the *Standards for Registered Training Organisations (RTOs) 2015* (Standards for RTOs); and
- about a person or provider that claims to be an RTO or claims to deliver an approved VET course or nationally recognised qualification when they are not registered and authorised to do so.

The Complaints Policy does not apply to:

- refunds;
- personal disputes between trainers and students;
- employment arrangements between a trainer and their employer;
- negative RTO staff behaviour such as bullying, harassment and intimidation; or
- any issues that fall outside of the VET Act and the Standards for RTOs.

3. PRINCIPLES

This policy is based on the following principles:

Accessibility – the process for making a complaint is easy for the complainant to understand and access.

Responsiveness – complaints are acknowledged promptly and the complainant is kept informed throughout the process.

Objectivity – complaints are dealt with in an equitable, objective and unbiased manner.

Procedural Fairness:

- all parties to the complaint matter have an opportunity to present their case;
- the organisation that is the subject of the complaint is given sufficient details of the complaint and the opportunity to respond;
- the Council will make reasonable enquiries, act fairly and consider all relevant information; and
- reasons for the decision are provided.

Confidentiality – The personal information of the complainant and any people who are subject to the complaint will be kept confidential and only used for the purposes of addressing the complaint.

4. DEFINITIONS

Complainant	Person or organisation who makes a complaint to the Council.
Complaint	A submission to the Council that outlines the matters of dissatisfaction with the products and/or services provided by a training organisation.
Complaint audit	A complaint audit is scheduled when a complaint has been verified and not resolved during the complaint investigation process.
Complaint Closure	The RTO has been informed of the complaint outcome and no further action is to be taken in relation to the complaint.
Complaint Investigation	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 Standards for RTOs or the VET Act.
Compliance	The requirements of the Standards for RTOs have been met, based on the evidence reviewed.
Registered Training Organisation (RTO)	Providers who are registered by a VET Regulator in Australia to deliver nationally recognised training.
Resolution	A complaint is resolved when it is settled or concluded and the parties are notified of the outcome.
Respondent	An organisation who has been requested to provide a response to a complaint.
Standards for RTOs	<i>Standards for Registered Training Organisations (RTOs) 2015</i>
TAC	Training Accreditation Council
The Council	Training Accreditation Council
Verified complaint	Non-compliances have been identified following a complaint investigation.
VET	Vocational Education and Training.
VET Act	<i>Vocational Education and Training Act 1996.</i>

5. PROCEDURES

The roles and responsibilities of the Council are outlined in the VET Act, the Regulations and the *Standards for VET Regulators 2015*.

The *Standards for VET Regulators 2015* requires the Council to manage complaints about RTOs. As a result of the Council's limited jurisdiction, complaints may not always be resolved to the satisfaction of all parties, and resolution may not mean the complaint is concluded in favour of any of the parties.

The TAC Secretariat (the Secretariat) manages these complaints in accordance with the procedures.

Complaints are made via:

- the TAC website by completing the [Complaint Form](#) located on the TAC website under both the 'Students' and 'Employers and Industry' tabs,
- via email tacomplaints@dtwd.wa.gov.au, or
- telephone 9224 6510, or
- post to Locked Bag 16 OSBORNE PARK DC WA 6916.

Upon receipt of a complaint the following actions are undertaken:

STAGE 1 – RECEIPT AND ASSESSMENT

- complaints are submitted via the TAC Complaint Form, phone or email;
- all complaints are registered and recorded by the TAC Secretariat;
- within two working days, an email or letter will be sent to the complainant confirming receipt;
- within five working days, the TAC Secretariat will contact the complainant by phone or in writing and will undertake one or more of the following actions:
 - 1.1 where the complaint falls outside the jurisdiction of TAC, the complainant will be advised:
 - 1.1.1 the basis on which this has been determined;
 - 1.1.2 options for referral to another agency if appropriate.
 - 1.2 confirmation that a formal complaint has been made by the complainant to the RTO in the first instance and that this process is completed; and
 - 1.3 the complaint is discussed with the complainant to confirm all details and if required, further information requested.
- the TAC Secretariat will examine whether sufficient evidence exists to support a complaint investigation on allegations within the scope of the Complaints Policy (ie., the RTO's compliance with the Standards for RTOs and/or s.58A(1) of the VET Act);
- if insufficient evidence exists to progress the complaint, the complainant will be advised verbally (where possible) and in writing and the complaint will be closed;
- if sufficient evidence is available, the matter will progress to *Stage 2 – Complaint Investigation*.

STAGE 2 – COMPLAINT INVESTIGATION

- the training organisation will be formally advised of the complaint verbally (where possible) and in writing;
- the training organisation provides the TAC Secretariat with a formal response to the allegations and evidence to support the response;
- the TAC Secretariat will assess all evidence received from the complainant and the training provider and form a view on whether the complaint is verified and supported by evidence;
- the complainant will be advised verbally (where possible) and in writing of the TAC Secretariat's decision, any further action to be taken and that the complaint has been resolved. One or more of the following reasons will be given:
 - insufficient evidence available to support the complaint allegation/s made of non-compliance with the Standards for RTOs or VET Act;
 - remedial action taken by the training provider and compliance with the Standards for RTOs or VET Act has been achieved as a result;
 - an offer made by the training provider to the complainant in resolution of the complaint issues; and/or
 - non-compliance/s with the Standards for RTOs or VET Act were verified via the complaint investigation and the commencement of an audit has been endorsed.
- complainants and/or respondents who are not satisfied with the handling of their complaint may contact the Director, Training Regulation, Department of Training and Workforce Development via taccomplaints@dtwd.wa.gov.au.

6. RELATED POLICIES, LEGISLATION AND OTHER RELEVANT DOCUMENTS

- *Vocational Education and Training Act 1996*
- *Vocational Education and Training (General) Regulations 2009*
- *Standards for VET Regulators 2015*
- *Standards for Registered Training Organisations (RTOs) 2015*
- *TAC Service Standards*

7. REVIEW DATE

The review date will be 12 months from the date that the policy is endorsed by the Council, unless an earlier review date is required.

8. CONTACT INFORMATION

Manager, Risk and Information
Telephone: (08) 9224 6510

General Enquires: tac@dtwd.wa.gov.au
Complaints: taccomplaints@dtwd.wa.gov.au

