

Complaints Handling Policy and Procedures

Sydney Metropolitan International College (SMIC) is committed to providing a fair and transparent complaint-handling process.

What is a complaint?

A complaint is generally negative feedback about services or people which has not been resolved locally.

Who does this policy apply to?

This policy applies to and may involve issues concerning the conduct of:

- Sydney Metropolitan International College as an organisation, its trainers, assessors or other staff;
- Third party's services provided on the behalf of Sydney Metropolitan International College, including education agents, or any related party the registered provider has an arrangement with to deliver the overseas student's course or related services
- its trainers, assessors or other staff; or
- a learner of Sydney Metropolitan International College.

This is an important point to note in understanding that this policy has a broad application and is not simply relevant to complaints that may be made by learners. A complaint may be made by an employer about Sydney Metropolitan International College or by the trainer about the conduct of the learner. Throughout this policy we refer to the person making a complaint as simply the complainant.

Early resolution of complaints

In all cases, issues that arise during training and assessment that are the source of frustration or are in dispute should be resolved at the time they occur between the persons involved. It is often the case that complaints can be avoided by proper communication and respect between persons involved.

Relationship to continuous improvement

Frequently, the complaints handling process will expose weaknesses in the training and assessment or administrative system that can flow into the continuous improvement system as opportunities for improvement. This outcome of complaints handling is very

positive and should be actively applied by all persons involved. It is for this reason that complaints received from stakeholders should be seen in a positive light and as opportunities for improvement.

Making a complaint

A complaint may be received by Sydney Metropolitan International College in any form and does not need to be formally documented by the complainant in order to be acted on. Complaints may be made by any person.

To make a complaint, the person is recommended to complete the Sydney Metropolitan International College - Complaint Form. This form is available via our website or can be obtained from the Sydney Metropolitan International College office.

The completed complaint form is to be submitted to the Office Manager either in hard copy or electronically via the following contact details:

Address: 432-434 Kent St, Sydney NSW 2000

Email: peo@smic.edu.au

Complaint handling procedure

Sydney Metropolitan International College will apply the following procedure to its complaints handling:

- A complaint may be received in any form (written, verbal) although persons seeking to make a complaint are recommended to complete the complaint form which is available to them on the website. There is no time limitation on a person who is seeking to make a complaint. A person who makes a complaint must be **provided a written acknowledgement** as soon as possible and **not later than 24 hours** from the time the complaint is received. This acknowledgement is intended to provide the complainant assurance that Sydney Metropolitan International College had received the complaint and will review the relevant issues and provide a response as soon as practicable. The acknowledgement must inform the complainant that they will receive a written response within 14 days and explain the complaint handling process and the person's rights and obligations.
- A written record of all complaints is to be kept by Sydney Metropolitan International College including all details of lodgement, response and resolution. The complaints register within RTO Manager is to be used to record the details of the complaint and to maintain a chronological journal of events during the complaint handling process. Records relating to complaint handling must be stored securely to prevent access to unauthorised personnel.
- A complainant is to be provided an opportunity to formally present his or her case at no cost.
- Each complainant may be accompanied and/or assisted by a support person at any relevant meeting.
- Sydney Metropolitan International College will conduct the assessment of the complaint or appeal in a professional, fair and transparent manner

- Where a complaint is made about or involves allegations about another person, Sydney Metropolitan International College is obliged to inform this person about this complaint or allegation and provide them the opportunity to respond and present information in response to the issues raised. This may be achieved through direct meetings or meeting via an electronic means. Sydney Metropolitan International College must maintain a detailed record of these meetings in the form of a record of conversation. At all times information must be handled sensitively and treated in confidence. Persons involved in a dispute or complaint should be reminded to treat each other with respect and conduct themselves in a professional and courteous manner.
- Where a complaint is received by Sydney Metropolitan International College which involve allegations about alleged criminal conduct, Sydney Metropolitan International College are to recommend the person making the complaint refer the matter to the relevant State or Territory Police Service.
- The complaints policy must be publicly available. This means that the complaints policy and procedure must be published on the Sydney Metropolitan International College website.
- The handling of a complaint is to commence within **seven (7) working days** of the lodgement of the complaint and all reasonable measures are taken to finalise the process as soon as practicable.
- The complainant is to be provided a written response to the complaint, including details of the reasons for the outcome. A written response must be provided to the complainant within **fourteen (14) working days** of the lodgement of the complaint.
- Complaints must be resolved to a final outcome within **sixty (60) calendar days** of the complaint being initially received. Where Sydney Metropolitan International College Chief Executive Officer considers that more than 60 calendar days are required to process and finalise the complaint, the CEO must inform the complainant in writing, including reasons why more than 60 calendar days are required. As a benchmark, Sydney Metropolitan International College should attempt to resolve complaints as soon as possible. A timeframe to resolve a complaint within thirty (30) calendar days is considered acceptable and in the best interest of Sydney Metropolitan International College and the complainant. A complainant should also be provided with regular updates to inform them of the progress of the complaint handling. Updates should be provided to the complainant at a minimum of **two (2) weekly intervals**.
- Sydney Metropolitan International College shall maintain the enrolment of the complainant during the complaint handling process.
- Decisions or outcomes of the complaint handling process that find in the favour of the learner shall be implemented immediately.
- Complaints are to be handled in the strictest of confidence. No Sydney Metropolitan International College representative is to disclose information to any person without the permission of Sydney Metropolitan International College Chief Executive Officer. A decision to release information to third parties can only to be made after the complainant has given permission for this to occur. This permission should be given using the Information Release Form.
- Complaints are to be considered and handled to ensure the principles of natural justice and procedural fairness are applied at every stage of the complaint handling process. This means that the complainant is entitled to be heard with access to all

relevant information and with the right of reply. The complainant is entitled to have their complaint heard by a person that is without bias and may not be affected by the decision. Finally, the decision must be made based on logical evidence and the decision-maker must take account of relevant considerations, must act for a proper purpose and must not take into account irrelevant considerations. Further information can be obtained from the following link:

<https://www.ombo.nsw.gov.au/complaints>

- Complaint handling procedures should conclude with an analysis of the circumstances to identify any opportunities for improvement.

Informing Persons and Responding to Allegations

Where a complaint involves one person making allegations about another person, it is a requirement for Sydney Metropolitan International College to hear both sides of the matter before making any judgements about how the complaint should be settled. A person who will be affected by a decision made by Sydney Metropolitan International College as a result of a complaint has the right to be fully informed of any allegations and to be provided adequate opportunity to be heard and respond. The person has the right to:

- put forward arguments in their favour,
- show cause why a proposed action should not be taken,
- deny allegations,
- call for evidence to disprove allegations and claims,
- explain allegations or present an innocent explanation, and
- provide mitigating circumstances (information aimed at reducing the severity, seriousness, of something).

Sydney Metropolitan International College also has an obligation to fully consider the substance of allegations and the response provided by parties before making a decision. Decisions must be communicated to the complainant and relevant persons subject of allegations in writing. This is to include advising these persons of their right to seek a third-party review of decisions made by Sydney Metropolitan International College. Where an allegation is made that involve alleged criminal or illegal activity and it is considered outside the scope and expertise of Sydney Metropolitan International College to investigate the matter, then in these circumstances Sydney Metropolitan International College reserve the right to report these allegations to law enforcement authorities. Persons related to the matter involving alleged criminal or illegal activity will be advised in writing if this course of action is being taken.

Third Party Review

Where the person making a complaint is not satisfied with the handling of the matter by Sydney Metropolitan International College, they have the opportunity for a body or person that is independent of Sydney Metropolitan International College to review his or her complaint following the internal completion of complaint handling process. Before a person seeks a review by an independent third party, they are requested to first allow Sydney Metropolitan International College to fully consider the nature of the complaint

and to respond to the person in writing. If after this has occurred, the person is not satisfied with the outcome, they have the right then seek a review by an independent third party. To request a review by an independent third party, the complainant should inform the Office Manager of their request who will initiate the process with the Chief Executive Officer.

In these circumstances, the Sydney Metropolitan International College Principal Executive Officer will advise of an appropriate party independent of Sydney Metropolitan International College to review the complaint outcome (and its subsequent handling) and provide advice to Sydney Metropolitan International College in regards to the recommended outcomes. The independent third-party is required to respond with their recommendations within **fourteen (14) working days** of their review being requested. This advice is to be accepted by Sydney Metropolitan International College as final, advised to the person making a complaint in writing and implemented without prejudice. Where the Sydney Metropolitan International College appoints or engages an appropriate independent person to review a complaint, the Sydney Metropolitan International College will meet the full cost to facilitate the independent review.

Where a complaint is received by Sydney Metropolitan International College and the Chief Executive Officer feels that they may have bias or there is a perception of bias, then the complaint is to be referred directly to an independent third-party for consideration and response as outlined above.

Unresolved Complaints

Once the complaint handling process has concluded; where the person making a complaint remains not satisfied with the outcome of the complaint handling procedure, the person is to be advised that they have the right to refer the matter to any external authority/agency who may be relevant to their complaint.

Please note that for international students there is additional information about unresolved matters following this section.

The following external agencies are nominated in the first instance as relevant points of referral the person may consider:

- In relation to consumer related issues, the person may refer their complaint to the **Office of Fair Trading**.
- In relation to the delivery of training and assessment services, the person may refer their complaint to the **National Training Complaints hotline** via the following phone number: 13 38 73 or visit the website at <https://www.dese.gov.au/national-training-complaints-hotline>
- In relation to matters relating to privacy, the person may refer their complaint to the **Office of the Australian Information Commissioner** via the following details: <https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint> or call on 1300 363 992

This guidance is also communicated to learners within the Learner Handbook. It is expected that the above agencies will investigate the persons concerns and contact the Sydney Metropolitan International College for information. External agencies will typically request a copy of any record of how the complaint was handled from the person. Sydney Metropolitan International College is to ensure that the person is provided with a written response that they may use for this purpose.

Unresolved International Student Complaints

Where an international student complaint is unable to be resolved, the international student may refer the matter to the Overseas Students Ombudsman. The Ombudsman's services are free, independent and impartial.

The Overseas Students Ombudsman can consider matters relating to:

- refusing admission to a course
- fees and refunds
- course or provider transfers
- course progress or attendance
- cancellation of enrolment
- accommodation or work arranged by your provider
- incorrect advice given by an education agent.

The Overseas Students Ombudsman can investigate complaints about education agents who have an agreement with a provider to represent them in Australia or overseas. The following website provides more information about accessing the services of the Overseas Students Ombudsman.

<http://www.ombudsman.gov.au/making-a-complaint/overseas-students>

The Sydney Metropolitan International College is to cooperate fully with agencies such as the National Training Complaints Service, Overseas Students Ombudsman, the Office of Fair Trading or ASQA that may investigate the handling of a complaint. Sydney Metropolitan International College considers that it would be extremely unlikely that a complaint is not able to be resolved quickly within Sydney Metropolitan International College internal arrangements.

Record Management of Complaint Records

Records relating to complaints will present in two formats. There will be electronic records in the form of email correspondence and other documents which are communicated electronically and hard copy records which are submitted by the complainant or generated by Sydney Metropolitan International College. There is also a record of the complaint maintained within the Sydney Metropolitan International College student management system RTO Data. This includes the details about the complaint and a diary log which records the progress of the complaint handling and closure. This record also records identified opportunities for improvement that result from complaints handling.

All records regardless of their format (excluding RTO Data) will be saved in a digital format into a secure folder located on the Sydney Metropolitan International College file storage. Each file is to be clearly labelled with the document title or subject and the date of which the document was received or generated. This folder must only be accessible to persons authorised by the Chief Executive Officer. Records stored on RTO Data are to be accessible only to RTO data administrators and managers.

To ensure records are maintained in a safe and suitable condition, the following is to apply:

- Records must be kept securely to prevent them being accessed by any non-authorised personnel.
- Records must be kept confidential to safeguard information and to protect the privacy of complainants.
- Records must be kept to avoid damage by fire, flood, termites or any other pests.
- Electronic data storage must be safe from destruction by fire or flood and should take account of the risk of component failure of a single storage device. Electronic data is also to be backed-up off site.

Period of retention of Complaints Records

Sydney Metropolitan International College is to retain records relating to complaints handling for a minimum of two (2) years after the student ceases to be an accepted student.

Destruction of Complaints Records

Sydney Metropolitan International College PEO/CEO is the only person who can authorise (in writing) the destruction of complaint handling records. Records are only to be authorised for destruction after the retention period has lapsed. Documents identified for destruction are to be shredded before being recycled.

Complaints Handling Process:

