

Victorian Training Guarantee Contract Compliance Complaints Management Guide



**Published by the Department of Education
and Early Childhood Development**

Melbourne
March 2014

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and Early Childhood Development) 2014

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Authorised by the Department of Education
and Early Childhood Development,
2 Treasury Place, East Melbourne, Victoria, 3002.
ISBN 978-0-7594-0744-2

This document is also available on the internet at
[http://www.education.vic.gov.au/about/contact/
Pages/compliancecomplain.aspx](http://www.education.vic.gov.au/about/contact/Pages/compliancecomplain.aspx)

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Foreword

The Department of Education and Early Childhood Development (the Department) enters into funding contracts with a network of Registered Training Organisations (RTOs) to deliver vocational education and training (VET) to eligible individuals under the Victorian Training Guarantee (VTG).

To assure the integrity of the training system and meet the objectives of the government's policy for VET, the Department has implemented the Victorian Training Guarantee Compliance Framework (the Framework). The Framework guides the administration of funding contracts and ensures processes are in place to properly support and monitor the performance of contracted training providers to achieve maximum value from funding invested in VET.

Receiving feedback and managing concerns and complaints about contracted training providers is one way for the Department to identify and resolve emerging problems in a systematic way. The Department recognises that an effective complaints management system promotes quality improvement through feedback and enhances stakeholder satisfaction through the appropriate handling and resolution of issues as they emerge.

Feedback and complaints may be directed to the Department regarding aspects of the conduct of RTOs in the government subsidised training market, including: aspects of training service delivery; or RTO behaviour in the market. Concern may also be raised about aspects of misconduct including potential misclaiming of training funds.

This Guide outlines the means of providing feedback to, or lodging a complaint with the Department about a contracted training provider, and how such information will be handled.

Purpose

A person who wishes to lodge a complaint about an RTO, depending on the nature of the complaint, should raise the issue with the RTO itself, in the first instance, to try to resolve the matter.

In many instances, where senior staff at RTOs are alerted to situations giving rise to complaint, they may be able to resolve the matter quickly, to the complainant's satisfaction. Responding to complaints is one way in which RTOs can improve their practices and enhance student satisfaction.

At the same time, the Department recognises that individuals or organisations have the right to provide feedback, raise a concern, or make a complaint about the activities of RTOs contracted to deliver government subsidised training with the Department.

The Department maintains business processes for complaints to be addressed internally, or be referred to the appropriate party or jurisdiction. Every effort is made to ensure complaints handling processes are fair, timely, and efficient.

This Complaints Management Guide sets out the principles and policy for managing complaints regarding the behaviour or compliance practices of government contracted RTOs.

It also explains the key elements of the procedures in place to handle complaints received by the Department, including how complaints can be lodged; and the approach the Department will take in handling a complaint.

A complaint is ...

A complaint is defined as:

- a written expression of dissatisfaction with or concern relating to the activities of a government contracted training provider;
- lodged by a complainant or their representative; and
- relating to a specific episode, occurrence or failure that is viewed as having resulted in an impact on any individual or group.

This definition is based on the Australian Standard AS ISO 10002-2006 Customer Satisfaction – Guidelines for Complaints Handling in Organisations.

Complaints Management Principles and Policy

Principles

The Department will manage complaints according to the principles of:

- Objectivity and fairness: complaints are dealt with in an equitable, objective and unbiased manner and with regard to fairness and timeliness;
- Access and transparency: information about how and where to complain is well publicised and easily accessible to all stakeholders;
- Responsiveness: complaints are acknowledged in a timely manner, addressed promptly and according to order of urgency, and the complainant is informed of the process;
- Confidentiality and privacy: complaints are treated confidentially and the identity of complainants kept confidential to the extent possible where requested, except where the law otherwise provides. In handling complaints, the Department will comply with the requirements of relevant privacy legislation;
- Commitment: the Department is committed to effective complaints handling and values feedback through complaints; and
- Quality improvement: effective complaints handling will improve the quality of services enabling poor performance to be identified and resolved quickly, and highlighting further scope for improvement.

Policy

The Department is committed to providing mechanisms whereby complaints will be dealt with in accordance with the principles set out in this Guide. Departmental officers will consider any complaint lodged, and if the complaint is regarding a matter within the Department's jurisdiction, will implement the processes described in this Guide.

When dealing with a complaint Departmental officers will:

- operate within the Victorian Public Service Code of Conduct;
- respect an individual's right to complain, to express an opinion, and their right to privacy;
- be sensitive to cultural, ethnic or religious differences of parties to the complaint;
- ensure the complainant and respondents have sufficient and suitable access to the complaints investigation and resolution process outlined in this Guide;
- be prepared to escalate complaints to more senior and/or independent parties when appropriate for resolution or decision review;
- apply responses and/or remedies consistently across all affected parties, not just the complainant;
- make available a review process should there be concerns with the Department's handling of the complaint; and
- refer an individual to external review bodies on request.

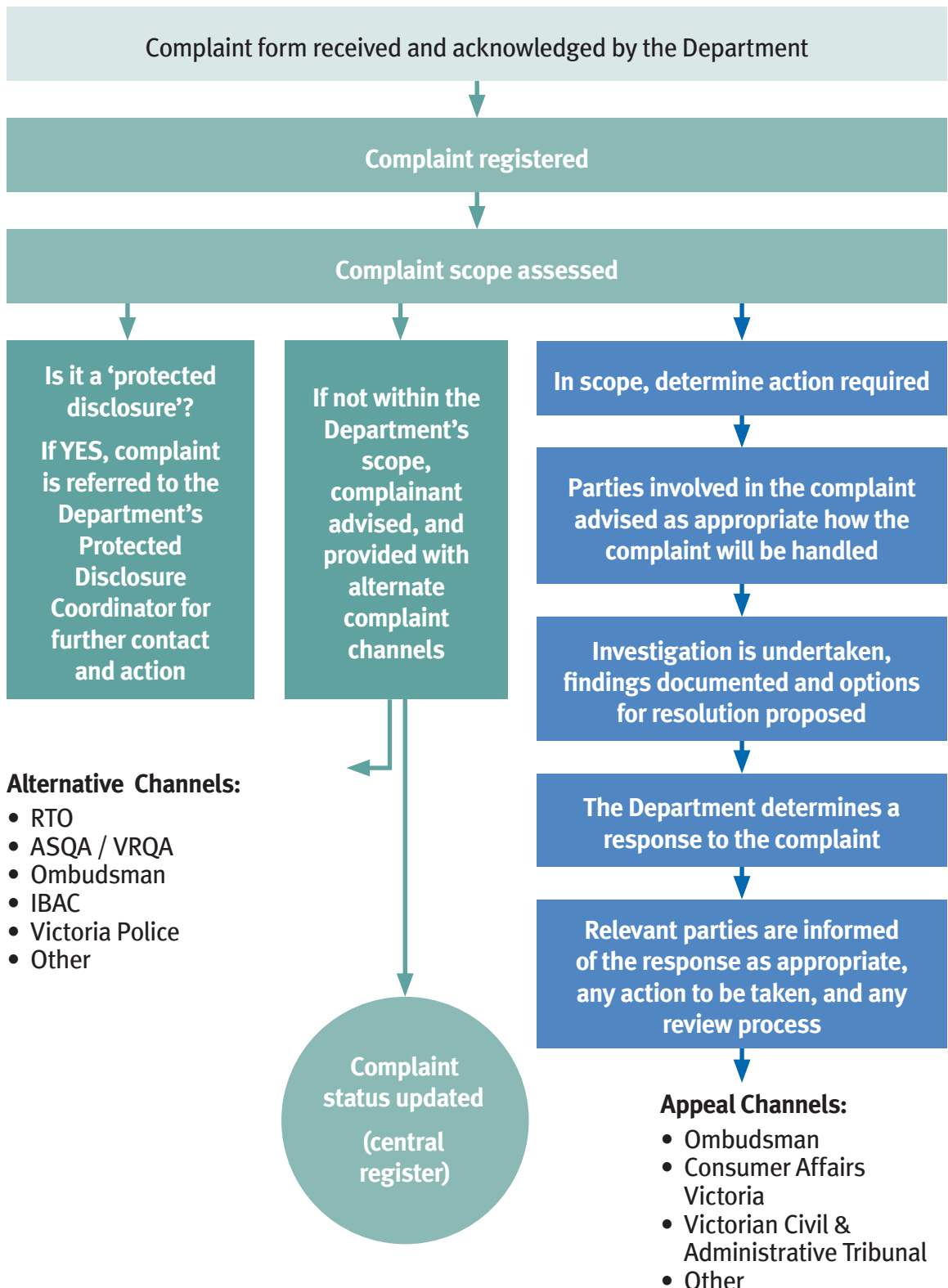
Complaints Management Process

The following explains the steps in the Department's complaints management process:

- a complaint received by the Department will be acknowledged promptly, and where the complaint is not within the Department's responsibility, the complainant will be advised and provided with any alternate complaint channels;
- where the complaint is within the Department's responsibility to handle, the nature of the complaint will be assessed and assigned a priority based on the urgency of the issue;
- where the complaint warrants investigation, the Department will determine the approach to be undertaken and how the complaint will be investigated. If appropriate, the parties involved in the complaint (complainant and/or respondent(s)) will be advised as to how the complaint will be handled;
- the aim of the investigation will be to establish what has happened and what information needs to be gathered from the parties involved, and other relevant sources, to obtain the facts about the issue, analyse the information gathered and formulate options to resolve the complaint;
- at the conclusion of the investigation, the findings will be documented and options for resolution considered. The Department will use this information to decide what action is appropriate to resolve the complaint;
- the Department's response to the complaint will be communicated as appropriate to the complainant and, where relevant, the respondent(s), outlining clear reasons, including information on which the response is based;
- where the complaint is justified, any action to be undertaken by the respondent(s) to remedy the complaint (where possible) will be clearly communicated along with expectations about timeframes for resolution;
- information about review mechanisms available will be provided should a party not be satisfied with the Department's response to the complaint; and
- where a complaint identifies any systemic issues, the Department will take action to address these issues across the training system more broadly.

The flow diagram of the following page provides a pictorial view of the complaints management process.

How will the Department deal with a complaint?



How to make a complaint?

If a party wishes to make a complaint to the Department, they are requested to:

- download the Department's complaint form, available at <http://www.education.vic.gov.au/about/contact/Pages/compliancecomplain.aspx>; and
- return the completed form to the following email address vtg.feedback@edumail.vic.gov.au; or
- alternatively the party can post the completed complaint form to:
Deputy Secretary, Higher Education and Skills Group
c/- Executive Director, Training Market Operations
GPO Box 4367
Melbourne, Victoria 3001

If the party is not able to download the complaint form, they can email vtg.feedback@edumail.vic.gov.au to request a form be sent to them.

A copy of the current complaint form is also contained at the end of this Guide.

The Department will accept anonymous complaints, however complainants will be made aware that strict anonymity may impede any investigation and outcome of the complaint. The Department can only adequately investigate a complaint where there is sufficient information to enable the conduct of an investigation.

The complainant may request that their identity is kept confidential (and provide additional alternate contact details) through the subsequent investigation process. All complaints will be treated in compliance with privacy and confidentiality principles to the extent possible.



What complaints should be made to the Department?

A person who wishes to lodge a complaint about an RTO, depending on the nature of the complaint, should raise the issue with the RTO itself, in the first instance, to try to resolve the matter. However, the Department will receive and investigate complaints that are referred or raised by individuals or organisations including a:

- student of a contracted RTO;
- contracted RTO, or individual RTO staff member;
- staff member or area within the Department;
- governmental party such as a Minister's Office, another Department, the Auditor General's Office, Ombudsman, IBAC, or other relevant government-appointed Commissioner;
- business representative or industry organisation working with the government-subsidised training system; and/or
- member of the public in relation to operations of government contracted RTOs.

The Department will respond appropriately in accordance with the apparent gravity of the matter raised. The Department is principally concerned with complaints regarding misconduct on the part of an RTO, including unethical or fraudulent practice.

However, sometimes complaints may be referred back to the RTO because it is more appropriate for them to handle the matter. Where a complaint is received that should be addressed directly by an RTO, the complainant will be referred back to the relevant training provider.

According to current regulatory standards, RTOs are obliged to have a defined complaints and appeals process that will ensure learners complaints and appeals are addressed effectively and efficiently. Specifically, RTOs are required to:

- register all complaints received, and make this register available for inspection by the registering agency Australian Skills Quality Authority (ASQA) or Victorian Legislation and Qualifications (VRQA), or authorised representative; and
- keep (in an appropriate manner) all records relating to the handling of a complaint by the RTO under its complaint handling process.



What matters will not be handled as complaints by the Department?

The Department regularly receives enquiries and requests for advice and information that relate to standard entry to market, contract issuance, and contract management processes (i.e. queries relating to process outcomes). As such, the following types of enquiries or requests are not classified as complaints, and are excluded from the scope of this complaints handling policy:

- requests for additional funding, (e.g. “why didn’t my RTO receive a contract”);
- requests for information, such as clarification of guidelines, regulations, eligibility (e.g. “why am I not eligible for funding”); and
- value judgements or general complaints outside the jurisdiction of the Department (e.g. “international students should be eligible for transport concessions”, or a member of the public expresses discontent about the way students from a city campus block the footpath).

This approach also recognises there are other agencies with the responsibility to refer or manage complaints under alternative mechanisms. Examples of these types of complaints include:

- the referral of complaints regarding the quality of training (which is administered and assured by ASQA at a national level and the VRQA at a state level);
- the referral of complaints that indicate criminal activity or malicious intent to Victoria Police, Australian Federal Police, or legal Counsel; and/or
- Whistleblower or other disclosures that may be referred to the Independent Broad-based Anti-corruption Commission (IBAC).



What external review bodies are in place to consider a complaint?

In the event that the complainant (as an individual or organisation) is unhappy with the response to a complaint lodged with the Department - and have exhausted the review process offered by the Department –a complaint can be lodged with a number of external complaint investigation agencies.

These entities include:

Consumer Affairs Victoria	www.consumer.vic.gov.au
Independent Broad-based Anti-corruption Commission (IBAC) *	www.ibac.vic.gov.au
Office of the Victorian Ombudsman *	www.ombudsman.vic.gov.au
Office of the Small Business Commissioner	www.vsbv.vic.gov.au
Privacy Victoria	www.privacy.vic.gov.au
Victorian Civil & Administrative Tribunal (VCAT)	www.vcat.vic.gov.au

* Only for government owned RTOs.

Each organisation has its own specific criteria over the type of complaints investigated.



Office of the Victorian Ombudsman

The Office of the Victorian Ombudsman only deals with complaints about administrative action taken by public bodies i.e. TAFEs, not all government-contracted organisations such as private RTOs.

An individual lodging a complaint with the Ombudsman or similar office will generally be encouraged to pursue all possible review and/or other avenues with the Department before the complaint is accepted for further investigation.

The Department and its officers have a legal obligation to assist the Ombudsman, or similar authorised parties in the conduct of an enquiry. Note that the Ombudsman does not receive and investigates disclosures made under the Protected Disclosures Act 2012 - these matters are dealt with by IBAC.

A complaint raised through the Office of the Ombudsman will be considered to have been resolved when the Ombudsman forms the view that the Department or TAFE:

- demonstrates that it has acted fairly, had sound reasons for the administrative action and provides evidence to substantiate its position;
- acknowledges an error and takes steps to remedy the matter; or
- is able to provide a solution to the complainant's concerns that the Ombudsman considers fair and reasonable.

Consumer Affairs Victoria

Consumer Affairs Victoria (CAV) assists consumers when the product or service provided by a business does not meet the expectation of what was paid for, and the consumer has been unable to resolve the issue or dispute directly with the business (such as an RTO). CAV provides advice and conciliation services.

CAV can only act if:

- a formal written complaint is made about a business;
- consumer rights appear to have been breached, but there appears to be a reasonable chance of resolution; and
- the issues at dispute have not been previously ruled on another body, are within CAV's jurisdiction, and are not more appropriately handled by another body.

IBAC

Following its establishment under the Protected Disclosure Act 2012 (which repealed the Whistleblowers Protection Act 2001), Independent Broad-based Anti-Corruption Commission (IBAC) has a key role in receiving, assessing and investigating disclosures about corrupt or improper conduct on the part of public bodies (TAFEs). Further information is available on the IBAC website.

Glossary

Complaint	A written or verbal expression of dissatisfaction or concern with a specific action or service provided by the Department, or a contracted RTO, that has affected a particular individual or group. May be resolved informally (usually verbal dialogue) or formally (through written correspondence)
Complaint Form	The standard Department complaint form used for formal complaints.
Complainants	Someone to whom the decision, action or inaction, or behaviour of a contracted RTO affects in some way; Person or organisation that lodges a complaint
Complaints Register	Record of all complaints and actions relating to formal complaints received by the Department
(the) Department	Department of Education and Early Childhood Development
Enquiry (external review)	Where the Ombudsman or comparative Office requests information in relation to a complaint lodged with its office, in order to investigate and evaluate actions relevant to the complaint.
External review (e.g. Ombudsman)	Refers to an external complaints handling body that acts as an independent avenue for individuals to lodge a complaint if they are unable to reach a satisfactory conclusion with the Department, and who have judged that the decision making process has been unreasonable or arbitrary.
Jurisdiction	The department or organisation identified in business practices that has the authority to resolve the complaint.
Procedural fairness	Whereby: <ul style="list-style-type: none"> • a person or organisation with an allegation made against them is presumed to be innocent until otherwise proven; • all allegations are investigated promptly and impartially; • the person or organisation who has been complained about is informed of all allegations and given an opportunity to explain; • when a complaint is upheld, remedial action is taken
Protected Disclosure Coordinator (PDC)	Manages individuals relevant to ‘protected disclosures,’ regarding alleged improper conduct by public bodies and public officers under the Protected Disclosures Act 2012, for potential referral to IBAC
Query of a process outcome	Example: requesting review of an unsuccessful application for a contract to deliver government subsidised training due to lack of financial management compliance
Request for information	Example: requesting clarification of contract terms, business rules, or review of individual scenario
RTO	Registered Training Organisation – an organisation registered by a State or Territory recognition authority to deliver training and/or conduct assessments and issue nationally recognised qualifications in accordance with the Australian Quality Training Framework
Respondent	Person or entity against which a complaint is lodged

References

- AQTF 2007 Building Training Excellence: National Guidelines for Responding to Complaints about Vocational Education and Training Quality
- Australian Standard AS ISO 10002-2006 - Customer Satisfaction—guidelines for complaints handling in organisations
- Code of Conduct for the Victorian Public Sector
- Good Practice Guide: Victorian Ombudsman's Guide to compliant handling for Victorian Public Sector Agencies
- IBAC: Protected Disclosure Act 2012 – Interim Guidelines
- Information Privacy Act 2000 (Victoria)
- International Standard ISO1002 Quality Management - Customer Satisfaction – Guidelines for complaints handling in organisations
- Privacy Act 1998
- Protected Disclosures Act 2012 (Victoria)
- Standards for NVR Registered Training Organisations 2012
- Victorian Charter of Human Rights and Responsibilities Act 2006
- Vocational Education and Training (VET) Act 1990, as updated by Education and Training Reform Act 2006 (incorporating amendments as at 1 May, 2013)
- VRQA procedure for complaints against RTO providers





Department of Education and Early Childhood Development

Victorian Training Guarantee Contract Compliance Complaint Form

1. Your Details (Complainant):

Title	
Family Name (Surname)	
Given Name	
Year of Birth (optional)	
Street Address	
Suburb	
Postcode	
Daytime Telephone	
Mobile Telephone	
Email Address (optional)	

2. Details of the organisation or person against which the complaint is being made:

Name of Company or Organisation	
Contact Person	
Street Address	
Suburb	
Postcode	
Daytime Telephone	
Mobile Telephone	
Email Address (optional)	

3. What is your relationship to the person or organisation against which the complaint is being made?

4. Summarise in one or two sentences what action, decision or conduct you are complaining about?

5. Please provide further details including, where possible, dates, witnesses, 3rd parties involved, etc.

6. Have you discussed this with the person/other party you are complaining about?

Yes ☐

No ☐

7. What, if anything, did the person/other party do to resolve the complaint?

8. How do you want your problem to be resolved?

Declaration

I declare that the above information is true and correct to the best of my knowledge. I agree that the information I have given in this form and any attached documents may be used or disclosed by the Department of Education and Early Childhood Development to the other party I am making this complaint about and all other parties involved in this complaint.

Privacy

The Department of Education and Early Childhood Development is bound by laws that protect your privacy concerning the collection, use and disclosure of your personal information. Where you do not provide the information required by this form, we may be unable to process your complaint. We may need to disclose your personal information to other State and Commonwealth agencies and the person you have complained about. You can request access to your personal information by contacting us.
(Refer to our privacy statement – www.education.vic.gov.au)

Signature/Name of Complainant:

Date

Notes

Notes

Notes

