

# ***Managing Complaints and Appeals***

## ***Policy on Managing Complaints***

### ***Purpose***

The purpose of this policy is to provide all students, employers and/or stakeholders with information that details the process for making complaints about SMA training services and how the complaint will be managed.

### ***What is a Complaint?***

A complaint may be about anything done, or not done by SMA staff or management, its lecturers, a third party providing services on SMA's behalf (including any of its staff, lecturers), or another student, which the complainant feels has been unfair or unjust. The complaint may also be about but not limited to, discrimination, harassment, or any other decision or behavior which is thought to be unfair, unjust or upsetting.

### ***Principles***

SMA is committed to providing a learning environment in which complaints are responded to promptly, with minimum distress and maximum protection to all parties. SMA views student, employer and stakeholder complaints as an opportunity to review and improve its policies and practices, and also to gain insight into student levels of satisfaction. SMA values all feedback, both positive and negative, as a critical component of our continuous improvement strategy.

### ***Procedural Fairness***

SMA is responsible for responding appropriately to complaints and managing the resolution process. All parties involved in the complaint, have a responsibility to contribute to the achievement of a productive, safe and equitable study environment at SMA. In particular, students and staff have a responsibility to:

- participate in the complaint resolution process in good faith;
- cooperate fully in any investigation process;
- assist the complaint handler in reaching a satisfactory resolution wherever possible;
- avoid complaining about the same matter to several different units or individuals at the same time; and,
- to avoid making complaints or counter-complaints with a mischievous or malicious intent.

SMA will ensure that all complaints are managed fairly, efficiently and in a timely manner. SMA will manage a complaint within the framework of procedural fairness and according to these general principles:

- The parties to a complaint will be given an opportunity to provide their views, relevant information and respond to the circumstances of the complaint;
- An investigation or inquiry into the facts and circumstances around the complaint will be undertaken, and all relevant information will be gathered before making a decision;
- The decision-maker undertaking the investigation or inquiry will be impartial and independent of the complaint or appeal being made;
- The parties will be notified in writing of the outcome.

A key principle in the SMA policy is that complaints are resolved at the appropriate level of management. The person making the complaint should consider who would be the most likely person to have the relevant information to assist them in resolving their concern. Contact details for each SMA state and national office can be found on the SMA website.

## ***How to Make a Complaint***

A complaint may be lodged in person, by telephone, fax, email or letter. A verbal complaint may subsequently need to be made in writing to enable a proper investigation of the complaint to occur. A student with literacy difficulties can request assistance from another person to complete their written complaint. An independent SMA staff member can also be made available if requested by the student to assist with the writing of the complaint or appeal if required. The process for making a complaint involves the following steps. All SMA staff is equipped to respond to complaints constructively.

### **Step 1 – Approach the Person Concerned (can be verbal or in writing)**

Key Points:

- Approach the person or staff member involved, this will usually be a course presenter/lecturer or a staff member from the state office in which the training course was scheduled.
- Raise your concern or complaint and make every attempt to solve the problem with the person involved.
- SMA will work with you to satisfactorily resolve the complaint or concern.
- If the matter is unresolved move to Step 2 or if the complaint is serious then a student has the option of proceeding straight to Step 2 by making a complaint in writing to the relevant SMA State Manager.

### **Step 2 – Approach the SMA State Manager (must be in writing)**

Key Points:

- SMA State Managers (or designated State Managers) are responsible for investigating a complaint or appeal, and recommending the appropriate action or response.
- All complaints made to an SMA State Manager must be in writing via email or letter, provide details of the complaint, and include the person making the complaint's name and contact details.
- The State Manager will investigate the complaint in a timely manner (within 10 business days) and inform the complainant of the outcome of the complaint.
- If the complaint is about a specific individual, the principles of procedural fairness will mean that the State Manager must inform the person that is the subject of the complaint and seek their views and/or comment.
- If the matter is unresolved, or if the complaint concerns a SMA State manager move to Step 3.

### Step 3 - Approach the SMA CEO (must be in writing)

#### Key Points:

- If a complainant is unhappy with the responses, inaction or action taken in Step 2, the complainant should now direct their complaint or appeal in writing to the SMA CEO, who will conduct a further investigation (including providing the opportunity for further input or comment from the complainant).
- The SMA CEO will investigate the complaint in a timely manner (within 10 business days) and inform the complainant of the outcome of the complaint.
- If the matter is unresolved then the complainant may consider utilising the external complaints options outlined below.

## External Complaints Process

If a complainant is unhappy with the decision, responses, inaction or action taken in Steps 1, 2 or 3 of the Internal Complaint Process, they have the option of seeking redress through one of the following External Complaints Processes:

- Request an independent review or mediation of the decision, if agreed by the parties involved. Please note that may incur costs to complainant. SMA will advise the complainant of the cost the complaint will incur prior to finalizing the request for third party review;
- Making a further complaint to the Australian Skills Quality Authority;
- Make a further complaint to the Ombudsman in their state or territory; or,
- If the complainant involves human rights, make a complaint to the Human Rights Commission.

## Complaints - Timeframes for Response

SMA will use its best endeavours to keep the complaint updated in writing and respond to complaints and appeals according to the following timeframes:

- A complainant will receive written acknowledgment that their complaint has been received within 5 working days of lodgement. (If this acknowledgment has not been received, it is

requested that the complainant contact the appropriate state office to ensure this email/letter was received).

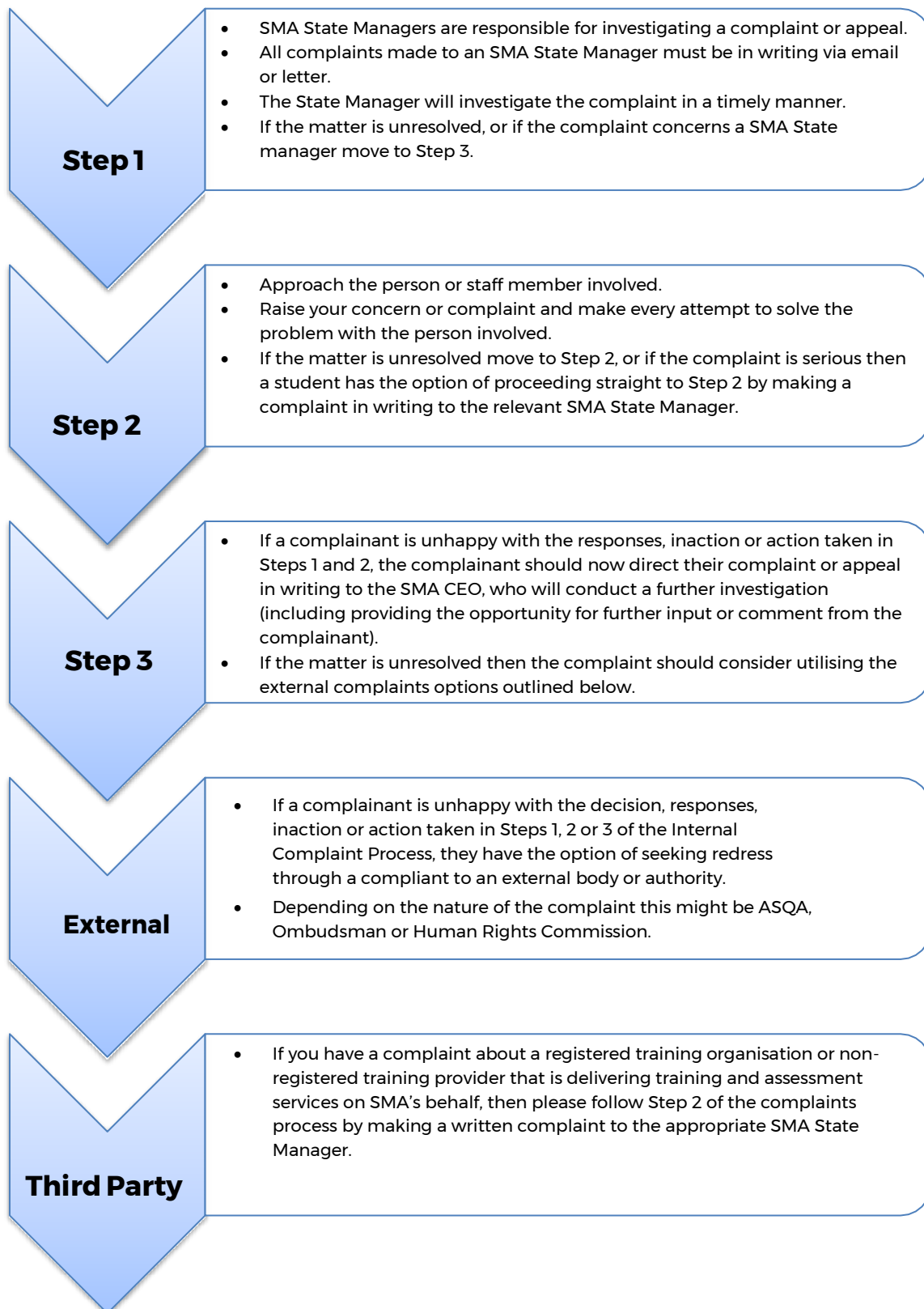
- SMA undertakes to investigate and respond in writing to the complainant within 20 to 60 working days.

If the appeal or complaint would require more than 60 days to finalise the complaint or appeal process SMA will advise the complaint in writing why more than 60 days are required, and undertake to keep the complaint updated.

### ***Complaints about Third Party Providers***

From time to time SMA may use other registered training organisations or non-registered training providers to deliver training and assessment services on its behalf. These are third party providers. If you have a complaint about a third-party training provider that is delivering training and assessment services on SMA's behalf, then please follow Step 2 of the complaints process by making a written complaint to the SMA State Manager in the state the training was conducted

## Summary - Complaints Process



# ***Policy on Managing Appeals***

## ***Purpose***

The purpose of this policy is to provide all students with information that details the process for making an appeal to review a decision (including an assessment decision) taken SMA (or a third party providing services on behalf of SMA) and how the appeal will be managed.

## ***What is an Appeal?***

An appeal is where a student, employer and/or stakeholder requests SMA (or a third party providing services on behalf of SMA) to review a decision (such as an adverse assessment decision) taken by SMA's or a third-party provider.

## ***Principles***

SMA is committed to providing a learning environment in which appeals are responded to promptly, with minimum distress and maximum protection to all parties.

## ***Procedural Fairness***

SMA is responsible for responding appropriately to appeals and managing the resolution process. All parties involved in the appeal, have a responsibility to contribute to the achievement of a productive, safe and equitable study environment at SMA. In particular, students and staff have a responsibility to:

- participate in the appeal resolution process in good faith;
- cooperate fully in any investigation process;
- assist the student making the appeal to reach a satisfactory resolution wherever possible;
- avoid making appeals which are mischievous or malicious intent.

SMA will ensure that all appeals are managed fairly, efficiently and in a timely manner. SMA will manage appeals within the framework of procedural fairness and according to these general principles:

- The parties to the appeal will be given an opportunity to provide their views, relevant information and respond to the circumstances of the complaint and appeal;
- An investigation or inquiry into the facts and circumstances around the appeal will be undertaken, and all relevant information will be gathered before making a decision;
- The decision-maker undertaking the investigation or inquiry will be impartial and independent of the appeal being made;
- The parties will be notified in writing of the outcome.

A key principle in the SMA policy is that appeals are resolved at the appropriate level of management. The person making the appeal should consider who would be the most likely person to have the relevant information to assist them in resolving their concern. Contact details for each SMA state and national offices can be found on the SMA website.

## ***How to Appeal***

An appeal may be made if a student feels that they are subject of an unfair education or assessment decision.

### ***Step 1 - Trainer/Assessor***

In the first instance, a student can seek to resolve an assessment appeal with their trainer/assessor through discussion at time of assessment.

### ***Step 2- State Education Manager***

If the student's appeal is unable to be resolved through discussion with their trainer/assessor, students may appeal to the SMA State Education Manager in the state where the course was held. Appeals are to be made to the State Education Manager in writing within 14 days of education or assessment decision which is the subject of the appeal. The SMA State Education Manager will undertake a review of the education or assessment decision which is the subject of the appeal and provide a response within 30 days.

### ***Step 3 - Independent Review***

If the student's appeal is unable to be resolved through Step 1 and 2, the student has the option of requesting an independent review. A request for independent review should be made to SMA in writing within 14 days after the State Education Manager has advised the student of their decision. In this circumstance, SMA will source an appropriate party that is independent of the RTO to undertake the review, and undertakes to investigate and respond in writing to the complainant within 30 to 60 working days.

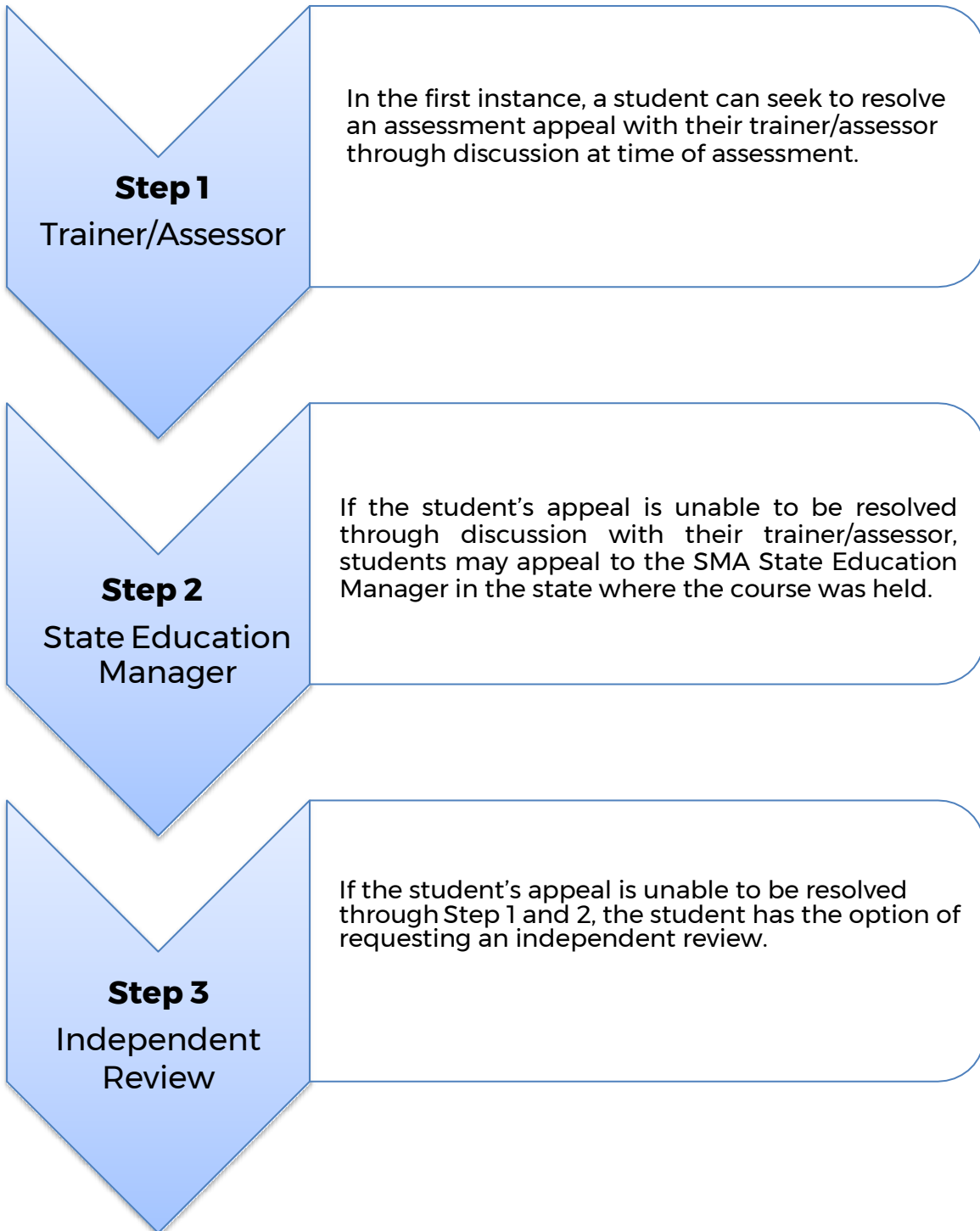
## ***Complaints and Appeals Register***

SMA will maintain a secure complaints register that records all complaints, appeals and outcomes. All documentation relating to complaints and appeals will be kept strictly confidential.

## ***Complaints and Quality Assurance***

SMA will monitor the complaints register with a view to identifying systemic trends and/or errors in its training delivery and use this as a mechanism for continual improvement of its training service delivery.

## Summary - Appeals Process





## Contact Points – Complaints and Appeals

This should be sent to the appropriate person listed below following the guidelines above. Address details for all SMA branches can be found at <http://SMA.org.au/contact-us/>.

ACT	Email: <a href="mailto:act.admin@sma.org.au">act.admin@sma.org.au</a> Post: 100 Maitland Street, Hackett ACT 2602 Phone: 02 6247 5115
NSW	Email: <a href="mailto:Mitchell.Jarvis@sma.org.au">Mitchell.Jarvis@sma.org.au</a> Post: PO Box 3176 Rhodes Shopping Centre, Rhodes NSW 2138 Phone: 02 8736 1200
QLD	Email: <a href="mailto:Gary.Johnston@sma.org.au">Gary.Johnston@sma.org.au</a> Post: Sports House, 150 Caxton Street, Milton QLD 4064 Phone: 07 3367 2700
NT	Email: <a href="mailto:Tamzin.France@sma.org.au">Tamzin.France@sma.org.au</a> Post: PO Box 2331 Darwin NT 0801 Phone: 08 8927 2333
WA	Email: <a href="mailto:Sean.Bradley@sma.org.au">Sean.Bradley@sma.org.au</a> Post: PO Box 57 Claremont WA 6010 Phone: 08 9285 8033
TAS	Email: <a href="mailto:noel.sharpe@sma.org.au">noel.sharpe@sma.org.au</a> Post: C/- Victoria – Sports House, 375 Albert Road, VIC 3206 Phone: 03 9674 8777
VIC	Email: <a href="mailto:noel.sharpe@sma.org.au">noel.sharpe@sma.org.au</a> Post: Sports House, 375 Albert Road, VIC 3206 Phone: 03 9674 8777
SA	Email: <a href="mailto:smanat@sma.org.au">smanat@sma.org.au</a> Post: Sports House, 375 Albert Road, VIC 3206 Phone: 03 9674 8777
National	Email: <a href="mailto:smanat@sma.org.au">smanat@sma.org.au</a> Post: Sports House, 375 Albert Road, VIC 3206 Phone: 03 9674 8777