



REGISTERED TRAINING ORGANISATION

RTO:10

Complaints, Appeals and Privacy

Policy No. RTO 10 : Complaints, Appeals and Privacy

Purpose

To describe the responsibilities and methods for Learner Complaints, Appeals and how 3Bridges Community Limited RTO No. 41056 (3BC) collect and disclose their personal information in line with organisational requirements and those of any related regulations; [Standards for RTO's 2015](#) (SRTO) including the [NVR Standards](#) and [National VET Data Policy](#) equitably and efficiently.

Procedure

1. Introduction

- 1.1 This policy and procedure is to provide clear and practical guidelines to ensure that complaints and appeals of learners can be resolved in accordance with the principles of equitably and efficiently and applies to all learners enrolled with 3Bridges Community RTO 41056.
- 1.2 Complaints and Appeals include but are not restricted to matters of concern to a learner relating to training delivery and assessment; the quality of the training; learner support, materials, and discrimination.
- 1.3 This Policy brings together requirements for collecting nationally consistent data about VET activity and processes, and for using data in statistical collections and national surveys. December 2020 National VET Data Policy is a revised policy that came into effect from 1 January 2021.

2. Complaints and Appeals

- 2.1 All 3Bridges Community applies procedural fairness by ensuring:
 - o Decisions are free from bias
 - o All parties have the right to be heard
 - o The respondent has a right to know of what s/he is accused
 - o All parties are told the decision and the reasons for the decision

3. Policy

- 3.1 3Bridges Community believes that a learner who has a complaint or appeal, has the right to raise the complaint or appeal and expect that every effort will be made to resolve it in accordance with this policy, without prejudice or fear of reprisal or victimisation.
- 3.2 The learner has the right to present the complaint or appeal in writing.
- 3.3 Assessment Appeal;

If a learner is not satisfied with the outcome of an assessment, they have the right to appeal the result. In the first instance this should be discussed with the trainer and assessor as soon as is practicable and *within one week* of receiving their assessment outcome.

Learners may formally appeal any outcome of any aspect of the assessment process by completing the Assessment Appeal form attached to the end of this document and forwarding it to the Training Administrator *within two weeks* of the assessment results being notified to the learner. An acknowledgment of lodgement will be returned to the learner. Following

consultation with the relevant trainer and assessor, the Training Coordinator will take one of the following courses of action:

- request further evidence to enable a decision to be made
- uphold the original assessment decision
- organise for review of the original assessment by a second assessor
- organise for the learner to be reassessed by another assessor

The appeal decision is to be finalised within 60 days of the Assessment Appeal form being received. If the appeal cannot be finalised within 60 days, 3Bridges will inform the learner in writing outlining the reasons why a resolution will take longer and will regularly update the learner on the progress of the resolution.

3Bridges will maintain records of appeals lodged and their outcomes and any corrective action taken to mitigate the likelihood of a similar appeal being lodged in the future. If the learner is unsuccessful upon reassessment and wishes to be assessed again, they may re-enrol in the relevant unit/cluster and pay the associated learning and assessment fees if submitted 3 times.

3.4 3Bridges will manage all complaints and appeals fairly, equitably, and efficiently as possible. 3Bridges will encourage the parties to approach the complaint or appeal with an open mind and to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, 3Bridges acknowledges the need for an appropriate external and independent person to mediate between the parties. The parties will be given the opportunity to formally present their case to the independent person. Confidentiality will be maintained throughout the process of making and resolving complaints. 3Bridges seeks to protect the rights and privacy of all involved and to facilitate the return to a comfortable and productive learning environment.

3.5 A copy of this Policy is publicly available to all learners and staff via the 3Bridges Community website and is available in the Learner Handbook together with details of external authorities that they may approach.

4. Procedure

4.1 Should a learner have a complaint or appeal, the following steps are to be followed:

- learner should discuss the issue/complaint with the person involved to try and resolve it verbally
- if no resolution is reached, the learner should discuss the issue/complaint with his/her trainer/assessor to see if it can be resolved
- if still no resolution and the learner wishes to formalise the issue and take the matter further they should put the relevant information relating to the complaint or appeal in writing using the appropriate form/s which are attached
- complaints cannot be anonymous because this is considered unfair as ongoing discussion cannot take place to resolve the issue between all parties
- the learner brings the complaint or appeal form to the attention of their trainer, email it to training@3bridges.org.au or the Manager, Education and Training.

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- 3Bridges will ensure the principles of natural justice and procedural fairness is adopted at every stage of the complaint and if required the appeal process. In the interests of transparency, the matter will be discussed with all parties involved
 - information submitted to a trainer or any staff member is treated with respect and taken as an opportunity to improve the organisation's practices and Management System. Privacy requirements and learner/individual rights are maintained
 - where a meeting is required via webinar, telephone or in person, the complainant has the right to bring a support person to be present (someone to assist or speak for them) with them to the meeting as well as to assist during the complaint and appeals process. 3Bridges will record notes of the meeting/s and copies will be provided to the complainant
 - all complaints will be acknowledged in writing within 5 days of receipt and completed within 60 working days. Assurance will be given that service delivery will not be adversely affected due to the complaint. Complaints will be dealt with in a receptive and encouraging manner and each step will be documented
 - if the complaint or appeal is not dealt with to the learner's satisfaction, s/he may bring it to the attention of the General Manager Shared Services. The General Manager Shared Services will either deal with the issue personally or arrange for it to be dealt with by a management representative. This process must commence within 5 days from the time the General Manager Shared Services receives written notification from the learner about their dissatisfaction to the response received from their trainer and a response/resolution must be presented within 30 days but may take up to 60 days
 - should the issue still not be resolved to the learner's satisfaction, 3Bridges will make arrangements for an independent third party to resolve the issue and outline any costs that may be involved with this to the learner. Note that the losing party will incur the cost of using the services of the independent third party. The learner will be given the opportunity to formally present his or her case. The time frame for this process may vary but should take no longer than 30 days
 - all parties involved will receive a written statement of the outcomes, including reasons for the decision within the 30 day period. If the process is taking longer than 60 days from the complaint or appeal being received the learner will be notified in writing of the reason for the delay and kept informed about all progress
 - if the learner is still not happy with external mediation, he/she may take his/her complaint to the VET Regulator; Australian Skills Quality Authority (ASQA), 1300 701 801
 - all documentation relating to complaints or appeals will be archived for audit purposes
 - to limit the likelihood of a similar complaint being made again in the future, the raised issue may result in a continuous improvement process triggering a change being made to the policies and procedures, the staff handbook and the learner handbook as these are the mechanisms of control. Documents will be changed, and all stakeholders will be kept in the loop until the final documented change has been completed and implemented
 - the complaints process will be subject to internal audit and to annual review.

4.2 The 3Bridges Community Manager, Education and Training will be person responsible for the implementation and maintenance of the complaints log and policies within.

4.3 Appendix 1 – Assessment Appeal Form

4.4 Appendix 2 – Complaint Form

4.5 Appendix 3 – Appeal Form

5. Records Management and Privacy

5.1 Records of learner training and assessments are held for a period of 30 years in either hard copy and/or electronic format, which are backed up monthly. Records are retained in line with relevant legal and contractual requirements and those of the registering body.

All learner records are confidential, and distribution is strictly limited to:

- the Learner
- 3Bridges as the Training Provider
- ASQA for audit purposes
- Training Services NSW (if funded)
- National Centre for Vocational Education and Research (NCVER)
- The Department of Education, Skills and Employment

5.2 If a learner wishes to access their records, they should inform the trainer/assessor who will make arrangements with the RTO Administrator. Information is not to be distributed to any other parties without the prior written authorisation of the learner.

5.3 If a learner chooses to change training provider, it is the learner's responsibility to transfer records to the new training provider.

6. Why we collect your personal information

6.1 The Department of Education, Skills and Employment VET Student Privacy Notice below provides specific information about how the department handles a VET learners personal information. Registered training organisations (RTO's) refer to the Privacy Notice at Schedule 1 of the [National VET Data Policy](#) which the RTO is responsible for providing to learners, usually as part of the enrolment process.

6.2 When you enrol as a learner with us in a vocational education and training (VET) course, 3Bridges Community Limited your registered training organisation (RTO) collects personal information so we can process and manage your enrolment.

6.3 We are required by law (under the National Vocational Education and Training Regulator Act 2011 (Cth) (the NVETR Act)) to disclose the personal information collected about you to the National VET Data Collection kept by the National Centre for Vocational Education Research Ltd (NCVER).

6.4 The NCVER is authorised by law (under the NVETR Act) to disclose your personal information to us, the Department of Education, Skills and Employment (the department).

7. How the department handle and use your personal information

- 7.1 The department is authorised by law, including the Privacy Act 1988 (Cth) (the Privacy Act) and the NVETR Act to collect, use and disclose your personal information to fulfil specified functions and activities.
- 7.2 The department will collect, hold, use and disclose your personal information for a range of activities, including:
- administering VET, including program administration, regulation, monitoring and
 - evaluation facilitating statistics and research relating to education, including surveys and data linkage
 - understanding how the VET market operates, for policy, workforce planning and consumer information.
- 7.3 The department is also authorised by law (under the NVETR Act) to disclose your personal information to:
- another Commonwealth authority
 - a person engaged by the Secretary of the department to carry out an activity on behalf of the department
 - if that authority or person satisfies any prescribed information safeguard disclosure rules.

For information about the department's broader approach to handling personal information across all the areas it administers, please see the [department's privacy policy](#).

8. Overview of the National VET Data Policy (Schedule 1)

- 8.1 Comprehensive and timely data on vocational education and training (VET) is important for increasing the efficiency and transparency of Australia's VET sector, in order to improve understanding of Australia's VET market and management of the national VET system.
- 8.2 The National VET Data Policy brings together requirements for collecting nationally consistent data about VET activity and processes, and for using data in statistical collections and national surveys.
- 8.3 Part A outlines why VET Data is collected.
- 8.4 Part B, the National VET Provider Collection Data Requirements Policy, outlines the requirements on all Registered Training Organisations (RTOs) to collect and submit comprehensive data on their delivery of Nationally Recognised Training.
- 8.5 Part C deals with the use of the VET Data held by the National Centre for Vocational Education Research (NCVER) and outlines arrangements for disclosing and accessing VET Activity Data, VET Outcome Data and VET Funding Data, as defined in the Glossary of Terms. Part C also sets out the requirements for disclosure of Unique Student Identifiers (USIs) by the Student Identifiers Registrar for the purposes of research.

9. To correct your information

If you would like to seek access to or correct your personal information, in the first instance, please contact 3Bridges Education and Training training@3bridges.org.au or call 1300 327 434.

To make a complaint or ask a question

If you think the department may have breached your privacy you may make a complaint at privacy@dese.gov.au. To ensure that they fully understand the nature of your complaint and the outcome you are seeking, they prefer that you make your complaint in writing.

For further information about the departments complaint handling processes please see their [Privacy Complaint Handling Procedures](#).

If you wish to ask a question about this VET Privacy Notice please email VET-DataPolicy@dese.gov.au.

10. Related legislations and guidelines:

- o Supporting and informing learners; managing complaints and appeals
Clauses 1.7, 5.4, and 6.1-6.6

<https://www.asqa.gov.au/standards/support-progression/clauses-1.7-5.4-6.1-to-6.6>

Document History		
Version	Date	Changes / updates
1.0	1/7/2013	Original
1.1	27/10/2014	RTO Information for Registration
2.0	13/7/2017	Revised
3.0	8/3/2021	Updated Students to Learners Updated Complaints and Appeals P&P Updated 3BC management titles Added VET Data Policy – Collecting of private information Updated forms Added relative legislation titles, links and clauses

Appendix 2 - Complaint Form

By completing this form you will be lodging a formal complaint.

We thank you for taking the time to notify us of your concern. We value your feedback and hope to be able to resolve your complaint as soon as possible.

All complaints will be acknowledged in writing within 5 days of receipt and completed within 60 working days.

Date	
Name	
Contact Numbers	
Please detail your concern in full, giving as much detail as possible	

Signature	
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OFFICE USE ONLY

Received by		Complaints Number Issued	
Date		Complaint form given to	
Date Issued		Follow up Date	

Action Taken

Specify possible improvement based on complaint

Appendix 3

Appeal Form

Part One – Lodgment of Appeal

Name of Candidate:

Contact Details:

Name of Course/Qualification:

Name of person spoken to from the 3Bridges Education & Training Team:

Decision under Appeal	REASON FOR APPEAL

- I have read and understood the information about lodging an appeal under 3Bridges’s Appeals Policy
- I have discussed this appeal with the 3Bridges Education and Training team.
- I have read the 3Bridges Learner Handbook.

I nominate _____ to act as “support person” in my appeal.

Signed: _____

Date:/..../

OFFICE USE ONLY

Received by Date:/..../
(RTO Compliance, Training and Development Coordinator)

Due date for decision/..../

Learner notified of outcome/..../