



NEPEAN
COMMUNITY COLLEGE

Nepean Community College

**Smart and Skilled Complaints and Appeals Policy and
Procedures**

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1. Purpose

Nepean Community College (RTO Code: 1223) is committed to providing quality training, support and assessment services to assist students attain competency in their chosen course. This policy seeks to:

- Inform students on the Smart and Skilled Consumer Protection Strategy.
- Ensure students have appropriate and transparent mechanisms for communicating any complaints and appeals.
- Resolve complaints and appeals in a consistent, respectful, fair and confidential manner which aligns with Nepean Community College's training obligations.

2. Scope

This policy encompasses:

- Student's rights and obligations, Nepean Community College's obligations under the Smart and Skilled Consumer Protection Policy.
- Complaints that arise involving the delivery of services or conduct of Nepean Community College, its employees, another enrolled students or where Nepean Community College engages a third party to deliver services on its behalf. This may include concerns over quality of the course delivery, privacy, access and equity, or unfair and/or discriminatory behaviour.
- Appeals may arise when a student is not satisfied with an assessment or competency decision made by an Assessor or following a decision such as enrolment, cancellation, refund or complaint outcome made by Nepean Community College.

Applies to all employees who receive and facilitate complaints and appeals processes.

3. Legislative/Contract Context

This policy must be read in conjunction with:

- Standards 2.2b, 5.2d, 5.2e, 6.1, 6.2, 6.3, 6.4, 6.5 - Standards for Registered Training Organisations (RTOs) 2015 V2.3
- Privacy Act 1988
- NSW Quality Framework
- NSW Smart and Skilled: Consumer Protection Strategy
- Clause 3 – Provider Consumer Protection Policy - Smart and Skilled Operating Guidelines Competition and Consumer Act 2010
- NSW Fair Trading

4. Consumer Protection Strategy

4.1 Student Rights

Students have the right to:

- Be provided with accurate course and student information including Nepean Community College policies and procedures to make an informed decision on their training prior to enrolment:
 - Course information including any third-party information.
 - Consumer Protection.
 - Complaints and Appeals.
 - Privacy.
 - Fees and Refunds.
 - Application and Enrolment including the collection of evidence and Unique Student Identifier requirements.
 - Assessment including the Credit Transfer and Recognition of Prior Learning process.
 - Variation, Withdrawal and Cancellation.
 - Student Support and Progression including contact details.
 - Access and Equity.
 - Student Handbook.
- Expect the provision of high-quality training that recognises their individual learning styles and needs.
- Have access to all services regardless of educational background, gender, marital status, sexual preference, race, colour, pregnancy, national origin, ethnic or socio- economic background, physical or intellectual impairment; and religious or political affiliation.
- If disclosing a disability, to be consulted on how training and assessment may be modified as 'reasonable adjustment' to participate in training (dependent on training package rules).
- Have their prior learning, acquired competencies and experience appropriately recognised in determining their requirements for training and assessment on application.
- Be advised of the learning outcomes and prescribed assessment tasks for the training program of their choice prior to its commencement.
- Appeal for a review of the results of an assessment.
- Expect to achieve the published learning outcomes from their training program, if they in turn, devote the necessary time and diligence to it.
- Learn from fully qualified and competent Trainers who observe their responsibility to address students' learning needs, assist them to achieve the course outcomes and assess their work fairly.
- Learn in an appropriately appointed, safe and clean learning environment, free of all forms of hazards, harassment and discrimination.
- Be treated with dignity and fairness.
- Expect that Nepean Community College will be ethical and open in their dealings, their communications and their advertising.
- Follow consumer protection policies and procedures in dealing with complaints, appeals,

fees and refunds.

- Expect that Nepean Community College will observe their duty of care to all students.
- Efficient handling of administrative matters and in the processing of fees, concessions and refunds.
- Privacy and confidentiality and secure storage of student records in accordance with Nepean Community College's policies, to the extent permitted by law.

Under the NSW Smart and Skilled Consumer Protection Strategy, students also have the right to:

- Expect that the education and training delivered by Nepean Community College is of a quality consistent with the Australian Skills Quality Authority (ASQA) and the requirements of the Smart and Skilled contract.
- Be informed about the personal information that is collected about them and the right to review and correct that information. Refer to the Nepean Community College *S&S Privacy Policy Procedure*.
- Have access to Nepean Community College's consumer protection complaints system. Refer to the *NCC Complaint and Appeal Policy and Procedures* below.

4.2 Student Obligations

Students have obligations that include but are not limited to:

- Understanding and accepting the enrolment conditions for the courses they enrol in and undertake.
- Providing accurate information about themselves at time of enrolment, and to advise Nepean Community College of any changes to their address or phone numbers within seven (7) days of the change occurring.
- Providing all required enrolment information, including proof of identity, Unique Student Identifier (USI) and eligibility documents, where required, to apply for state funding.
- Completing required forms, Training Plans and other enrolment documentation as required by Nepean Community College.
- Paying of all fees and charges associated with their course and providing their own resources and requirements for the course upon notification.
- Recognising the rights of staff and other students to be treated with dignity and fairness and behaving in an appropriate and acceptable manner towards them.
- Ensuring they attend classes sober and drug free and smoke only in open areas away from other people where smoking is permitted.
- Contribute to learning in a harmonious and positive manner irrespective of gender, race, sexual preference, political affiliation, marital status, disability or religious beliefs.
- Actively participating and monitoring their progress by ensuring assessment deadlines are observed including contacting Nepean Community College if circumstances occur during enrolment that prevent participation and completion of training and assessment activities.
- The security of their personal possessions while attending a course.
- Promptly reporting all incidents of harassment or injury to their trainer or Nepean

Community College's Education team on principal@ncc.nsw.edu.au.

- Respecting Nepean Community College and any applicable partner's property and observing policy guidelines and instructions for the use of equipment.
- Seeking clarification of their rights and responsibilities when in doubt.

Under the NSW Smart and Skilled Consumer Protection Strategy, students are obligated to:

- Providing accurate information to Nepean Community College. This includes providing requested evidence to meet Smart and Skilled eligibility, complete enrolment information, provide consent to use personal information and complete a student declaration.
- Behaving in a responsible and ethical manner. Refer to the [Student Handbook S&S](#).

5. Nepean Community College Obligations and Responsibilities

The following obligations are in addition to the [Guarantee of Training and Legislative and Regulatory Responsibilities](#) outlined in the [Student Handbook S&S](#).

5.1 Nepean Community College Responsibilities

As a Smart and Skilled training provider, Nepean Community College responsibilities include but are not limited to:

- Establish and document an accessible student feedback and complaints handling policy and procedure. This Complaint and Appeal policy and procedure is made available on the Nepean Community College website and made available to students prior to, and throughout their enrolment.
- Identify a dedicated consumer protection officer and list their contact details. The RTO Principal is the designated person; contact details are provided in the Appeal Procedure.
- Provide students with a pathway for resolving and escalating complaints. Refer to the Nepean Community College Complaint and Appeal Policy and Procedure below.
- Include the Smart and Skilled website details and phone number on all public information, enrolment forms and student induction material so students are aware of their rights and options for making a complaint and providing feedback about their training.
- [Obtain a student declaration form from each student to confirm receipt of consumer protection information.](#)

5.2 Nepean Community College Obligations

As a Smart and Skilled training provider, Nepean Community College's obligations include but are not limited to:

- Providing the training and support necessary to allow a student to achieve competency.
- Providing a quality training and assessment experience for all students.
- Ensuring the organisation, staff and agents meet public expectations of behaviour at all times.
- Conducting marketing activities with integrity, accuracy and transparency and without financial incentives of other inducements to prospective students.

- Ensuring prospective students are properly informed about their subsidised training entitlements, their fees, responsibilities and obligations.
- Providing clear and accessible feedback and consumer protection system including an identified consumer protection officer.
- Maintaining procedures for protecting a student's personal information. Refer to the Nepean Community College Privacy Policy Procedure.

6. NSW Consumer Protection Measures to Protect Rights Under Smart and Skilled

The Department, through Training Services NSW, will assist with complaints related to training under Smart and Skilled. Complaints outside this scope will be directed to the relevant agency. Training Services NSW Smart and Skilled consumer protection measures give students a central place to seek assistance with a complaint relating to a Smart and Skilled Training Provider.

Measures include:

- Providing information and advice on consumer rights.
- Facilitating discussions between the consumer and their training provider to resolve complaints.
- Provide suggestions to parties about referrals to other government agencies.

Information on consumer protection, training provider obligations, minimum standards, grievance procedures and escalation of complaints including the Smart and Skilled dispute resolution process is found at this link.

7. Other Agencies in Complaints Handling

Prior to submitting a complaint to the following agencies, ensure you have followed the Nepean Community College Complaint and Appeal procedure to resolve any concerns in the first instance.

Training quality complaints	Australian Skills Quality Authority (ASQA) How ASQA uses feedback Australian Skills Quality Authority (ASQA)
Smart and Skilled complaints	1300 772 104 SmartandSkilled.Enquiries@det.nsw.edu.au
Marketing and sales complaints	NSW Fair Trading 13 32 20 http://www.fairtrading.nsw.gov.au/
Privacy Complaints	Australian Government – Office of the Australian Information Commissioner Privacy complaints - Home (oaic.gov.au)
Discrimination Complaints	Australian Human Rights Commission Home Australian Human Rights Commission

8. Complaint and Appeal Policy

- Nepean Community College implements these Complaint and Appeal Policy and Procedures to ensure fairness and adherence to natural justice principles when addressing and resolving complaints and appeals.
- These Policy and Procedures will be made available publicly on the Nepean Community College website.
- Nepean Community College aims to resolve any concerns or informal complaints at the time via a conversation with the employee concerned. This may be escalated to the Principal if required.
- Should initial feedback or concerns not be resolved to the complainant's satisfaction, a formal complaint may be submitted in writing following the Formal Complaint Procedure.
- An appeal may be submitted in writing following the Appeal Procedure outlined below. Assessment appeals will be reviewed by an appropriately qualified Assessor(s).
- There is no fee to submit a complaint or appeal.
- A complaint or appeal will be investigated, and an outcome provided in writing within 30 calendar days of the formal lodgment of the complaint or appeal including assessment of all supporting information and documents.
- The investigating employee will ensure that they are objective, fair and professional in their review of the complaint or appeal and supporting evidence. If a conflict of interest exists, the employee is to advise Nepean Community College so an alternative person can be appointed.
- Should the complaint or appeal be received by a student enrolled under the Nepean Community College Smart and Skilled Contract, the matter will be referred to the Consumer Protection Officer.
- The outcome will include reasons for the decision and any further actions required by Nepean Community College or the Complainant/Appellant including the avenue to Appeal if not satisfied with the decision.
- All records of formal Complaints, Appeals and outcomes will be kept confidentially and filed electronically in the student's administration file.
- A Complaint and Appeal Register is maintained to monitor the type of complaints/appeals received and the process for effective resolution of complaints and appeals. Information recorded is used by Nepean Community College to improve its processes and practices. Outcomes from assessment appeals will be reviewed as part of Validation processes.

9. Complaint and Appeal Procedure

- Students with an issue, questions or concerns can attempt to resolve the matter via discussion, negotiation and agreement with Nepean Community College employees in the first instance. Feedback or concerns may be escalated to Management for effective resolution if required.
- Further investigation or meetings/correspondence with the student will be conducted if necessary to discuss the outcome and offer solution(s) where appropriate. Students who are not satisfied with the outcome are encouraged to submit a formal complaint.

10. Formal Complaint Procedure

- All Students may submit a complaint by completing and returning the Complaint Appeal Form available (on Nepean Community College's website) or by emailing **principal@ncc.nsw.edu.au**, by detailing a description of the complaint or writing to Nepean Community College's head office Nepean Community College, Shop 115B, Westfields, Penrith, NSW 2750, the steps taken to address the issue and the outcome(s) they would like to achieve. Please send to the attention of The Consumer Protection Officer.
- The student will receive acknowledgement within seven (7) business days that their complaint has been received and to expect an outcome in writing within 30 calendar days.
- The complaint will be recorded on the Complaint and Appeals Register, correspondence and evidence saved to the student's electronic file).
- The Complaint and any supporting documentation relevant to the complaint will be provided to the investigating employee or Consumer Protection Officer.
- The evidence used to determine a decision must be factual and judgements free from bias. Federal and state legislation may be referred to where necessary.
- The response and outcome to the student should address all their concerns/ allegations and provide reasons for the decision together with any actions and timeframes required to close out the Complaint. The response is to advise of the Appeal Procedure should the student not agree with the outcome.
- The Complaints and Appeals Register will be monitored by the Principal for effective resolution. Should the review take longer than 30 calendar days to decide upon an outcome, the student is to be advised of the reasons, provided with regular updates and notified when to expect the final decision.

11. Assessment Appeal Procedures

- If a student feels they have been unfairly assessed or there are circumstances that impacted their performance, they can appeal an assessment decision by obtaining an Assessment Appeal Form from **principal@ncc.nsw.edu.au** or emailing this address and including information such as; units/assessments involved, assessor name and dates involved, full details of the appeal and any relevant documentation.
- N.B. The appellant is not to submit additional evidence to support their competence. The assessment decision will be reviewed against the original evidence submitted.
- The student will receive acknowledgement within seven (7) business days that their assessment appeal has been received and to expect an outcome in writing within 30 calendar days.
- A qualified Assessor will be appointed to re-assess the student and evaluate feedback provided from the original assessment decision. This process is to be documented along with the outcome and forwarded to the RTO Compliance to record in the Complaints and Appeals Register. All supporting documentation is to be placed in the student's electronic file.
- If the Assessor upholds the original decision, their response needs to include reasons and advice of the Appeal Procedure should the student not agree with the outcome.

12. Appeal Procedure

- Should the student not be satisfied with the complaint or assessment appeal outcome including the reasons for the decision, they may lodge an Appeal within ten (10) calendar days by emailing **principal@ncc.nsw.edu.au** or submitting the Complaint Appeal Form to this email address.
- Smart and Skilled students may lodge their Appeal to the Consumer Protection Officer to **principal@ncc.nsw.edu.au**
- Nepean Community College will arrange for an independent external person to resolve the issue where the student has requested escalation of their appeal.
- Steps 4.1 – 4.8 from the Complaint Procedure will be followed for effective appeal monitoring, response, and resolution.
- Following an appeal response from Nepean Community College, should the student believe the decision and reasons are unfounded from the evidence provided, or that the complaints and appeals process was not conducted in a fair and equitable manner according to the principles in this policy, they may seek to appeal to an independent party. By calling the Resolution Institute on 02 9251 3366 or by searching the following directory, according to their locality and area of concern: <https://www.resolution.institute/disputeresolverdirectory>
- Smart and Skilled students may either refer their complaint by the following methods:
 - Applying online via this link: Contact Training Services NSW | NSW Government.
 - By phone on 1300 772 104.
 - In person at a Training NSW regional office: Contact us (nsw.gov.au).

13. Smart and Skilled training services NSW dispute assistance

- If a complaint is submitted to Training Services NSW, an officer will investigate the complaint and attempt to resolve the matter through information and mediation or direct the consumer to other agencies who may assist.
- The officer will contact the training provider and the consumer to help them resolve the matter. This will involve discussion and communication via letters, emails, telephone and video conferences or in person meetings.
- A resolution of any complaint or dispute is not guaranteed. The officer will advise when they have done all it can to assist both parties. If still not resolved, the parties may seek a more formal process to settle the dispute.

14. Responsibilities

14.1 RTO Compliance

- Approves the Complaint and Appeal Policy and Procedure and monitors its effectiveness in resolving complaints and appeals.
- Uses information from complaints and appeals for Nepean Community College continuous improvement purposes.
- Records and monitors complaints and appeals via the register.
- Securely uploads complaint and appeal information to the student's file in Wisenet.

14.2 Consumer Protection Officer

- Oversees the effective resolution of complaints and appeals according to the principles in this Policy.
- Reviews formal complaint and appeal responses and corresponds with students who have submitted a complaint or appeal under the NSW Smart and Skilled contract.

14.3 Accounts

- Processes refunds if required.

15. Supporting Documents and Information

- Complaint and Appeal Form
- Complaint Appeal Register
- Continuous Improvement Policy and Procedure
- Nepean Community College's Policies and Procedures
- Student Handbook S&S
- Student Declarations

END OF DOCUMENT