

## Complaints Management

### Written Direction No. WDCSG320170010

Approved by: General Manager, Governance Legal and Risk

Approval Date: February 2019

Effective From: 18 March 2019

### 1. Introduction

This procedure outlines how TAFE NSW will manage complaints about our services, systems, facilities or service delivery.

### 2. Purpose

The purpose of this procedure is to facilitate prompt, consistent, fair and robust management of complaints.

### 3. Scope

This procedure applies to any TAFE NSW staff member who is in receipt of a complaint or involved in responding to complaints. It starts when a complaint is received about our services, systems, facilities or service delivery.

For:

- child protection matters, follow the Protecting and Supporting Children and Young People Policy and Procedures
- reviews of assessment results, follow the Manage Assessment Appeals Policy and Procedure
- employee complaints, contact your Regional People Manager, or
- public interest disclosures, follow the Public Interest Disclosure Procedure.

### 4. Procedure

#### 4.1 Registration

A complaint may be received by any staff member verbally, either in person or by telephone, in writing via letter or email, or through the TAFE NSW online complaints form.

Where a complaint is received by a staff member directly, the staff member must register the details, including an email or postal address and any supporting documentation via the online complaint form (<https://feedback.tafensw.edu.au/complaint>) so that it can be recorded by the Customer Relationship Management System (CRM), formally acknowledged and referred for management.

On registration, the CRM will notify the designated officer(s) that a complaint has been received.

## 4.2 Acknowledgement

Where an email address is provided, the CRM will send an automatic email acknowledgement to the person making the complaint. If the person making the complaint has not supplied an email address, the designated officer must ensure a written acknowledgement is sent to the postal address provided within two working days of the complaint being received. A copy of the acknowledgement must be saved in the CRM.

Where the person making the complaint has not provided an email or postal address, this must be noted in the CRM.

## 4.3 Triage and referral

The designated officer will review the complaint to confirm the most appropriate staff member to manage and respond to the complaint.

Complaints should be managed by the staff member with the most appropriate operational expertise. This Subject Matter Expert (SME) will be the staff member in closest proximity to where the events giving rise to the complaint have taken place, unless the complaint is about that staff member.

The designated officer will refer the complaint to the SME within two working days of receipt, providing any relevant documentation from the CRM.

## 4.4 Managing, resolving and finalising complaints

The SME must review the all information provided in relation to the complaint and initiate contact with the person making the complaint within seven working days. Details of this contact must be recorded in the CRM.

Complaints may be comprised of a number of issues and events that need to be managed and resolved separately and/or in different ways, taking into account the requirements of procedural fairness. SMEs are expected to determine how to manage the complaint to achieve outcomes that are reasonable and appropriate.

When determining how a complaint will be managed, the SME should consider:

- how serious, complicated or urgent the complaint is
- whether the complaint raises health and safety concerns
- how the person making the complaint is being affected
- the risks involved if resolution of the complaint is delayed
- whether a resolution requires the involvement of other organisations, and
- if the person making the complaint should be referred to another agency.

To reach a resolution, the SME may:

- seek further information from the person making the complaint
- seek information from third parties (such as advice, information or statements from staff or other students), and
- review relevant policy and procedures.

The types of resolution that may be offered by TAFE NSW include:

- an apology
- specific action requested by the person making the complaint
- a change to procedure or policy
- cessation of the activity complained about
- a refund or waiver of payment
- a change to a decision, or
- an explanation.

After determining the appropriate resolution, the SME should communicate the outcome to the person making the complaint via their preferred communication method and also confirm the outcome in writing.

The person making the complaint must be advised on their review rights in the response. See Right of Review below for further information.

The following table outlines some of the main ways in which complaints may be resolved.

	Assessment	Response
a.	There is an avenue of redress outside TAFE NSW.	Advise of appropriate avenue of redress.
b.	Reasonable resolution(s) identified.	Confirm the resolution(s) and provide advice of review rights.
c.	Person making the complaint’s version of events is directly contradicted by other reliable information.	Provide an explanation of the findings, advise that no further action will be taken and provide advice of review rights.
d.	Complaint cannot be substantiated to a level that warrants further action.	Advise on outcome, confirm no further action can be taken and provide advice of review rights.
e.	Complaint is found to be frivolous, lacking in substance or misconceived.	Advise on outcome, confirm no further action will be taken and provide advice of review rights.
f.	Persistent manifestation of Unreasonable Conduct by the person making the complaint.	Advise no further action will be taken and limit contact between TAFE NSW and the person making the complaint in accordance with the Managing Unreasonable Conduct by a Complainant procedure.

#### 4.5 Record keeping

The SME must ensure all documentation concerning the complaint is recorded in the CRM. This includes records of any activities undertaken to investigate the complaint (where privacy provisions permit), all contact made with person making the complaint, and advice around the outcome(s) of the complaint, as well as any outstanding actions to be followed up and by when.

#### 4.6 Timeframe for finalising a complaint

**All complaints must be finalised by the SME soon as practicable.** Complaints should be resolved as quickly as possible to ensure a positive customer experience and minimise any negative impact on the person making the complaint.

The SME should manage expectations of the person making the complaint by communicating a timeframe for their response and keeping in regular contact with them throughout the process.

In the exceptional circumstances where a complaint is unable to be finalised within 60 calendar days, the SME must contact the person making the complaint and advise them in writing why the complaint cannot be resolved in this timeframe and provide a new timeframe for response. This advice must be recorded in the CRM.

#### 4.7 Opportunities for improvement

SMEs are expected to raise and/or address systemic issues identified from complaints and use the information gained from complaints for business improvement. Any identified opportunities for improvement are to be implemented by the staff member or business area in line with their role and responsibilities.

#### 4.8 Monitoring and Reporting

Each Region, TAFE Digital and group must nominate a person responsible for monitoring complaints activity, preparing regular reports and escalating emerging issues to their Regional, operational or executive leadership team.

Reports should include:

- the number of complaints received
- the outcome of complaints
- issues identified from complaints
- systemic issues identified, and
- the number of requests received for internal and/or external review of TAFE NSW's complaint handling.

Analysis of these reports should be undertaken to monitor trends, measure the quality of customer service and make improvements.

Depersonalised monthly reports on complaints will be provided to the Executive Leadership Team, or other organisational groups for the purpose of business improvement and resourcing.

## 4.9 Right of review

### Internal Review

TAFE NSW will offer the person making a complaint one internal review on notifying them of the outcome of their complaint. If the person making the complaint requests a review, the complaint will be forwarded to the most suitable SME to respond. This will be a staff member who:

- has had no previous involvement with the handling of the complaint
- is not a direct or indirect report of the staff member who managed the complaint initially, and
- has relevant skills, knowledge and/or experience to conduct a review on the merits.

In some circumstances, TAFE NSW may appoint an external third party to undertake this review.

The Review Officer is to:

- review all material relevant to the original complaint including the results of any enquiries made, the initial response by TAFE NSW and consider any additional material provided by the person making the complaint in their request for a review
- make an independent decision about what the outcome of the complaint should be and how it should be finalised
- apply the principles of procedural fairness, and
- advise the person making the complaint of the outcome, the reasons for the outcome and their right to take the complaint to an external third party.

Reviews of complaints are to be finalised as soon as practicable. The timeframe for considering the review should be communicated to the person requesting the review.

The outcomes that can be offered on review are that the original decision is:

- upheld
- partially upheld and partially resolved in some other manner, or
- overturned and a new decision made in the place of the original decision.

### External Review

At the conclusion of an internal review, the person who requested the review must be advised in writing of their rights to a review by an external third party and provided with the contact details of the relevant third party.

For international students, the above procedure is in line with the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code) Standard 10 appeals process.

## 5. Responsibilities

Position	Responsibility
All staff	<ul style="list-style-type: none"> <li>• Treat all people with respect, including people who make complaints.</li> <li>• Assist people who wish to make a complaint to access TAFE NSW's complaints process.</li> <li>• Respond to complaints as relevant to their role and responsibilities and in accordance with TAFE NSW written directions.</li> <li>• Provide feedback to management on issues arising from complaints and suggestions on ways to improve the complaints management system and TAFE NSW's services, systems, facilities and service delivery.</li> <li>• Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed.</li> </ul>
Staff whose duties include complaint handling	<ul style="list-style-type: none"> <li>• Provide adequate support and direction to staff responsible for handling complaints to empower staff to resolve complaints promptly and in accordance with TAFE NSW written direction.</li> <li>• Encourage staff to consider opportunities for improvements to TAFE NSW's services, systems, facilities and staff arising from complaints.</li> <li>• Provide regular reports on issues arising from complaints.</li> <li>• Ensure recommendations arising out of complaint data analysis are canvassed with relevant stakeholders and implemented where appropriate.</li> <li>• Encourage staff to provide suggestions on ways to improve TAFE NSW's complaint management system.</li> <li>• Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</li> <li>• Recognise and reward good complaint handling by staff.</li> </ul>
Regional General Managers, General Managers and Chief Officers	<ul style="list-style-type: none"> <li>• Commit to a culture of service improvement and customer satisfaction with TAFE NSW.</li> <li>• Address systemic issues identified from complaints and use complaints information for business improvement.</li> </ul>

Position	Responsibility
Managing Director	<ul style="list-style-type: none"> <li>• Instil a culture where complaints are valued as a source of feedback and promote delivery of high quality resolutions.</li> <li>• Champion the implementation of business improvements identified from complaints.</li> </ul>

## 6. Definitions

Other relevant definitions are available in the Complaint Management Policy.

Term	Meaning
Complaint	An expression of dissatisfaction made in relation to TAFE NSW’s services, systems, facilities, service delivery, or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected or legally required.
Feedback	Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about TAFE NSW where a response is not explicitly or implicitly expected or legally required.
Service Request	A request for approval, action, the provision of services and assistance, an explanation of policies, procedures and decisions, or routine enquiries about TAFE NSW’s business.
Assessment Appeal	A request for review of an assessment result, how the assessment was conducted or the outcome of an assessment of evidence provided for recognition of prior learning (RPL).
Staff Grievance	A clear, formal written statement by an individual staff member about another staff member or a work related problem.
Public Interest Disclosure	A report about wrong doing made by a public official in New South Wales that meets the requirements of the Public Interest Disclosures Act 1994.
Conflict of Interest	Situations where an actual, possible or perceived conflict arises between a person’s official duty and private interests, which could influence the performance of those official duties. Conflicts of interest, either real or perceived be pecuniary interests (for example financial or other material benefits) or non-pecuniary interests. They can involve the person, their family, friends or relatives.

## 7. Related documents

This procedure should be read in conjunction with the following related documents:

- a. Complaint Management Policy
- b. Managing Unreasonable Conduct By Complainants

## 8. Contacts

Accountable Officer                      General Manager, Governance, Legal and Risk  
 Written Direction Officer              Complaints Referral Specialist: [nicholas.race2@tafensw.edu.au](mailto:nicholas.race2@tafensw.edu.au)

## 9. Document information and review

This procedure document has been informed by the NSW Ombudsman effective complaint handling guidelines, 2<sup>nd</sup> edition, December 2010.

This document will be reviewed at least every three years.

Record No.      DOC17/624539

Review Due:    On implementation of SMS 3.1.

### Approval history

No	Effective	Approved by	Amendment
1.0	25 June 2017	General Manager, Governance, Legal and Risk	Initial release of procedure
1.1	15 February 2019	General Manager, Governance, Legal and Risk	Initial release of procedure to align with commencement of the One RTO model.
2.0	18 March 2019	General Manager, Governance, Legal and Risk	Update to reflect transition to One RTO