

90075 CSNSW Academy Complaints and Appeals Policy and Procedure

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1. Purpose

Corrective Services NSW (CSNSW) Academy is committed to providing a fair and transparent complaints and appeals handling process. This policy and procedure outlines how CSNSW Academy manage complaints and appeals regarding the delivery and assessment of Nationally Recognised Training (NRT).

2. Scope

This policy and procedure applies to NRT products, all learners enrolled in NRT products, all CSNSW Academy staff involved in delivering NRT, and any third parties providing services on behalf of CSNSW Academy. Complaints, feedback and suggestions for improvement which do not relate to the delivery of NRT are managed through CSNSW Academy's Customer Feedback Policy and Procedure and are excluded from the scope of this policy and procedure.

This policy and procedure does not replace or manage matters defined within the NSW Government Code of Ethics and Conduct, the Department of Communities and Justice (DCJ) Code of Ethical Conduct, related DCJ and CSNSW policies and procedures, and matters under the oversight of Professional Standards and Investigations.

3. Legislative Context

This policy and procedure ensures that CSNSW Academy meets the legislative and regulatory requirements of the following:

- National Vocational Education and Training Regulator Act 2011
- Privacy Act 1988
- Privacy and Personal Information Protection Act 1998
- Standards for Registered Training Organisations (RTOs) 2015 or its successor.

4. Communication, Implementation and Monitoring

The development of this policy and procedure involved consultation with relevant stakeholders, ensuring consideration of organisational systems, improvements and impacts, RTO compliance, and the corrective services context.

This policy and procedure, and associated documents, are communicated and made accessible to CSNSW Academy learners through the following measures:

- email notifications
- publication on CSNSW Academy's website

- reference in the Learner Information Handbook
- provision prior to completion of the Online Enrolment Form.

This policy and procedure, and associated documents, are communicated and made accessible to CSNSW Academy staff in addition to above, through the following measures:

- internal broadcasts
- staff meetings
- workshops (where applicable)
- upload into the Electronic Document Records Management System (EDRMS).

This policy and procedure will be reviewed three (3) years from the date of implementation, or earlier should a review be warranted.

This policy and procedure is also subject to ongoing revisions to reflect continued alignment with regulatory requirements and RTO operational improvements. Users of this document are responsible for ensuring that the most current version is being applied. The most current document version is available on EDRMS.

Adherence and collaboration to RTO policies and procedures is essential to the experience of learners. Where CSNSW Academy learners or staff have any questions or require assistance, they may contact Contact_BFCSA@correctiveservices.nsw.gov.au.

5. Definitions

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| • Appeal | means a dispute raised by a learner against a decision that has been made by CSNSW Academy in relation to NRT. |
| • Appellant | means a person who appeals a decision made by CSNSW Academy. |
| • Chief Executive Officer (CEO) | means the Director, CSNSW Academy and Operational Training. |
| • Complainant | means a person who makes a complaint about CSNSW Academy. |
| • Complaint | means an expression of dissatisfaction by a VET learner with any NRT product or service provided by CSNSW Academy, staff, or a third party acting on its behalf. |
| • Electronic Document Record Management System (EDRMS) | refers to the record management system used by CSNSW to upload, store and access electronic documents. |
| • National Register | means the register maintained by the Department of Employment and Workplace Relations (training.gov.au). |
| • Nationally Recognised Training (NRT) | any program or training that leads to vocational qualifications and credentials recognised across Australia. |
| • Natural justice | refers to the right to be heard, treated without bias and decisions being based on relevant evidence. |
| • Procedural fairness | refers to the process of ensuring a fair and consistent procedure is followed by those involved in the decision-making process. |

- **Registered Training Organisation (RTO)** means a training organisation that is registered by the National VET Regulator.
- **Services** means:
 - training and assessment,
 - training support services (but excludes counselling, mediation, and information and communication technology services), and
 - any activities related to the recruitment of VET learners including marketing, enrolment, induction, or the collection of fees.
- **Third party** means any person who has an arrangement with CSNSW Academy to deliver services, but does not include:
 - employees of CSNSW or CSNSW Academy
 - experts engaged by CSNSW Academy, or
 - government agencies and government funded agencies that refer VET learners to the organisation and do not receive any payment from the organisation for doing so.
- **Training product** means an AQF qualification, a skill set, a unit of competency, accredited short course or module, as listed on the National Register (training.gov.au).

6. Policy Statement

CSNSW Academy ensures effective management of complaints and appeals which are recorded and resolved in a fair, consistent, and transparent manner in accordance with the principles of natural justice and procedural fairness. All parties involved in complaints and appeals processes are expected to participate in good faith. CSNSW Academy ensures that complaints and the outcomes of appeals are systemically evaluated to inform continuous improvement.

7. Responsibilities

7.1. Learners

Learners are responsible for:

- complying with CSNSW Academy's policies and procedures at all times
- taking steps to resolve any complaint informally prior to engaging in any formal complaints and/or appeals process
- submitting a complaint or appeal in a timely manner with sufficient details and supporting evidence to support the investigation and assessment of the complaint or appeal
- responding to requests for further information from staff of the CSNSW Academy including attending interviews or hearings as necessary.

7.2. Trainers and Assessors

Trainers and assessors are responsible for:

- complying with CSNSW Academy's policies and procedures at all times
- making all attempts to resolve any complaint that is raised informally to them
- ensuring that learners are made aware of their right to submit a complaint or appeal in accordance with this policy and procedure
- assisting in the investigation and assessment of complaints and appeals.

7.3. CSNSW Academy Managers

CSNSW Academy managers, or their appointed delegates, are responsible for:

- assisting in the resolution of informal complaints
- investigating complaints and appeals as directed by the Manager, CICU
- participating in interviews or appeal hearings as required
- actioning any outcomes of complaints and appeals including updating records in relevant systems
- actioning any continuous improvements identified from the complaints and appeals processes as directed by the Manager, CICU.

7.4. Continuous Improvement and Compliance Unit

The Manager, CICU, or their appointed delegate, is responsible for:

- acknowledging receipt of all complaints and appeals
- triaging complaints and appeals and directing them to the appropriate CSNSW Academy manager for investigation
- ensuring that complaints and appeal resolution timeframes are monitored and managed
- being the Convenor of the Appeal Panel who schedules and administrates the appeal hearing
- communicating appeal outcomes to the appellant through the Appeal Hearing Report
- reporting on complaints and appeals to the Management Team
- managing the Complaints and Appeals Register
- leading the analyses of root causes of complaints and appeals to identify and implement continuous improvements.

The CICU is responsible for conducting regular quality assurance activities to ensure compliance with legislative requirements and this policy and procedure. Quality assurance activities undertaken by the CICU are outlined in CSNSW Academy's Commitment to VET Compliance Policy and Procedure and include but are not limited to:

- conducting ad hoc checks
- undertaking scheduled internal audits
- reviewing compliance through undertaking an annual self-assessment.

The CICU is also responsible for the development, review and monitoring of this policy and procedure.

7.5. Appeal Panel

It is the responsibility of the Appeal Panel to:

- review the grounds for appeal including all supporting documentation
- determine the outcome based on evidence provided
- specify and outline the required action to reach a fair resolution.

7.6. Chief Executive Officer, RTO

The Chief Executive Officer (CEO) is responsible for the management and execution of this policy and procedure as well as:

- participating as a member of the Appeal Panel during appeal hearings
- organising any external reviews of decisions made by CSNSW Academy as requested by an appellant
- coordinating the response to any external complaints or appeals initiated by learners of CSNSW Academy.

8. Procedure

8.1. Informing learners

CSNSW Academy informs learners of their ability to make a complaint or appeal prior to enrolment and during enrolment by providing information through:

- publication of this policy and procedure on the CSNSW Academy website
- provision of information related to complaints and appeals in the Learner Information Handbook
- inclusion of complaints and appeals information in all assessments.

Learners are required to acknowledge that they have been informed about the CSNSW Academy Complaints and Appeals Policy and Procedure upon commencement of their training.

8.2. Resolving complaints

CSNSW Academy manages and responds to complaints in relation to the quality of training and assessment, support services and matters related to compliance with the VET Quality Framework, including allegations involving the conduct of:

- trainers, assessors and other employees of CSNSW Academy
- third parties providing services on behalf of CSNSW Academy
- a learner of CSNSW Academy.

CSNSW Academy manages and resolves complaints as detailed below and in the flowchart provided in Annexure A.

8.2.1. Making an informal complaint

Where possible, learners should attempt, in the first instance, to discuss and resolve issues informally with the person whom they have experienced the issue with. Informal complaints can be made by speaking to or sending an email to the trainer, assessor or staff member and describing the outcome sought. Informal complaints can be resolved by the persons involved agreeing on actions moving forward.

8.2.2. Making a formal complaint

Where the matter cannot be resolved informally, the learner can complete the CSNSW Academy Complaint and Appeal Form and submit to CSACA@correctiveservices.nsw.gov.au. The form is available on CSNSW Academy's website.

8.2.3. Acknowledging a formal complaint

The Manager, CICU, or their appointed delegate, acknowledges the formal complaint submitted within seven (7) calendar days of receipt.

8.2.4. Determining the outcome of a formal complaint

The Manager, CICU, or their appointed delegate, directs the formal complaint to the appropriate CSNSW Academy manager who is responsible for investigating the matter.

Where necessary, as part of the investigation process, an interview with the complainant may be conducted within twenty-one (21) calendar days of receipt of the complaint. The interview may occur if the submitted CSNSW Academy Complaint and Appeal Form fails to identify sufficient information and/or evidence to resolve the matter. The appellant may elect to have a support person during the interview. The elected support person is not to provide evidence and/or make any representation on behalf of the complainant. The complainant may request a reasonably timed break during the interview to consult with their support person. Minutes of the interview are recorded by a CSNSW Academy staff member.

In the case of the complaint relating to any allegations against a staff member or learner, a separate interview with this person is to be conducted to determine the appropriate resolution and/or action. A support person may be present for any person involved and an independent CSNSW Academy staff member is to be present in this interview.

The Manager, CICU, or their appointed delegate, will finalise the complaint and provide a written outcome to the complainant and relevant stakeholders within twenty-eight (28) calendar days of receipt of the CSNSW Academy Complaint and Appeal Form.

Where the outcome of a formal complaint adversely affects the complainant, the Manager, CICU, or their appointed delegate, ensures that information on how to internally appeal the decision is provided within the written outcome. Where the complainant considers that this process has failed to resolve their complaint, they may lodge an internal appeal in relation to this decision in accordance with this policy and procedure.

Where the outcome of a formal complaint affects another person, the responsible manager ensures that the outcome is also communicated to them.

CSNSW Academy seeks to deal with complaints promptly and within twenty-eight (28) calendar days of the submission of the Complaints and Appeals Form. Where a complaint is particularly complex, or where there are extenuating circumstances, CSNSW Academy may require further time to provide an outcome. In these cases, CSNSW Academy provides the complainant an estimated timeframe for finalisation and provides regular updates.

8.3. Resolving appeals

CSNSW Academy manages and responds to appeals where decisions made by CSNSW Academy, or a third party, adversely impact the learner. An appeal may be made against any decision made by the CSNSW Academy including but not limited to decisions concerning:

- enrolment
- recognition
- assessment outcomes
- issuance of AQF certification documentation
- outcomes of formal complaints.

CSNSW Academy manages and resolves appeals as detailed below and in the flowchart provided in Annexure B.

8.3.1. Submitting an appeal

An appeal must be submitted in writing by the appellant to Manager, CICU at CSACA@correctiveservices.nsw.gov.au. The appellant is to complete the CSNSW Academy Complaint and Appeal Form within seven (7) calendar days of receiving the written outcome of the complaint or any other decision. The form is available on CSNSW Academy's website.

8.3.2. Acknowledging an appeal

The Manager, CICU, or their appointed delegate, acknowledges the appeal submitted within seven (7) calendar days of receipt.

8.3.3. Investigating an appeal

Within twenty-one (21) calendar days of receiving an appeal, the Manager, CICU, or their appointed delegate, arranges an appeal hearing. The appeal hearing is to be attended by the appellant and the Appeal Panel, and the time and date must be suitable for all. The Appeal Panel is comprised of the persons listed below:

- Manager, CICU (who is the Convenor)
- responsible Manager (or appointed delegate)
- CEO.

To ensure impartiality and address conflicts of interest, a member of the Appeal Panel cannot be the person responsible for the original decision.

The following persons may also attend the appeal hearing for transparency purposes:

- union representative (if requested by the appellant)
- human resources representative (if the learner is employed by CSNSW).

The appellant may elect to have a support person present at the appeal hearing. The elected support person is not to provide evidence and/or make any representation on behalf of the appellant. The appellant may request a reasonably timed break during the appeal hearing to consult with their support person.

Prior to the appeal hearing date all relevant information regarding the lodged appeal is coordinated by the Manager, CICU, in conjunction with the responsible manager. This information is forwarded by the Manager, CICU, to members of the Appeal Panel at least two (2) calendar days prior to the hearing date.

Prior to and/or during the appeal hearing the appellant may present evidence to support their case for appeal to the Appeal Panel. This can be done in person, in writing or other methods such as teleconference or a virtual meeting that has been organised with the support of the Manager, CICU.

The evidence presented to the Appeal Panel will relate only to the matters of concern raised by the appellant in the Complaint and Appeal Form.

8.3.4. Providing the outcome for an appeal

Following the appeal hearing, the Appeal Panel may reach one of the following outcomes:

- **Appeal Upheld** An appeal is upheld when sufficient information and evidence is provided by the appellant and the original decision is reconsidered. Where an appeal is upheld in favour of the appellant, the Appeal Panel determines the course of action which is implemented immediately.
- **Appeal Dismissed** An appeal is dismissed when sufficient information and evidence is not provided to support a reconsideration of the original decision. Where the appeal is dismissed, the original decision will stand. Where the appellant remains dissatisfied with the outcome, they may request the CEO to have the decision reviewed by an independent party as outlined in Section 8.4.

The Manager, CICU, informs the appellant and all relevant stakeholders of the appeal hearing outcome in writing by sending the Appeal Hearing Report within seven (7) calendar days of the hearing taking place.

The relevant manager will organise for the Student Information System (SIS) and/or Learning Management System (LMS) to be updated to reflect the appeal outcome as required.

CSNSW Academy seeks to deal with appeals promptly and within twenty-eight (28) calendar days of the submission of the Complaints and Appeals Form. Where an appeal is particularly complex, or where there are extenuating circumstances, CSNSW Academy may require further time to provide an outcome. In these cases, CSNSW Academy provides the appellant with an estimated timeframe for finalisation and provides regular updates.

8.4. External Review of Appeal Decisions

Where an appellant is not satisfied with the outcome of their internal appeal, an external review by an independent body is organised. The independent body is an RTO from another jurisdiction in Australia, delivering corrective services related training programs who is familiar with the requirements of the VET Quality Framework and the corrective services sector.

To initiate an external review, the appellant must make a written request to the CEO within seven (7) calendar days of receiving the Appeal Hearing Report from the Convenor. Upon receipt of the request, the CEO or their appointed delegate will organise a suitable independent body to review the appeal hearing decision within seven (7) calendar days of receiving the request from the appellant. Documentation of the complaint and/or appeal process is to be provided to the independent body within seven (7) days of agreed engagement.

Prior to engagement, the independent reviewer must confirm that they will be able to complete this review within twenty-eight (28) calendar days from the date of the agreed engagement. Consideration should be made to seek another independent third-party reviewer if this is not achievable.

There are no costs incurred to the learner to engage an independent review.

Where the external review process results in a decision that supports the appellant, CSNSW Academy immediately implements the decision, and any corrective or preventative actions required. The Convenor, on behalf of CSNSW Academy, informs the appellant of the outcome.

8.5. Other External Avenues

Where learners are dissatisfied with CSNSW Academy's complaints and appeals process, or seek further avenues, an external complaint or appeal can be submitted to a relevant external body. These include but are not limited to the following:

- **Australian Skills and Quality Authority (ASQA)** ASQA is the national VET regulator. ASQA accepts information about the quality and integrity of the VET sector and complaints about training providers, including CSNSW Academy, can be submitted through their [portal](#). ASQA cannot resolve disputes between learners and training providers but it collects, analyses, interprets and disseminates information. More information about complaints to ASQA can be found on their [website](#).
- **National Training Complaints Hotline** The National Training Complaints Hotline can be contacted for complaints relating to experiences whilst undertaking training in the VET sector. The National Training Complaints Hotline refers complaints from learners to the most appropriate authority. Complaints can be lodged by completing the [Complaints Form](#) or by calling their student enquiry line at 13 38 73. More information about the National Training Complaints Hotline can be found on the Department of Employment and Workplace Relations [website](#).
- **NSW Fair Trading** Complaints related to refunds of fees, consumer rights under Australian Consumer Law, including misleading and deceptive conduct, can be lodged to NSW Fair Trading through submission of a [form](#) or by calling 13 32 20. More information can be found on their [website](#).

There are no costs associated with accessing services from the external bodies listed above.

8.6. Retaining and managing records of Complaints and Appeals

Key information pertaining to complaints and appeals are managed in the Complaints and Appeals Register which records:

- date received

- date acknowledged
- details of the complaint or appeal
- details of investigation
- outcome of the complaint or appeal
- timeframe taken to address complaint or appeal
- continuous improvement actions taken to address the root cause of the complaint or appeal
- reference to the container number in EDRMS where documents related to the complaint or appeal are located.

All documents related to complaints and appeals are securely retained in EDRMS in accordance with CSNSW Academy's Records Management Policy and Procedure. A new container is to be created in EDRMS by the Manager, CICU, for each complaint or appeal which is to contain all records of complaints and appeals including but not limited to:

- copy of the Complaint and Appeal Form submitted
- supporting documentation
- outcome of the complaint or appeal
- additional correspondence
- minutes of any interview or hearing
- continuous improvement actions identified as a result of the complaint or appeal.

Access to the EDRMS container is restricted to the Manager, CICU and the CEO.

8.7. Reporting on complaints and appeals

The Manager, CICU, reports on complaints and appeals to the CSNSW Academy Management Team in accordance with the Management Review Policy and Procedure. The Manager, CICU, reports on:

- trends in complaints and appeals
- timeframes taken to address complaints and appeals
- outcomes of complaints and appeals
- proposed continuous improvement actions to address the root cause of the complaint or appeal.

CSNSW Academy ensures that the outcomes of complaints and appeals inform continuous improvements. During the Management Review Meeting, continuous improvement actions are identified and agreed on to mitigate or prevent recurrence of similar complaints or appeals.

8.8. Protecting Privacy

As complaints and appeals contain private and sensitive information, only key staff involved directly in the complaints and appeals processes have access to relevant documents. Information provided by to CSNSW Academy as part of complaints and appeals processes will be used for the purposes of general administration, enrolment, and communication. and maintained in strict accordance with the thirteen (13) Australian Privacy Principles, the Privacy and Personal Information Protection Act 1998 and the Department of Communities and Justice Privacy Policy.

9. Associated Documents

This policy and procedure should be read in conjunction with the following associated documents.

Document	Reference
CSNSW Academy Code of Conduct and Ethics	D11/533771
CSNSW Academy Commitment to VET Compliance Policy and Procedure	D25/0691749

CSNSW Academy Complaints and Appeals Form	CSNSW Website
CSNSW Academy Complaints and Appeals Register	D12/236393
CSNSW Academy Continuous Improvement Register	CICU SharePoint
CSNSW Academy Customer Feedback Policy and Procedure	CSNSW Website
CSNSW Academy Learner Information Handbook	CSNSW Website
CSNSW Academy Learner Rights and Responsibilities	CSNSW Website
CSNSW Academy Management Review Policy and Procedure	D09/271394
CSNSW Academy Quality Training and Assessment Policy and Procedure	CSNSW Website
CSNSW Academy VET Quality Assurance Framework	D25/0691856
Department of Communities and Justice Code of Ethical Conduct	DCJ Intranet
Department of Communities and Justice Conflict of Interest Policy	DCJ Intranet
Department of Communities and Justice Privacy Policy	DCJ Intranet

10. Document Information

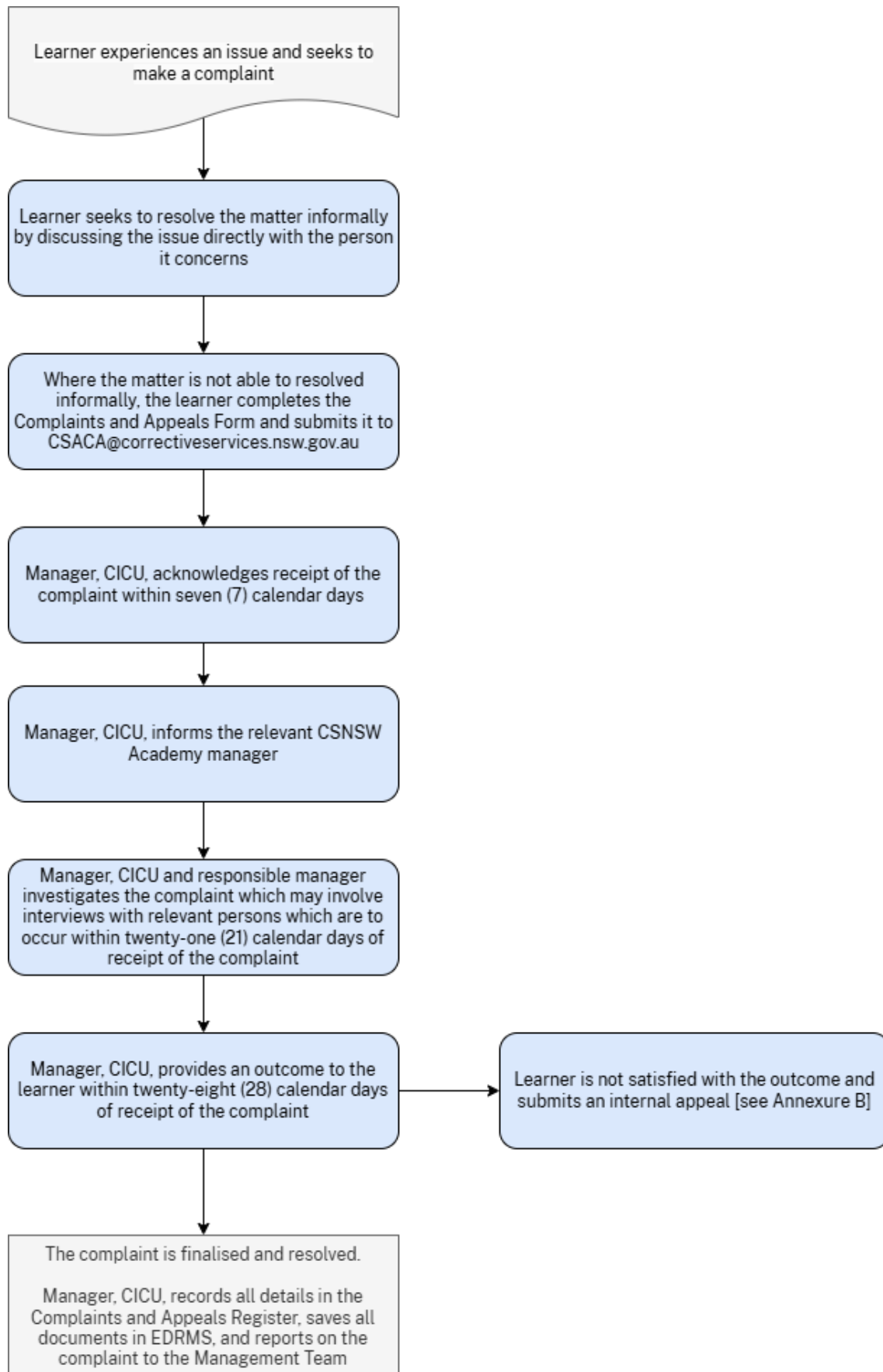
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11. Document History

Version	Date	Reason for Amendment
11.0	19 November 2021	Continuous improvement of appeals processes and update of supporting templates
12.0	12 May 2023	Updated to align with implementation of new operating models in support of the strategic priorities of as part of the Towards 2030 Strategic Plan at the CSNSW Academy
13.0	25 May 2025	Updated to reflect changes in legislation and regulatory requirements and as part of continuous improvement processes

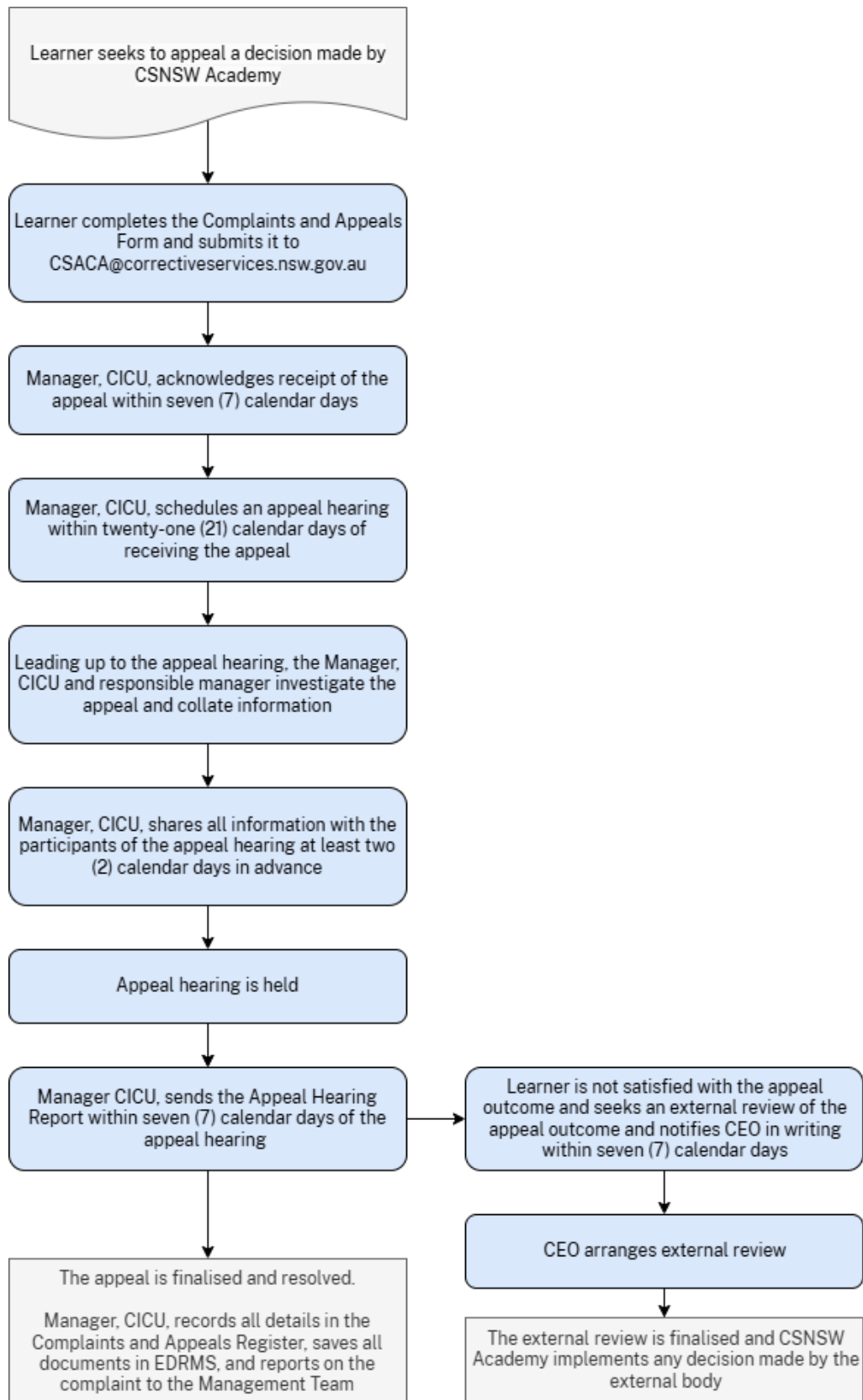
Annexure A

Flowchart for Resolving Complaints



Annexure B

Flowchart for Resolving Appeals



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