



Government of **Western Australia**
Department of **Training**
and **Workforce Development**

COMPLAINTS MANAGEMENT POLICY

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All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Training and Workforce employees.

POLICY STATEMENT

This policy establishes a general complaints management system to manage complaints about services and products provided to clients, stakeholders and the general public by the Department of Training and Workforce Development (the Department).

The policy aims to:

- promote effective complaints management within the Department;
- establish a complaints management system that is fit for purpose and conforms to the Australian Standard on Complaints Handling (AS ISO 10002:2014) and Ombudsman Western Australia Complaints Management Guidelines;
- support the provision of high quality services to clients;
- enhance the Department's relationship with its clients; and
- enable monitoring and evaluation of complaints data to improve service delivery.

SCOPE

This policy covers complaints made by external clients, members of the public, other government agencies and respondents to quotes and tenders about:

- the Department's products or services;
- organisations that the Department funds;
- the Department's procurement or funding processes;
- something the Department has not done which it may reasonably be expected to do; and
- the way a complaint is managed.

Consistent with Ombudsman Western Australia Complaints Management Guidelines, this policy does not apply to complaint handling processes that constitute part of the Department's core functions. Currently these areas consist of:

- Apprenticeship Office appeal processes;
- International Students complaints and appeals; and
- National Training Complaints Hotline.

This policy also does not apply to complaint handling processes covered by other procedures or complaints made by Departmental employees.

PRINCIPLES

The Department's complaints management system is underpinned by the following principles.

- The Department is committed to effective complaints handling and values feedback received through complaints.
- The complaints process is well publicised, accessible and easy to understand.
- Complaints are acknowledged in a timely manner, addressed promptly and complainants are kept informed of the progress of their complaint.
- Complaints are dealt with in an equitable, objective and unbiased manner and the complaint handling process is fair and reasonable.
- When the Department receives a complaint concerning matters outside of its jurisdiction, the complainant will be advised of the correct avenue for their complaint and supported as appropriate.

- Information related to complaints is confidential and only used for the purposes of addressing the complaint and any follow up actions.
- Complainants will be advised about the resolution of their complaint.
- Complainants will be informed about opportunities for review of the Department's response to complaints.
- Accountabilities for complaints handling are clearly established.
- Complaints are monitored and reported to management and used, wherever possible, to improve Department services, practices and processes.

BACKGROUND

The Ombudsman Western Australia Complaints Management Guidelines state that public sector agencies should have in place a complaints management system that conforms to the principles of AS ISO 10002:2014 and a direct link on the front page of their website to information that will assist people to make a complaint.

The Department receives complaints through day to day operational business at a Branch level which are managed in accordance with the local complaints handling process. Complaints may also be made through the Department's website complaints page or by telephone or email.

DEFINITIONS AND ACRONYMS

Complaint

A complaint is an expression of dissatisfaction with regard to a product, service or procurement or funding process of the Department or the complaints handling procedure, that is not typical of regular communication or feedback. From the viewpoint of the complainant, the involvement of management staff is required to receive a satisfactory resolution to the concern raised.

Complainant

A person or organisation making a complaint.

Resolution

A complaint is resolved when it is settled or concluded and the parties are notified of the outcome. Resolved does not necessarily mean that the complaint is concluded in favour of any of the parties.

PROCEDURES

Complaints should be dealt with promptly, courteously and in accordance with the following established procedures.

General complaints

All complaints received from an external source through the Department's website will be received by the Office of the Director General who will:

- acknowledge receipt of the complaint;
- record the complaint on the complaints register; and
- refer the complaint to the responsible area for investigation and resolution.

Complaints may be made:

- in writing, either through the mail, email or website form; or
- verbally, either in person or over the telephone.

A person making a verbal complaint will be asked if they want their complaint treated as a formal complaint and will be encouraged to put their complaint in writing.

Complainants unable to communicate effectively in spoken or written English or due to a disability will be managed in accordance with the Department's Language Services Policy and the Disability Access and Inclusion Plan within available resources.

Complaints about individuals will be handled by the relevant directorate or TAFE college. The responsible area will manage the complaint and resolve it. The complaint should be acknowledged within two working days after being received by the responsible area and resolved within 10 working days where feasible.

The Director General must approve the outcome of the complaints (except those relating to TAFE colleges which, may be resolved directly by the college) prior to the complainant being notified. The complainant must be kept informed of the progress and resolution of their complaint. It may be useful for the responsible area to discuss potential outcomes with the complainant while it is being investigated and resolved.

The responsible area, including TAFE colleges, will advise the Office of the Director General when the complaint is resolved to enable the complaints register to be updated.

Complaints made to employees of the Department during day to day interactions with clients, customers and stakeholders at branch level will be dealt with by the relevant branch. The branch will advise the Office of the Director General when the complaint is received so it can be recorded on the complaints register. Once the complaint is resolved, the relevant area will advise the Office of the Director General so the complaints register can be updated.

A complainant may withdraw their complaint at any time, however, the Department reserves the right to continue to address matters which are raised in the complaint.

Reporting on the number of complaints received, complaint outcomes and timeliness of resolutions will be provided to Corporate Executive quarterly.

Complaints about a procurement or funding process

A request to review a procurement or funding process after a contract or funding agreement has been awarded must be made to the Department within 10 working days after the date of the unsuccessful letter for that process.

The complaint must include the reason that the complainant believes the procurement or funding process or decision was wrong or unfair.

The Department must acknowledge receipt of the complaint within two (2) working days by email to the complainant's nominated email address.

A review of a procurement or funding process after contract award or signed funding agreement will only be undertaken if there are reasonable grounds that the decision making process and/or decision maker has:

- Failed to follow the stated process;
- Acted upon or applied a wrong principle;
- Been guided by irrelevant factors;
- Failed to take a material consideration into account either properly or at all; or
- Mistaken the facts.

The Department must advise the complainant in writing of the Department's findings and any proposed actions within 10 working days of the Department receiving the complaint.

Where complaints are unable to be resolved to the satisfaction of the complainant, the complainant may request a review of the outcome. The review will be managed according to the process outlined in the Department's procurement policies.

Complaints made through third parties

Where complaints about the Department are received via third party bodies, such as the Ombudsman Western Australia, the Director General will be informed of any matter referred and will approve any response provided by the Department.

Anonymous complaints

Anonymous complaints are discouraged. People intending to make an anonymous complaint will be strongly encouraged to provide contact details so the Department can provide progress reports and details on how the complaint has been resolved. Anonymous complaints will be dealt with to the extent they can be, based on the level of information provided by the complainant. People making anonymous complaints will be encouraged to use the Public Interest Disclosure process where appropriate.

Complaints about TAFE colleges

Western Australian TAFE colleges are established as independent statutory authorities. The Department does not have the authority to deal with complaints about individual TAFE colleges. Complaints about TAFE colleges that the Department receives will be referred to and managed by the appropriate college. Allegations of a serious nature involving an employee will be referred to the appropriate college Managing Director. Allegations of a serious nature involving matters of a corrupt or criminal nature will be referred to the appropriate college Managing Director, and the Director General will also be informed. The referral of the complaint will be recorded in the complaints register. TAFE colleges will report the outcome of the complaint to the Department which is recorded on the complaints register by the Office of the Director General.

Complaints from overseas students

For complaints from overseas vocational training and education students studying in Australia the provisions of the *Education Services for Overseas Students Act 2011* and related State or Territory legislation apply. Complaints will be referred to TAFE International Western Australia for management and resolution as outlined above.

Unresolved complaints

Where complaints are unable to be resolved to the satisfaction of the complainant, the complainant should be advised of other avenues to resolve their complaint, such as the Ombudsman.

RIGHTS AND RESPONSIBILITIES

Rights of complainants

Complainants have the right to:

- be heard;
- know whether the Department's relevant procedures have been followed;
- be provided with all relevant material to support the complaint, subject to the *Freedom of Information Act 1992*;
- be informed of the complaints handling processes;
- be informed of the Department's decision and the reasons for that decision; and
- know that a genuine, thorough and unbiased examination of the complaint has been undertaken.

Rights of Department employees

When a complaint from an external source is made about a Department employee, the employee has the right to:

- obtain sufficient detail about the complaint to enable a proper assessment;
- be given sufficient time to respond to the complaint or provide advice; and
- be informed of the Department's decision and the reasons for that decision.

Responsibilities of executive directors

Executive directors will:

- provide sufficient resources in their directorate to ensure the efficient and effective management of complaints;
- ensure appropriate confidentiality is maintained;
- refer any complaint regarding alleged employee misconduct to the Associate Director Training Sector Labour Relations who will refer any complaint alleging illegal action to the appropriate authority; and
- ensure that details of all complaints are provided to the Office of the Director General for recording on the complaints register.

Responsibilities of managers

Managers will:

- ensure relevant employees have appropriate skills to manage complaints;
- ensure that complaints are dealt with in accordance with this policy;
- identify and manage repetitive complaints;
- evaluate data and determine the causes of complaints and whether remedial action is required; and
- develop and implement continuous improvements to services and products that are the cause of complaints within their area of responsibility.

Responsibilities of the Office of the Director General

The Office of the Director General will:

- maintain a register for complaints received by the Department;
- receive all complaints lodged through the Department's website;

- provide advice and assistance to managers and employees as required;
- evaluate the data, identify repetitive complaints and recommend continuous improvements to services and products; and
- provide periodic reports on all complaints to the Director General and Corporate Executive.

RELATED POLICIES AND OTHER RELEVANT DOCUMENTS

- Code of Conduct
- Public Sector Code of Ethics
- DTWD Internal Complaints Management Policy
- DTWD Language Services Policy
- DTWD Disability Access and Inclusion Plan 2017-2021
- DTWD Procurement of Goods and Services Policy
- DTWD VET Procurement Policy
- Apprenticeship Office Dispute Resolution Guidelines
- DTWD Apprenticeship and Traineeship Policy – 6.7.2: *Complaints and appeals*
- TAFE International WA International Student Complaints and Appeals Policy
- Training Accreditation Council WA Complaints About Registered Training Organisations Policy
- Australian Skills Quality Authority Managing Complaints About Providers Policy
- Australian Standard on Complaints Handling AS ISO 10002:2014
- Ombudsman Western Australia Complaints Management Guidelines
- Ombudsman Western Australia Guidelines on Complaint Handling

RELEVANT LEGISLATION

- *Public Sector Management Act 1994*
- *National Vocational Education and Training Regulator Act 2011*
- *Vocational Education and Training Act 1996*
- *Education Services for Overseas Students Act 2011*
- *Equal Opportunity Act 1984*
- *Freedom of Information Act 1992*
- *Procurement Act 2020*

REVIEW DATE

24 November 2023

CONTACT INFORMATION

For general complaints management enquiries:

Office of the Director General
Telephone: 6551 5011
Email: director.general@dtwd.wa.gov.au

For procurement or funding process complaints enquiries:

Procurement and Programs
Email: Procurement@dtwd.wa.gov.au

APPENDIX 1: GENERAL COMPLAINTS MANAGEMENT PROCESS OVERVIEW

