

# Dispute Policy

## 1. Purpose

Smartskill is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (SRTOs 2015).

A dispute is a complaint that has not been resolved. Smartskill is required to have a policy and process in place to manage and respond to all types of disputes that may occur in relation to the RTO's operations, whether internal disputes, disputes with clients or disputes with suppliers (including employees and volunteers).

Problems and disputes can occur within any type of organisation. It is generally beneficial and preferable to solve disputes internally with as little fuss, disruption and distress as possible.

This policy is developed to provide and maintain training and assessment services that are fair and reasonable and afford a forum where issues or inadequacies can be raised and resolved. This process provides opportunity for disputes to be recorded, acknowledged and dealt with in a fair, efficient and effective manner.

The object of this policy is to ensure that Smartskill and its representatives act in a professional manner at all times. This policy provides clients with a clear process to register a dispute. It ensures all parties involved are kept informed of the resulting actions and outcomes.

## 2. Policy Statement

Smartskill acknowledges the clients' right to lodge a dispute when they are dissatisfied with the training and /or assessment services and experiences that they have been provided by Smartskill, its employees or third party providers

Smartskill will ensure that clients have access to a fair and equitable process for expressing disputes, and that Smartskill will manage the dispute with fairness and equity.

Dispute resolution outcomes should be:

- a) Quick – the issues should be resolved quickly rather than allowing them to escalate through inaction;
- b) Fair – all relevant parties should be consulted so that all sides of the story are taken into account;
- c) Handled sensitively – disputes should, where possible and appropriate, be resolved in a confidential context in order to 1minimize impact on employees not affected by the dispute

In doing so, Smartskill:

- a) has written procedures in place for collecting and managing disputes in a constructive and timely manner;
- b) ensures that these procedures are communicated to all staff, third party partners and clients;
- c) ensures that all necessary documentation and resources are in place to enable clients to submit a dispute;

- d) ensures that each dispute and its outcome is recorded in writing; and
- e) ensures that client disputes and their outcomes are fed into continuous improvement initiatives.

### 3. Definitions

#### 3.1 The following words and expressions have the following specific meaning, as in the Standards for Registered Training Organisations (RTOs) 2015.

**Third party** means any party that provides services on behalf of the RTO but does not include a contract of employment between an RTO and its employee.

### 4. Policy Principles

#### 4.1 Principles

In managing disputes, Smartskill will ensure that:

- a) The principles of natural justice and procedural fairness are adopted at every stage of the dispute process.
- b) The disputes policy is publicly available.
- c) There is a procedure for making a dispute.
- d) Disputes are treated seriously and dealt with promptly, impartially, sensitively and confidentially.
- e) Disputes will be resolved on an individual case basis, as they arise.
- f) All clients have the right to express a concern or problem and/or lodge a dispute if they are dissatisfied with the training and assessment services that they have been provided (including through a third party) or the behavioural conduct of another learner.
- g) All disputes are acknowledged in writing and finalised as soon as practicable.
- h) The dispute resolution procedure is based on the understanding that no action will be taken without consulting the complainant and respondent, using a process of discussion, cooperation and conciliation.
- i) The rights of the complainant and respondent will be acknowledged and protected throughout the dispute resolution process, including the conduct of separate interviews initially.
- j) In the interest of confidentiality, the number of people involved in the resolution process will be kept to a minimum.
- k) Final decisions will be made by the Director of Smartskill or an independent party to the dispute.
- l) The dispute resolution procedure emphasises mediation and education while acknowledging that in some instances formal procedures and disciplinary action may be required.
- m) If the disputes process fails to resolve the dispute or the complainant is not satisfied with the outcome of the dispute the matter will be referred to an independent third party for

review, at the request of the complainant. All costs incurred for the third party review will be advised to the complainant.

- n) If the dispute will take in excess of 60 calendar days to finalise Smartskill will inform the complainant in writing providing the reasons why more than 60 calendar days are required. The complainant will also be provided with regular updates on the progress of the dispute.
- o) Victimisation of complainants, respondents or anyone one else involved in the dispute resolution process will not be tolerated.
- p) All disputes will be handled as Staff-In-Confidence and will not affect or bias the progress of the client in any current of future training.

## **4.2 Types of Disputes**

A dispute may include allegations involving the conduct of :

- a) Smartskill, its trainers, assessors or other staff; or
- b) A third party providing services on behalf of Smartskill, its trainers, assessors or other staff; or
- c) A learner of Smartskill.

## **5. Smartskill Responsibilities**

The Director of Smartskill is the Disputes Resolution Officer. The Director may delegate responsibility for the resolution of the dispute if necessary.

Details concerning the scope of the Disputes Policy are to be clearly displayed throughout the organisation and contained within the Staff Induction Process, Client Handbook and Smartskill website.

## **6. Process**

### **6.1 Disputes**

If a client has a dispute, they are encouraged to speak immediately with the trainer/assessor to resolve the issue. The first step is to lodge a complaint and have it dealt with through Smartskill's policy and process for Complaints.

If the client is not satisfied that the issue has been resolved during the Complaint process, then they will be asked to complete a Disputes Form and lodge a formal dispute. Smartskill will then investigate the dispute and advise the client of the outcome.

If the client is not satisfied with the outcome they may write to the Director, setting out in detail the issue of concern. This may lead to occasions where an industry-training representative may be invited to act as an objective party in order to negotiate a satisfactory resolution.

## 6.2 Disputes Process

All disputes shall follow the below process:

- a) Disputes are to be made in writing within 7 calendar days of the incident using the Disputes Form.
- b) A submitted dispute form will constitute a formal dispute from the client. Further detail of the dispute can be provided by the client verbally.
- c) The Director of Smartskill must be informed of receipt of all disputes immediately.
- d) The Director of Smartskill may delegate responsibility for the resolution of the dispute.
- e) In the case of a dispute, the Director of Smartskill will initiate a transparent, participative investigation to identify the issues.
- f) Disputes will be processed in accordance with the Disputes flowchart - Annex A.
- g) Disputes, where possible, are to be resolved within 14 calendar days of the initial application.
- h) In all cases the final conclusion will be assessed by the Director of Smartskill.
- i) The Client will be advised in writing of the outcome of their dispute, within seven (7) days of resolution.
- j) If the outcome is not to the satisfaction of the Client, they may seek an appointment with the Director of Smartskill.
- k) If the client is not satisfied with the decision they have the option to seek outside assistance to pursue the dispute.

## 7. Access & Equity

The Smartskill Access & Equity Policy applies. (See Access & Equity Policy)

## 8. Records Management

Records of all disputes and their outcomes are maintained securely.

Records of disputes include:

- a) How the dispute was dealt with;
- b) The outcome of the dispute;
- c) The timeframes for resolution of the dispute;
- d) The potential causes of the dispute; and
- e) The steps taken to resolve the dispute.

All documentation from Refund processes are maintained in accordance with Records Management Policy. (See Records Management Policy)

## 9. Monitoring and Improvement

All disputes practices are monitored by the Director Smartskill and will be discussed at Management Review Meetings with areas for improvement identified and acted upon. (See Continuous Improvement Policy)

## ANNEX A: Disputes Process

