



# Policy

## Complaints about ASQA

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## 1 Policy statement

The Australian Skills Quality Authority (ASQA) accepts and acts on complaints about its practices and services.

ASQA applies the principle of procedural fairness in investigating and responding to complaints about its practices and services. This means that all parties involved in a complaint are given a fair opportunity to be heard, that the outcome is not predetermined, and the complainant is provided with information about how to seek a review of the decision.

Complaints are treated in an impartial manner, with an appropriate level of transparency. As part of a commitment to accountability and transparency, ASQA's Senior Executive Committee is regularly provided with information about complaints. When investigating a complaint about an individual(s), care is taken, to the maximum extent possible, to restrict access to the details of the complaint and its investigation to only those officers who need to know.

ASQA is committed to ensuring the outcomes of complaint investigations are used to improve ASQA's practices and services. Where opportunities for improvement in ASQA's practices and services are identified through investigating a complaint, that information is provided to the relevant senior officer.

## 2 Purpose

The purpose of this policy is to describe the types of complaints that ASQA will investigate, and to give the context and key operational details of these investigations.

## 3 Context

As the National Regulator for vocational education and training (VET), ASQA undertakes assessment, compliance monitoring, and investigative activities to support the quality and integrity of the Australian VET sector.

In performing these activities there is the potential that stakeholders may be dissatisfied with ASQA's practices and services. Accordingly, ASQA has established a mechanism to accept and investigate complaints about these matters.

In undertaking such investigations, ASQA employs strategies to ensure impartiality, to respond appropriately, and to use the outcomes to improve its practices and services, in order to eliminate or mitigate the likelihood of a complaint reoccurring.

ASQA's process for the handling of complaints is informed by the requirement of the *Standards for VET Regulators 2015* (in particular, Standards 3.6, 3.7(b) and 5.2(e)).

## 4 Scope

This policy applies to the services ASQA provides to external stakeholders and may involve practices or staff from any part of ASQA.

Except where there are extenuating circumstances, such as an allegation of illegality, if a complaint identifies issues with one or more specific ASQA officer(s), those officers will be provided with a copy

of the complaint and afforded an opportunity to provide input into the complaint investigation.

Complaints about regulatory decisions made by ASQA or its delegates are not captured by this policy as there are review and appeal mechanisms available under the relevant legislation to progress such complaints.

Complaints about the activities of training providers are not covered by this policy. ASQA's [Managing complaints about providers](#) policy describes ASQA's process for handling complaints of this kind.

While complaints may be made about the overall charge imposed by ASQA for a regulatory activity, complaints about ASQA's rates of fees and charges are not covered by this policy as these rates are prescribed in legislation rather than set by ASQA.

## 5 Responsibility

The Manager, Governance & Planning team, has primary responsibility for the management of complaints covered by this policy.

## 6 Operational details

### 6.1 How to make a complaint about ASQA

Full details about how to make a complaint about ASQA are provided on ASQA's website at: <https://www.asqa.gov.au/complaints/complaints-about-asqa>

#### 6.1.1 Anonymous complaints

Complaints may be lodged anonymously; however, doing so may make it difficult or impossible for ASQA to investigate the complaint. ASQA will not normally investigate an anonymous complaint unless there is sufficient information in the complaint to enable ASQA to do so.

#### 6.1.2 Privacy complaints

Complaints about ASQA's handling of personal information, will be managed according to the process and timeframes indicated in ASQA's Privacy Policy, which is published at: <https://www.asqa.gov.au/about/accountability-and-reporting/privacy>.

#### 6.1.3 Fraudulent, frivolous or vexatious complaints

ASQA may elect not to investigate complaints it considers to be fraudulent, frivolous or vexatious.

## 6.2 Timeframes and advice to the complainant

### 6.2.1 Acknowledgement

Complaints about ASQA received through the formal mechanism described above will be acknowledged in writing within **five working days** of receipt by the Governance & Planning team. Complaints received through other channels will be acknowledged as soon as possible.

### 6.2.2 Finalisation

While ASQA will act to investigate complaints as quickly as possible, it is not possible to provide specific timeframes for the finalisation of such investigations due to the wide variation in the complexity of the matters raised by complainants.

If ASQA considers that more than 90 days<sup>1</sup> will be required to finalise a complaint and provide advice to the complainant, it will write to the complainant to explain the reasons why more than 90 days is required.

Once it has finalised its investigation, ASQA will provide written advice to the complainant about the outcome of its investigation, which may include comments about action(s) taken.

## 6.3 Commonwealth Ombudsman

If a complainant is dissatisfied with ASQA's complaint investigation or outcome, they may raise their concerns with the Commonwealth Ombudsman, via <http://www.ombudsman.gov.au>.

## 7 Reference documents

- Commonwealth Ombudsman (April 2009) Better Practice Guide to Complaint Handling available at: <https://www.ombudsman.gov.au/better-practice-guides>
- Complaints about ASQA form available at: <https://www.asqa.gov.au/complaints/complaints-about-asqa>
- *Standards for VET Regulators 2015*: <https://www.legislation.gov.au/Details/F2017C00444>.

## 8 Records

Documents related to complaints about ASQA and their outcomes are maintained in a secure location within ASQA's electronic document and records management system.

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<sup>1</sup> Refer Standard 3.6(f) of the [Standards for VET Regulators 2015](#)

## 9 Review and document control

This policy is reviewed biennially unless specific circumstances require an earlier review.

Version number	Published date	Summary of changes from last version	Authorised by
1	1/6/2018	New policy	Manager Governance
2	9/7/2020	Clarification of when complaints may be made about charges, minor formatting changes, updates to position and team titles	GM, Strategy and Performance

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