# Complaints Management and Disputes Resolution Policy

August 2025

Powering Skills Organisation Ltd

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| **Policy #** PSO-006 | **Version:** 2.0 | **Policy owner:** CEO |
| **Effective date:** August 2025 | **Next review date:** August 2027 | **Authorised by:** Board of Directors |

# 1. Purpose

The Complaints Management and Disputes Resolution Policy (Policy) establishes how Powering Skills Organisation Ltd (PSO) will deal with complaints and disputes made by members of its community, including stakeholders, staff and the public.

PSO recognises that effective complaint and disputes processes provide opportunity for continuous service improvement across all its functions and dealings. PSO aims to make people feel comfortable submitting a complaint, disagreement or dispute and confident that their issues will be dealt with respectfully, fairly, and without any adverse repercussions.

PSO strives to:

- Manage complaints, disagreements and disputes in a fair, transparent and timely manner;
- Have in place clear and effective processes for the resolution of complaints, disagreements and disputes;
- Resolve disputes in a manner that enhances stakeholder understanding of, and confidence in, the training product development process; and
- Take reasonable steps to ensure that persons are not negatively treated because they make a complaint or lodged a dispute.

Complaints, disagreements and disputes within the scope of this Policy will be assessed according to the Complaint Management and Dispute Resolution Procedure (the Procedure).

# 2. Scope

This Policy applies to complaints and disputes that:

- Are of the type described in this section; and
- Do not otherwise fit within the scope of another complaint or review process.

Complaints and disputes must be lodged within 12 months from the date the event giving rise to the complaint or disagreement occurred. PSO may choose to consider complaints and disagreements outside this timeframe in its sole discretion.

## Staff complaints

This Policy applies to complaints made by:

- Any member of staff, including those employed under an enterprise agreement or any other employment arrangement; and
- Independent contractors and former staff, but only where PSO considers it appropriate in the circumstances.

Staff may make complaints about:

1. The conduct of other staff (including peers, subordinates, managers and Directors).
2. The conduct of a person they have dealt with in the course of their employment.
3. Any activity, service, process or action of PSO.
4. Any other matter relating to the staff member's employment, including work health and safety risks or the application of PSO's policies and procedures.

## Stakeholder complaints

This Policy applies to complaints made by:

- Stakeholders; and
- Interest parties in the Job and Skills Council.

Stakeholders may make complaints in relation to:

1. Disagreements between stakeholders relating to the content of its training products prior to them being submitted to the Assurance Body.1
2. Any activity, service, process or action, as well as administrative decisions, of PSO.
3. The conduct of a member of staff, Director, or people external to PSO with whom stakeholders interact as part of this Jobs and Skills Council.

## Complaints made by members of the public

This Policy applies to complaints received from individuals or organisations external to PSO who may make complaints in relation to:

1. Any activity, service, process or action of PSO.
2. The conduct of a staff member, Director, or people acting on behalf of PSO.

[1] The Assurance Body is a body nominated by Skills Ministers to assess draft training products against the Training Package Organising Framework and make recommendations to Skills Ministers about the endorsement of proposed training products.

## Complaints regarding controlled entities

Complaints made about the activities, services, processes or actions of a controlled entity or the conduct of a controlled entity's staff member will only be assessed under this Policy at the discretion of PSO. When exercising its discretion, PSO will consider factors such as whether the person making a complaint has other review or complaint processes available to them, including any processes of the relevant controlled entity.

# 3. Definitions

**Complaint:** A complaint is an expression of dissatisfaction about PSO and is accompanied by a request for a specific resolution or response. It may be about such matters as (this list is not exhaustive):

- Complaint or dispute between stakeholders relating to the content of its training products; or
- PSO's staff, services, activities, processes or actions.

A complaint may be received over the phone, email, in person or via the website.

Where no resolution or response is sought, the complaint will be treated as feedback.

**Disagreement:** A disagreement is when PSO and another party disagree on the training package product during the public and Government consultation phase. During a disagreement, the two parties can share their positions and may settle the disagreement before it becomes a dispute. A disagreement is considered informal.

**Dispute:** A dispute is triggered by a Commonwealth or a state or territory party formally writing to PSO about their disagreement or by PSO in order to enable the finalisation of a training product. At this point it becomes a dispute instead of a disagreement. A dispute is formal and triggers PSO to begin the processes in their dispute resolution policy.

There are two opportunities for resolution:

1. The informal complaint and disagreement process: where possible and appropriate, PSO encourages people to resolve informal complaints and disagreements directly with those involved or connected with the complaint.
2. The formal complaint and disputes process: for complaints and disputes which are more serious or complex or are unable to be resolved informally. In addition, in the case of an unresolved dispute, complainants can refer their dispute to an external mediation body/service for resolution. This process is detailed in the Procedures, which are located in the Appendix to this Policy.

# 4. Responsibilities

All persons involved in a complaint, disagreement or dispute, including the person making a complaint, the person who is the subject of a complaint (if any), and staff handling the matter, are expected to treat others with respect and courtesy at all times. In doing so they must act in

accordance with any standards of conduct that apply to them, for example those contained in the Code of Conduct. If they fail to do this, it may result in disciplinary action (if applicable) and PSO ceasing to consider the complaint.

A person making a complaint, disagreement or dispute must comply with the applicable complaints and disputes resolution procedure.

# 5. Record Keeping

PSO will keep appropriate and confidential records for all complaints, disagreements and disputes that go through a formal process under the Procedure.

A person making a complaint will not be provided with any internal documentation developed by PSO during the complaint process, including any investigation or appeal reports. However, an application may be made requesting access to such internal documentation under the Privacy Policy.

# 6. Confidentiality

The privacy and confidentiality of persons involved in a formal complaint and dispute resolution process will be respected to the extent it is practical and appropriate to do so, subject to legal and regulatory requirements. PSO will only share information with people who are involved in the process as well as persons to whom it is necessary to disclose the information to enable appropriate assessment and resolution of the matter.

Any personal information disclosed during the process will be managed in accordance with PSO's Privacy Policy.

A person making a complaint, disagreement or dispute, and any person subject to this, must keep information about the complaint, disagreement or dispute and associated processes confidential, including any correspondence and outcomes.

# 7. Related documents

- PSO Code of Conduct
- PSO Board Charter (for escalation of CEO/Board-related complaints)
- PSO HR Policy
- PSO Privacy Policy
- PSO Workplace Health and Safety Policy
- PSO IT Usage Policy (for complaints relating to digital or data misuse)
- Commonwealth Ombudsman Better Practice Complaint Handling Guidelines

- AS/NZS 10002:2022 *Quality management – Customer satisfaction – Guidelines for complaints handling in organisations*

# 8. Document Control Table

| Version | Description | Date |
|---|---|---|
| V.0.1 | Creation of first draft | 11/05/2023 |
| V.0.2 | Compliance review | 10/08/2023 |
| V.0.3 | Board adoption | 30/10/2023 |
| v.1.0 | Release | Oct 2023 |
| v.1.1 | No material changes | July 2025 |
| V2.0 | Published | August 2025 |

## Appendix A - Complaint Management and Dispute Resolution Procedures (excluding disputes between stakeholder groups)

The following details the process for managing complaints and disputes, excluding disputes between stakeholder groups. For processes relating to disputes between stakeholder groups, see Appendix B.

### Receiving inquiries, complaints or disagreements

- Generally inquiries, complaints and disagreements will be initiated by contact with the Customer Service Team (CST) or in some cases by contact with the CEO or a Board member.
- The CST will categorise the matter as an inquiry, a complaint, or a disagreement and will initiate corresponding action. If the CST is not sure which category the matter should be classified as, they will refer to the Complaints Officer.
- All inquiries, complaints and disagreements will be recorded in the Complaints Register which will be updated with the progress of each inquiry, complaints and disagreements.
- It is important that a person who makes an inquiry gets a clear and accurate answer as soon as possible. This increases the satisfaction and lessens the chance that an inquiry or disagreement will result in a complaint or dispute.
- The Board has an obligation to maintain the confidentiality of information.

### Initial handling of a complaint

- In instances where a complaint has been received, the CST must:
  - Acknowledge the receipt of the complaint to the complainant within three (3) days where practical;
  - Assess whether there is scope to resolve the complaint immediately to the satisfaction of the complainant;
  - Assess or escalate to determine if the complaint is to be resolved as informal or formal
  - Attempt to resolve the complaint; and
  - Record the matter as a complaint.
- Communications to the complainant will generally be via the same channel in which the complaint was lodged unless the complainant requests a different means. For example, a complaint lodged via email will be responded to via email.
- If the complaint can be actioned and resolved, the resolution will be advised to the complainant and confirmation will be sought that the complainant is satisfied with the resolution. If it is determined that no further action is required in the matter, this will be explained to the complainant, with an apology if appropriate. If the resolution occurs within five (5) business days and the complaint meets the definition of an informal complaint, then the complaint can be closed.

- If the matter is not an informal complaint, the matter will be treated as a formal complaint.

## Delegations and response methodology

To ensure consistency and accountability, PSO will follow these delegation and response principles:

- The Customer Service Team (CST) acknowledges and logs complaints within three business days.
- The Complaints Officer assesses complexity and determines whether the complaint is informal or formal.
- The General Manager or CEO delegate approves responses to formal complaints.
- All written responses should be courteous, factual and in plain English; verbal resolutions must be followed up with written confirmation for formal matters.

## Handling a formal complaint

### Resolving formal complaints

- Where the matter is a formal complaint, the Complaints Officer will receive details of the complaint (including the contact details of the complainant) and the matter will be advised to the CEO and Chair of the Board of Directors. The complaint will be recorded in the Complaints Register.
- The Complaints Officer will provide an acknowledgement to the complainant if this hasn't already been done.
- The complaint will be investigated with a view to resolve the complaint and provide a response as soon as possible. The maximum timeframe to provide a response is 45 days for most complaints.
- In some circumstances, further information or advice will need to be sought, or the matter may need to be put before the Trustee for a decision.
- The Complaints Officer will oversee the resolution of the complaint and will follow up the status of any actions to resolve the matter.
- The complainant will be kept informed of the status of their complaint.
- Where a complaint relates to the conduct or decision of a particular person, the person handling the complaint, where practical, will be different to the person whose decision or conduct was the subject of the complaint.
- There may be complaints that are particularly complex or that incur a delay beyond the control of PSO leading to it not being able to be resolved within the maximum timeframe. In this circumstance, the Complaints Officer will ensure the complainant is provided with written notification, including the reason for the delay.
- When the complaint is resolved, the complaint will be recorded as closed on the PSO's records and a written response will be issued to the complainant advising of the actions taken to resolve the complaint or the reasons for rejection, or partial rejection, of the complaint.
- If the complaint has been rejected or partially rejected, there will be a genuine effort to provide the complainant with sufficient information to assist them to understand the basis for the decision and to be fully informed for their decision whether to escalate the matter. This will include identifying and addressing the issues raised and outlining the facts determined to support the findings.

### Decision disputes

- If the complainant is not satisfied with the resolution of a complaint, or if they wish to dispute a decision, they may lodge a dispute.
- Disputes are handled by the Complaints Officer in line with the formal complaints procedure outlined above. The complainant may be requested to put details of the dispute in writing, if possible, to clarify the nature of the dispute.

- Disputes will generally require a decision by the Board. Upon completion of relevant investigations, the Complaints Officer will provide the Board with a report outlining the nature of dispute together with a recommendation.
- The Board will consider the complaint in light of the organisation's obligations.
- The Complaints Officer will arrange for the complainant to be informed in writing of the Board's decision.

**Investigation Hierarchy**

The following hierarchy will apply to ensure independence and fairness:

- Complaints about staff – investigated by the staff member's manager or delegate.
- Complaints about managers – investigated by a General Manager or CEO delegate.
- Complaints about a General Manager – investigated by the CEO.
- Complaints about the CEO – referred directly to the Board Chair.
- Complaints involving Board members – managed by the CEO in consultation with the Board Chair.

**Board oversight and review**

- The Board has oversight of the dispute resolution system. The Board receives quarterly reports on complaints. These reports include summary data and actions taken and decisions made in respect complaints or disputes (where there are any). Where there are a number of complaints, these complaints will be analysed for patterns to determine if there are systemic issues that required addressing.
- The Dispute Resolution system is reviewed annually or more frequently as appropriate.

## Appendix B – Complaint Management and Dispute Resolution Procedures for disputes between stakeholder groups

The below details the process followed in handling disputes between stakeholder groups relating to content of a training product.

PSO aims to avoid disputes in the first instant and if a dispute does occur, PSO undertakes to resolve them early and manage them pro-actively at an appropriate level. PSO is aware of the benefit in early resolution of disputes and will undertake:

- Early engagement between stakeholders involved in the dispute to identify issues and options for addressing them, including:
  - undertaking further research into the impacts of a training product (for example, if concerns about unintended impacts of the training products are part of a dispute); and
  - working with a small group of stakeholders to develop a consensus position on an issue.
- Getting assistance from a third party to facilitate discussion and resolution.
- Litigating to resolve complex or protracted legal issues (it is expected that the vast majority of disputes should be resolved before this stage).
- Collecting data about how disputes are managed and resolved, which can assist to highlight the extent to which better dispute management practices save time and money, and lead to more consistent adoption of best practice.

### When a dispute cannot be resolved

- It is recognised that there are some exceptional cases where disputes can be so significant (or impactful) that this delays the development of the training product or may undermine confidence in the training product.
- In this scenario, PSO may (or at the instruction of the Australian Government), engage an Alternative Dispute Resolution (ADR) practitioner to assist in the resolution of the dispute.

### What triggers the engagement of an ADR practitioner

- An ADR practitioner should only be engaged in exceptional circumstances:
  - PSO makes a judgement that broad consensus cannot be reached regarding the content of the training product, such that this is likely to impact confidence in the training product.
  - There is a significant concern by one or more major stakeholders such that this is impacting confidence in the training product.
  - There is a significant concern by one or more regulators, including licensing bodies, such that the training product may not be able to be relied upon for licensing or might not meet relevant regulation.
  - There is a significant concern held by the Commonwealth or one or more states or territories such that the training product could not be reasonably supported by that jurisdiction.

- The Board of PSO cannot agree on key elements of the training product.

## Engagement of an ADR practitioner

- Before an ADR practitioner is engaged, PSO will prepare a brief which clearly identifies the reasons why an ADR practitioner is being engaged, the issues/disputes, stakeholder details involved, timeframes and budget etc along with relevant documentation.
- This brief along with a report and recommendation template, including any instructions for the ADR practitioner to capture outcomes.

## ADR practitioner

- The ADR practitioner would be an independent person skilled in mediation and conciliation and able to bring 'fresh eyes' to an issue. The ADR practitioner will be familiar with Vocational Education and Training (VET) but not necessarily an industry expert or representative.
- The ADR practitioner would assist PSO resolve the issue such that the training product can be finalised.
- The ADR practitioner would consider the r relevant information, may speak with stakeholders, and may gather further information to enable them to make a recommendation to PSO. The recommendation would not be binding on PSO.
- PSO would make a public notification that the ADR process has been triggered because this will impact on timeframes for finalisation of the training product. The issues in contention or dispute would also be identified publicly. The outcomes of the ADR process would also be included in the summary of feedback that is provided to stakeholders when the training product is finalised.
- The ADR process would be conducted in a timely manner, taking no longer than two (2) months.

## Updating the PSO website

When an ADR practitioner is engaged, PSO will update its website to reflect:

  - that an ADR process has been triggered
  - the reason that an ADR process has been triggered
  - the party who triggered the ADR process (being either PSO or the Commonwealth, or a state or territory)
  - the issues in contention
  - an indicative timeframe for the ADR process.

- Once completed, the outcomes of the ADR process will be published on PSO's website.

## Determining the most appropriate ADR method

- The ADR may take many forms and, while PSO may provide guidance to an ADR practitioner about a preferred approach to the ADR, it is expected that the ADR practitioner will determine the most appropriate ADR method in the circumstances. For example, an ADR practitioner may do one or more of the following:
  - Review submissions and documents provided and determine a resolution 'on the papers'.
  - Request additional information from stakeholders about matters that are missing from the brief, but which are critical to the resolution of the issue.
  - Meet with and/or speak to stakeholders (including members of PSO) to gain further insights about the issues and possibilities for resolution.
  - Mediate or conciliate between stakeholders to explore solutions to an issue (where they agree to participate).
- It should be noted that the role of the ADR practitioner is not to re-prosecute consultation submissions or to determine if PSO sufficiently considered feedback as part of complying with the Policy in relation to process; rather it is to help identify solutions and provide recommendations to PSO about ways to resolve difficult issues.

## Outcomes of ADR process

- The ADR practitioner will complete a short report, which summarises:
  - The issues that were referred to them (including any additional issues that were identified);
  - The process undertaken by the ADR practitioner (including who was spoken with, what information was provided and considered, what ADR methods were used etc.); and
  - Their recommendations to the PSO and accompanying reasoning.
- PSO will consider the recommendations and make an informed decision about how to settle the training product content. The recommendation, which are not determinative will not be binding on PSO or on the stakeholders.
- PSO cannot direct the ADR practitioner to re-examine the issue or undertake another ADR process. However, PSO can seek clarification from the ADR practitioner.

## Submission to the Assurance Body

- Where an ADR process has been utilised, this should be noted in the Training Product Submission prepared for the Assurance Body and published on PSO's website.

## Submission for endorsement to Skills Ministers

- One of the reasons for incorporating an ADR process into the dispute resolution process is to reduce the risk of indefinite delays to the development of training products and to reduce the risk of training products not being endorsed by Skills Ministers because there are significant outstanding issues, disputes or a lack of broad consensus.

- Ministers will, however, retain the right not to endorse a training product or to issue directives for Jobs and Skills Councils to undertake further consultation or other work before returning a training product for endorsement.
- It is proposed that Skills Ministers would also be able to direct the Jobs and Skills Council to engage an ADR practitioner if they considered that this was necessary to assist in resolving the issue of concern. If an ADR process has already occurred before the product is presented to Skills Ministers for endorsement, it is not expected that the same process would again be directed by Skills Ministers.

## Monitoring dispute resolution

- The Commonwealth department is responsible for:
  - Monitoring the performance of PSO; and
  - Responding to complaints about the conduct of PSO and process concerns about the development of training products.
- As part of these functions, the department will consider and review:
  - The effectiveness of PSO in resolving disputes early in the development process (including so that learnings regarding best practice can be shared across Jobs and Skills Councils).
  - The use (including any over-use) of ADR practitioners where issues arise that meet the relevant criteria.
  - How PSO engages with ADR recommendations to inform their decision-making opportunities to improve this model policy.