



Australian
Nursing & Midwifery
Accreditation Council

Skilled Migration Services Complaints and Disputes Policy

Version: 2

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SMS003

Skilled Migration Services Complaints and Disputes Process Policy

1. Purpose

This policy sets out the process that the Australian Nursing and Midwifery Accreditation Council undertakes to manage and respond to all complaints and disputes related to migration skills assessments.

2. Scope

This policy applies to any stakeholders involved in the skilled migration assessment process, including applicants, migration agents and ANMAC staff.

3. Key definitions

Applicant	A person who makes a formal application for a skills assessment.
Assessment outcome	Is the outcome of a skills assessment.
Complaint	An expression of dissatisfaction with the quality of an action taken, decision made (except in regarding an Assessment outcome), or service provided by the ANMAC, or a delay or failure in providing a service, taking an action, or making a decision.
Complainant	A person who has raised a complaint.
DEWR	Department of Employment and Workplace Relations
Dispute	A disagreement or conflict regarding an Assessment outcome or dispute related to work experience claims.
DoHA	Department of Home Affairs
Fraud	Dishonest, obtaining a benefit or causing a loss by deception or other means.
Management Team	Includes the Skilled Migration Services (SMS) Director, SMS Manager, Senior Policy and Projects Officer and Senior Assessors.
Executive Leadership Team (ELT)	A group of senior leaders within ANMAC, responsible for making high-level strategic decisions regarding governance and organisational strategy.
Outcome letter	An official letter provided by ANMAC to a skills assessment applicant detailing their suitability for migration purposes.
Overtaken decision	During the dispute process an 'unsuitable' outcome is revised to 'suitable.'
Procedural fairness	The principles which underpin procedures used when making a decision.
Senior Policy & Projects Officer	An ANMAC employee responsible for developing, managing and advising on policies and projects within the organisation.
Skills assessment	The designated assessing authority assesses the skills of the applicant to determine suitability for migration based on skills and qualifications which results in an Assessment outcome.
SMS Assessor	An ANMAC employee who assesses the qualifications and work experience of overseas born nurses, midwives, and direct care workers, for migration purposes.
SMS Complaints and Disputes Register	A database storing complaint and dispute information, accessible via the ANMAC intranet.
Upheld decision	During the dispute process an 'unsuitable' outcome or decision remains.

4. Policy

The Australian Nursing and Midwifery Accreditation Council is committed to managing complaints and disputes fairly, efficiently, and effectively. Complaints provide an opportunity to identify systemic problems and to improve service provision for end-users. In line with the Australian Government's Department of Employment and Workplace Relations (DEWR) Guidelines for Skilled Migration Assessing Authorities (the Guidelines), ANMAC is committed to providing a transparent, user-friendly, and fair approach to all disputes received regarding the skills assessment process.

4.1 Complaints Process

- i. A complainant may lodge a complaint regarding the skills assessment process. To support a potential investigation, the complainant is encouraged to provide clear and detailed information in the complaint submission. Complaints should be submitted to the Management Team, Skilled Migration Services, via email at **complaints@anmac.org.au**
- ii. SMS related complaints received by ANMAC will be forwarded to the SMS Manager for review and listed on the 'SMS Complaints and Disputes Register.' The SMS Manager will determine whether the complaint will require further investigation.
- iii. All complaints will be formally acknowledged in writing by the SMS Manager within five business days of receipt.
- iv. The SMS Manager will escalate a complaint to the SMS Director as required, or where the complaint has broader implications for ANMAC, ANMAC's key stakeholders or the professions.
- v. The SMS Manager will ensure that all complaints are reviewed and responded to within twenty business days.

4.2 Disputes Process – Assessment outcomes

4.2.1 Internal review process

- i. The applicant, or their nominated migration agent, submits a written request for an internal review of the Assessment outcome or dispute related to work experience claims to: Management Team, Skilled Migration Services via email to skilledmigration@anmac.org.au within thirty days of receiving their outcome letter.
- ii. The Management Team will respond to the applicant's request for an internal review within ten business days and send the applicant an invoice for payment.
- iii. Payment is required for an internal review of the assessment outcome before the review can be progressed. The Management Team will confirm with the Finance team that payment has been received by ANMAC. Refer to the fee schedule on the [ANMAC website](#).

- iv. The SMS Manager will allocate the internal review to an SMS Assessor. To ensure an independent internal review of the assessment of the applicant's suitability for migration can occur, the assessor undertaking the internal review will not have participated in any way (assessed, reviewed, or approved) the initial assessment.
- v. Additional supporting information or evidence can be provided by the applicant during the internal review process.
- vi. The independent reviewer may choose to request additional information or evidence during the internal review process.
- vii. The internal review will be completed within twenty business days of receiving payment. However, this timeframe may be extended if new information or evidence is submitted during the review process.
- viii. The outcome of the internal review will be emailed to the applicant by the independent reviewer.

4.2.2 Outcomes

- i. Initial assessment outcome of **'unsuitable' upheld** - If the initial assessment outcome is confirmed, the applicant will receive a detailed written explanation outlining the reasons for the decision. In addition, the applicant will be informed of the process for lodging an external appeal. The Department of Home Affairs (DoHA) will also be notified where there has been misconduct by the applicant. ANMAC will enforce a two-year exclusion period; the applicant may re-apply two years from the date the 'unsuitable' outcome letter was issued.
- ii. Initial assessment outcome of **'unsuitable' overturned** - If the initial assessment outcome is overturned, ANMAC will issue a revised 'suitable' skills assessment outcome letter and send it to the applicant via email. DoHA will also be notified of the change in the assessment outcome. The applicant will also be refunded the amount paid for the internal review.
- iii. Initial assessment outcome of **'suitable' upheld with disputes related to submitted work experience claims 'upheld'** – If the initial assessment of the work experience claims is upheld, the applicant will receive a detailed written explanation outlining the reasons for the decision. In addition, the applicant will be informed of the process for lodging an external appeal.
- iv. Initial assessment outcome of **'suitable' upheld with disputes related to submitted work experience claims 'overturned'** – If the initial assessment of the work experience claims is overturned, ANMAC will issue a revised 'suitable' skills assessment outcome letter inclusive of the work experience details and send it to the applicant via email. The applicant will also be refunded the amount paid for the internal review.

4.2.3 External appeal process

- i. The applicant, or their migration agent acting on the applicant's behalf, submits a written request for an external appeal of the assessment outcome or disputes related to work experience claims to: Management Team, Skilled Migration Services via email to skilledmigration@anmac.org.au within 30 days of their internal review outcome being issued. The Management Team will respond to the applicant's request for an external

appeal within ten business days and the applicant will be emailed an invoice for payment.

- ii. Payment is required for an external appeal of the assessment outcome before the appeal can be progressed. Refer to the fee schedule on the [ANMAC website](#).
- iii. No new information can be considered from the applicant in the external appeal.
- iv. The external appeal will be conducted by the ANMAC Director of Accreditation Services, or another member of the ANMAC Executive Leadership Team who holds registration with the Nursing and Midwifery Board of Australia (NMBA) as a nurse or midwife, provided they were not involved in the initial assessment or internal review process (including assessment, review, or approval). This ensures they can make an independent and impartial assessment of the applicant's suitability for migration against the established assessment criteria. The external appeal will be finalised within thirty business days from receipt of the appeal payment. The outcome of the external appeal decision will be emailed to the applicant by the Management Team.

4.2.4 Outcomes

- v. Initial assessment outcome and internal review outcome of **'unsuitable' upheld** - The applicant will receive a detailed written explanation outlining the reasons for the decision. ANMAC will enforce a two-year exclusion period; the applicant may re-apply two years from the date the initial 'unsuitable' outcome letter was issued.
- v. Initial assessment outcome and internal review of **'unsuitable' overturned** - If the initial assessment outcome is overturned, ANMAC will issue a revised 'suitable' skills assessment outcome letter and send it to the applicant via email. DoHA will also be notified of the change in the assessment outcome. The applicant will also be refunded the amount paid for the external appeal.
- vi. Initial assessment outcome and internal review outcome of **'suitable' upheld with disputes related to submitted work experience claims upheld** -The applicant will receive a detailed written explanation outlining the reasons for the decision.
- vi. Initial assessment outcome and internal review outcome of **'suitable' upheld with disputes related to submitted work experience claims overturned** – If the external appeal determines that the work experience claims should be reported, the current decision not to report them will be overturned. ANMAC will issue a revised 'suitable' skills assessment outcome letter inclusive of the work experience details and send it to the applicant via email.
The applicant will also be refunded the amount paid for the external appeal as well as the amount paid for the internal appeal.
- vii. The external appeal decision is the final review of the assessment.

5 Related documents, legislation, and standards

External
Skilled Migration Services (SMS) Fees and Refunds Policy
Skilled Migration Services (SMS) Fraud Policy

Skilled Migration Services (SMS) Migration Skills Assessment Policy
Internal
Skilled Migration Services (SMS) Procedure Manual

6 Document management

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Skilled Migration Services Complaints and Disputes

Final Audit Report

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