



# Complaints & Appeals Policy

## Purpose

The objective of the *Complaints & Appeals* Policy and Procedure for Operator Training & Assessments (OTA) is to ensure the RTO's *Complaints & Appeals* process ensure all staff and learners are aware of their right to appeal and/or make a complaint against any decision or fact that has affected their experience at the RTO.

## Scope

This policy outlines the RTOs approach to managing complaints and appeals and ensures all stakeholders are aware of the steps to take to have their dissatisfaction addressed appropriately.

The policy provides an avenue for all complaints to be addressed in a fair, efficient and confidential manner. The RTO will manage and respond to the following allegations involving:

1. The RTO
2. A third-party providing services on behalf of the RTO
3. RTO staff
4. A learner of the RTO

## Overview

We are committed to ensure all staff and learners are provided with the best possible environment in which to work and study. Despite all efforts of the RTO to provide the best services to its learners, complaints may occasionally arise which require formal resolution. The following procedures provide learners the opportunity to have any issues relating to a substantiated complaint or appeal received and resolution reached, that attempts to satisfy all parties involved. This complaint and appeals process is at no cost to the learner.

We assure all learners that our RTO will handle any form of dissatisfaction fairly, effectively and efficiently. Any learner who is not satisfied with the outcome of their training may make an appeal.

## Definitions

*Complaint* is defined as any act or commission that a customer or potential customer of our RTO believes to be unfair or discriminatory and relates to any RTO activity. It can include complaints related to training or non-training matters.

*Appeal* is defined as a request to review a decision that has been previously made.

OTA complaints policy assures all students and staff that our RTO will handle any form of dissatisfaction fairly, quickly, effectively and efficiently.

The complaints policy shall ensure that OTA will manage and respond to allegations involving the conduct its trainers, assessors, staff or learners in a constructive and timely manner with the complaint and outcome recorded. An impartial third party may be present when discussing any complaints, if requested.

**Complaints** - All complaints will be handled fairly, effectively, efficiently and quickly. OTA will act to remedy all complaints and attempt to prevent them from reoccurring. If at any time during the course learners are dissatisfied with any facet of the service provided, we ask that they raise the issue with a member of our staff. OTA will attempt an informal resolution. Should *informal* resolution not be achieved learners are able to move through a *formal* process and complete a *complaints form*.

Formal complaints will be handled by the OTA management team who will meet with the complainant to discuss the issue and attempt an amicable resolution. If dissatisfied with this outcome the complainant may lodge an appeal with an independent party who will consider the matter and make a final judgement.

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**Appeal on Assessment** - If you are dissatisfied with the outcome of an assessment learners must lodge a *Complaints & Appeals Form* within 5 days of the final assessment. OTA will assess the appeals request and inform the Learner of the result in writing within 5 days. If learners are dissatisfied with this outcome they may lodge an appeal with an independent party (i.e. small claims, legal representation, The Regulator such as The Training Accreditation Council).

**Access to the information (Staff & Students)**

- Staff are made aware of this policy through the mandatory annual reading and signing of specific RTO policies and declaration requirements.
- Students are made aware of this policy through the Student Information pack and the Code of Practice.
- This policy is placed on the RTOs website.

**Confidentiality**

Aggrieved persons’ details and the nature of their appeal or complaint will be kept confidential at all times. The complaints register is under the responsibility of the RTO Manager with no other access by staff.

All appeal applications are to be:

- Logged and monitored on the complaints and appeals register, and
- Scanned to the student record

**Procedure**

Every learner has the right to lodge a complaint/appeal if they are of the opinion they have not received the outcome expected.

All complaints/appeals must be undertaken in writing: under no circumstance will a formalcomplaints/appeals be managed verbally.

When a student wishes to complaint/appeal the assessment outcome they will need to complete the complaints/appeals form.

If a student has their assessment/skills recognition assessed as not successful, but feel they did demonstrate competency against the performance criteria, they are entitled to complain/appeal.

The student may complain/appeal the outcome of an assessment if they feel that:

- An issue has arisen with the Trainer/Assessor or course content;
- The assessment judgement has been made incorrectly; or
- The judgement was not made in accordance with the assessment plan; or
- The was made outside the training provided.

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The following table gives a basic outline of the complaint/appeal process:

STEPS FOR A FAIR HEARING	
Sept 1	Learner commences negotiation
Step 2	Obtains assistance
Step 3	Commence formal process
Step 4	Lodge complaint/appeal
Step 5	Resolution
Step 6	Notification
Step 7	Acceptance / Further Action

**Step 1 – Learner should review concerns and discuss directly with assessor/s.**

In the first instance the learner should review concerns and discuss directly with the assessor.

If the learner feels this is not appropriate to discuss the problem with the assessor/s or the matter is still unresolved, they may need to move to Step 2.

**Step 2 - Check the grounds for complaint/appeal and make sure this is the correct process.**

At this point a check for the grounds of the complaint is made. Compliant or Assessment Appeal? Remember that complaints about the delivery of training, quality of instruction or other issues, are handled through the grievance/complaint procedures. Assessment appeals focus on judgements as to whether competence has been achieved and demonstrated. If this really is the case, then the process proceeds to Step 3.

**Step 3 – Fill in the complaint/appeal form.**

If a request for a complaint/appeal proceeds to this step, the complainant needs to formalise it by filling in a Complaint/Appeal Form.

**Step 4 – Send the form in for action.**

Most issues will be resolved before they reach this step. However if they are unresolved, the complainant will complete the form and hand to the RTO Manager for actioning. A process to ensure all relevant information is collected will be discussed between the complainant and the RTO Manager.

**Step 5 – Complaint / appeals based on fair judgement**

A complaint/appeals panel will be convened in order to review the case:

- To ensure a fair hearing, and
- To check evidence in order to formulate a resolution.

Any complaint/appeal decision must be based on evidence collected and information supplied. An Assessment Complaint/Appeals panel consisting of the Director in consultation with an outside assessor will consider the case and shall:

- Consider all documents provided;
- Interview the people involved (e.g. applicant, assessor/s);
- Request further documentation;
- Request key people to present to the panel;
- Request another assessor to review the case;
- Schedule another assessment; and
- Finally uphold or reject the complaint / appeal based on the grounds on which the complaint / appeal was

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made.

**Step 6 – Formal notification of complaint / appeal panel’s resolution.**

The complainant will receive formal notification of the complaint/appeal outcome within 60 calendar days of the complaint/appeal application form being received.

Where OTA believes the disputed matter may exceed the 60 calendar days, OTA will, inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required. In addition, as the complaint appeal application will exceed 60 calendar days the complainant or appellant will require regular updates on the progress of the matter also in writing.

**Step 7 – Acceptance of the decision of the complaint / appeal panel or further action.**

The complainant may have the evidence re-assessed and be determined to be competent, or may have the original decision upheld in which case the complainant may be offered a re-assessment opportunity.

If the complainant is not happy with the assessment panel’s decision, then they have the right to access the national training authority’s grievance procedures.

**QUESTIONS AND ANSWERS ON THE ASSESSMENT COMPLAINT / APPEALS PROCESS**

***Will my complaint remain private and confidential?***

When a complaint is received by OTA we guarantee your complaint will remain private and confidential at all times. There are only certain people (2) in the RTO that can view and manage your complaint.

***If I put in a formal complaint when can I expect to hear back?***

Initially within 5 days.

***What’s the timeframe for cut off of an appeal against assessment?***

You have 5 days after a decision on assessment has been made, to appeal the decision.

***How long is the process expected to go on for?***

All proceedings should be finalised within 60 days, but will normally be finalised much sooner.

***Who can use the process?***

Anyone who is assessed by OTA under a competency based assessment.

***When is the complaint/appeals process used?***

When a complainant believes that they have been assessed unfairly due to

- Poor assessment process (not in accordance with assessment plan)
- Any process that affected their experience, and/or
- What the complainant considers to be an unfair judgement against the standards of competency.

***Can a complainant be penalised for using the complaint/appeals process?***

No, any concern which is raised will be dealt with seriously. The complainant will not be penalised in any way provided that one of OTA quality assurance processes is followed correctly.

***What should the complainant do if someone says that he/she cannot use the process?***

The complainant should speak with the RTO Manager of OTA. The complainant will have access to a fair complaint/appeals policy and be entitled to complain/appeal if they feel that they have reasonable grounds to do so.

***Can someone help the complainant through the process?***

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A complainant can have a 'coach' in any step of the process to assist in processing their concerns. Their role is to assist the complainant – not to present solutions.

A complainant can ask a friend to assist in:

- Preparing the complainant's point of view (including completing the complaint / appeal form)
- Presenting the complainant's viewpoint and facilitating the process (not solving the problem).

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