

POL002 - Complaints & Appeals Policy

PURPOSE

The purpose of this policy is to ensure Australian Trade Training College and any third party providers handle and resolve all complaints and appeals in a professional and timely manner and comply with the Standards for Registered Training Organisations (RTOs) 2015.

Australian Trade Training College is required by the Standards for Registered Training Organisations (RTOs) 2015 to have a policy in place to manage and respond to any complaints or appeals, including those made by third party training providers who provide services on behalf of Australian Trade Training College.

This policy will provide students with a clear process to register a complaint or appeal and ensures all parties involved are kept informed of the resulting outcomes.

SCOPE

Standards for RTOs 2015 – Standard 6

This policy applies to all employees of Australian Trade Training College Limited, including staff and students hosted external to Australian Trade Training College, students of Australian Trade Training College’s Registered Training Organisation (RTO), businesses hosting Australian Trade Training College’s students and other stakeholders receiving customer service from Australian Trade Training College.

Complaints are an indication of an opportunity to improve or clarify some part of our way of doing business.

The systematic collection and classification of complaints and opportunities for business improvement will allow corrective action and system faults to be rectified or improved and may form part of future strategic planning or risk management practices.

A standardised approach means that complaints can be dealt with in an efficient manner.

As complaints are direct feedback on actual performance or perceptions of performance of Australian Trade Training College, there needs to be high level accountability for screening, follow-up and evaluation of remedial action.

People who make complaints or appeals have the right to be taken seriously, treated with respect and to receive feedback within a reasonable timeframe without breaching legal responsibilities such as the Privacy Act.

All reports of bullying, harassment or discrimination will be treated as a complaint and will be addressed in accordance with this policy.

Australian Trade Training College acknowledges that students have the right to appeal any judgement or assessment decision including those made by a third party provider, based on valid grounds for appeal.

Australian Trade Training College Limited will ensure that all students have access to fair and equitable process for lodging an appeal against an assessment decision.

All staff are responsible for taking and where appropriate resolving complaints and appeals.

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COMPLAINTS PROCESS

All employees and students are entitled to have matters of concern to them resolved through an orderly and consultative process.

If the employee or student feels comfortable speaking directly to the person about whom the complaint is in relation to, then this course of action should be taken, as this can sometimes be the easiest way of resolving an issue. The person may have been unaware of the effect of their behaviour or decision, so discussing it with them provides them a chance to resolve the situation.

If direct contact with the person is not an option or has not resolved the matter, the employee or student is entitled to discuss the matter with their immediate supervisor, including an Apprentice Specialist (in the case of Group Training students) or Trainer (in the case of a student).

In the case of an Australian Trade Training College staff member (excludes student's hosted external to Australian Trade Training College) having a complaint against, or involving, their immediate supervisor/manager, a complaint may be made with Human Resources or an independent manager. Confidentiality will be maintained where appropriate, however you should be aware that the person who has received the complaint is obliged to refer the matter to relevant others if they are concerned for a person's health, safety or wellbeing. Furthermore, they may disclose the complaint to internal experts and/or their manager to obtain advice. In some instances it may be necessary for respondents or witnesses to be informed to afford procedural fairness and investigate allegations.

Complaints Procedure (PRO002) outlines how Australian Trade Training College handles complaints when received. Reasonable deviation from the procedure, under the RTO Manager's direction, may be appropriate to achieve successful resolution of a complaint in some instances, however the fundamental parameters applicable to all complaints are:

1. Informal resolution of complaints is preferable and will be sought in the first instance where possible and appropriate.
2. Complaints are to be made in writing within 7 calendar days of the incident occurring using the **Complaints and Appeals Form** and submitted to the RTO Manager c/o compliance@attc.org.au
3. The RTO Manager may delegate for the resolution of the complaint.
4. RTO Manager or delegate staff member to receipt and acknowledge complaint within two (2) working days
5. The complaint will be processed in accordance with the Complaints Procedure (PRO002).
6. Complaints where possible, will be resolved within fourteen (14) working days of the complaint being received or as soon as practicable.
7. If the complainant is not satisfied with the decision they may Appeal the decision by following the Complaints and Appeals Policy (POL002).
8. Complainants will be advised of the outcome of their complaint within fourteen (14) working days of a decision being made in accordance with legislative guidelines such as the Privacy Act.
9. If the Complainant is dissatisfied with the result or the process of the complaint, advise the client of their right to further progress the complaint through an External Arbitrator

If having exhausted all internal processes, the appellant is still not satisfied, they may take the matter externally to an appropriate third party:

- If the matter pertains to delivery, training, assessment, support and/or administrative services of the RTO or a potential breach of the National Vocational Education and Training Regulator (NVR) Act, the client should be referred to [ASQA's complaints information](#) webpage

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- Dependent on the nature of other matters, ATTC must attempt to assist the client with possible referral points to independent advice: for example, the Training Ombudsman, Office of Fair Trading

APPEALS AND GRIEVANCES PROCESS

Appeals Procedure (PRO001) outlines how Australian Trade Training College handles appeals when received. Reasonable deviation from the procedure, under the RTO Manager’s direction, may be appropriate to achieve successful resolution of an appeal in some instances, however the fundamental parameters applicable to all appeals are:

1. Clients may make an informal approach to a Trainer/Assessor regarding an appeal before following the formal appeals procedure.
2. Appeals are to be made in writing by completing the **Complaints and Appeals Form** within twenty (20) working days of the client being notified of a decision or in the case of assessment appeals, within twenty (20) working days of the student being notified of the assessment result or decision by ATTC and submitted to the RTO Manager c/o compliance@attc.org.au
3. RTO Manager or delegate staff member to receipt and acknowledge complaint within two (2) working days
4. RTO Manager or delegate staff member to review the appeal within five (5) working days of receiving the appeal and nominate an independent panel or assessor to review the appeal
5. RTO Manager/independent panel or assessor to determine the appeal outcome, and provide an explanation to justify the decision.
6. RTO Manager or delegate staff member to provide appellant within two (2) working days of appeals outcome
7. If the appellant is dissatisfied with the result or the process of the appeal and/or refuses to be reassessed, RTO Manager or delegate are to advise the client of their right to further progress the appeal through an External Arbitrator

Dependent on the nature of other matters, ATTC must attempt to assist the client with possible referral points to independent advice: for example, the Training Ombudsman, Office of Fair Trading
 ATTC will abide by any resolutions as recommended by the External Arbitrator.

RESPONSIBILITIES

RTO Management (or delegated person) is responsible for:

- Reviewing the complaints
- Determining the root cause of the complaint
- Determining the action, if any, to be taken and recording in the Continuous Improvement Register
- Implementing the action
- Following up of the complaint to ensure the complaint has been finalised and that corrective action has been implemented satisfactorily and the client is satisfied.

The RTO Manager is responsible for implementation of this policy and ensuring that staff and students are made aware of its application.

The RTO Manager ensures the complaints and appeal process is carried out in accordance with Appeals Procedure (PRO001) and Complaints Procedure (PRO002) and to ensure that the principles of natural justice and procedural fairness are adopted at every stage of the complaint process.

All staff are responsible for:

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- The documenting of complaints as per Appeals Procedure (PRO001) and Complaints Procedure (PRO002)
- Sending the details of the complaint to the RTO Manager(or delegated person)

INDEPENDENT APPEALS PROCESS

- Ensure the appeal phase commences within 10 working days of the written appeal being lodged.
- Provide the appellant with an opportunity to present their appeal to the Appeal Panel.
- Ensure they fully understand the reasons of the appeal.
- Review the evidence and information provided by the appellant or its representative, and ATTC.
- Make an independent decision, based on the evidence to either support the appellant, and may reverse the decision by ATTC that lead to the appeal or to support ATTC case and proceed with the original decision.
- Arrange for the decision to be signed off by the appellant and the RTO Manager and/or CEO (this is not agreement by the student but to record that the decision has been transmitted to the appellant).

REFERENCES

- Appeals Procedure PRO001
- Complaints Procedure PRO002
- Complaints and Appeals form FORM001
- Standards for Registered Training Organisations (RTOs) 2015
- Records Management Policy POL026

RECORDS

- Continuous Improvement Register
- Complaints and Appeals Register

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