

COMPLAINTS AND APPEALS POLICY

RELEVANT STANDARD(S): *Standards for Registered Training Organisations (RTOs) 2015* Standard 2 and 6

PURPOSE

Trade Skills Australia is committed to providing quality assessment in accordance with the Standards for Registered Training Organisations (SRTOs 2015). This policy provides the framework and general principles for complaints and appeals **Trade Skills Australia**.

This policy is based on providing and maintaining assessment services that are fair and reasonable and afford a forum where issues or inadequacies can be resolved. The **Trade Skills Australia** process provides adequate opportunity for complaints and appeals to be forwarded to **Trade Skills Australia** management for resolution in a timely, confidential, and sensitive manner. **Trade Skills Australia** will ensure that the principles of natural justice and procedural fairness will be adhered to throughout the hearing of all complaints and appeals.

The object of this policy is to ensure that **Trade Skills Australia** staff act in a professional manner at all times. This policy provides clients with a clear process to register a complaint. It ensures all parties involved are kept informed of the resulting actions and outcomes.

SCOPE

Trade Skills Australia acknowledges the candidate's right to lodge a complaint or appeal when they are dissatisfied with the RPL processing services either through training and/or assessment or any experiences that they have been provided by **Trade Skills Australia** or by a third-party provider (if applicable).

Trade Skills Australia ensures that clients have access to a fair and equitable process for expressing complaints and appeals, and that **Trade Skills Australia** will manage the complaint by implementing principles of natural justice and procedural fairness.

With this **Trade Skills Australia** ensures that:

1. it has a procedure for collecting and managing complaints and appeals in a constructive, timely, confidential and sensitive manner;
2. these procedures are communicated to all staff, contractors, third party partners (if applicable) and candidates;
3. each complaints and appeals and its outcome is recorded in writing;
4. complainants and appellants are given written statements or communication of the appeal or complaints handling outcomes, including decisions and reasons for the decisions;
5. outcomes of complaints and appeals are utilised to review current practices which may potentially lead to continuous improvement initiatives in order to mitigate the likelihood of the complaints and appeals.

POLICY PRINCIPLES

Complaints and Appeals Policy:

1. Details concerning the scope of **Trade Skills Australia** Complaints and Appeals Policy are to be clearly displayed throughout the **Trade Skills Australia** and contained within the Candidate Handbook, Staff Handbook and [Website](#).
2. Complaints and appeals are treated seriously and dealt promptly, impartially, sensitively and in confidence.
3. Complaints and appeals will be resolved on an individual case basis and as the needs arise.
4. All **Trade Skills Australia** candidates have the right to express a concern or problem and/or lodge a formal complaint if they are dissatisfied with RPL processing services either through the assessment services they have been provided, including through a third party (if applicable) or the behavioural conduct of another learner or **Trade Skills Australia**.
5. **Trade Skills Australia** supports the right of a candidate to lodge an appeal against any assessment decision and will not impair that right in any way. **Trade Skills Australia** will do everything possible to address the appeal in an unbiased and professional manner.
6. The handling of a complaint or appeal is to commence within 10 working days of the lodgement of the complaint or appeal and all reasonable measures are taken to finalise the process as soon as practicable.
7. All complaints and appeals are acknowledged in writing and finalised as soon as practicable. **Trade Skills Australia** will aim to complete the complaints process as quickly as possible and within a total of 30 calendar days. **Trade Skills Australia** will keep the learner informed of the progress of the complaint throughout the process by phone communication, email correspondence or face-to-face meeting.
8. If the complaint will take in excess of 60 calendar days to finalise, **Trade Skills Australia** will inform the complainant in writing providing the reasons why more than 60 calendar days are required.
9. All complaints will be recorded in the **Trade Skills Australia** Complaints and Appeals Register and on the candidate record in the Candidate Management System. These records including the outcomes will be secured and maintained by **Trade Skills Australia**.
10. No **Trade Skills Australia** staff shall disclose information to any person without the permission of the **OPERATIONS MANAGER**. A decision to release information to third parties can only be made after the complainant is given permission for this to occur.

Types of Complaints

A complaint or grievance may include allegations involving the conduct of:

1. the RTO, its trainers and assessors or other staff members;
2. a third party providing services on behalf of **Trade Skills Australia** (if applicable); or
3. a candidate of **Trade Skills Australia**.

Grounds for Appeal

Valid grounds for an appeal against an assessment decision (where the client feels the assessment decision is incorrect) could include the following:

1. the judgment as to whether competency has been achieved and demonstrated was made incorrectly;
2. the judgement was not made in accordance with the assessment plan;
3. alleged bias of the assessor;
4. alleged lack of competence of the assessor;
5. alleged wrong information from the assessor regarding the assessment process;
6. alleged inappropriate assessment process for the particular competency;
7. faulty or inappropriate equipment; and/or
8. inappropriate conditions.

Appeal Outcomes

1. Appeal is upheld; in this event the following options will be available:
 - a. The **Trade Skills Australia** assessment will be re-assessed, potentially by another assessor.
 - b. Appropriate recognition will be granted.
 - c. A new assessment shall be conducted / arranged.
2. Appeal is rejected / not upheld; in accordance with the **Trade Skills Australia** assessment policy, the client will be required to:
 - a. undertake further training or experience prior to further assessment; or

- b. re-submit further evidence; or
- c. submit / undertake a new assessment

Complaints and Appeals Process

1. **Trade Skills Australia** adopts the principles of natural justice and procedural fairness at every stage of the complaints and appeals process. **Trade Skills Australia** handles and manages all complaints and appeals in accordance to the **Complaints Handling Process and Appeals Process** document.
2. Candidates are provided with a clear process to follow in order to lodge a complaint or an appeal. All parties involved will be kept informed of the resulting actions and outcomes.
3. If a candidate has a complaint, they are encouraged to speak immediately with the assessor to resolve the issue. If the complainant is not satisfied that the issue has been resolved, they will be asked to complete a **Complaints Form** and lodge a formal complaint.
4. The complaint resolution procedure is based on the understanding that no action will be taken without consulting the complainant and respondent, using a process of discussion, cooperation and conciliation. The rights of the complainant and respondent will be acknowledged and protected throughout the complaint resolution process, including the conduct of separate interviews initially.
5. In the interest of confidentiality, the number of people involved in the resolution process will be kept to a minimum. All complaints will be handled as staff-in-confidence and will not affect or bias the progress of the client in any current or future training.
6. Final decisions will be made by the **OPERATIONS MANAGER** of **Trade Skills Australia** or an independent party to the complainant.
7. If the complaints process fails to resolve the complaint or the complainant is not satisfied with the outcome of the complaint, the matter will be referred to an independent third party for review, at the request of the complainant. The complainant will be advised of all costs incurred by the third party review.
8. **Trade Skills Australia** reserves the right to nominate or agree to the independent party and will cooperate fully with the independent third party review.
9. Candidates unsatisfied with the outcome of complaint/appeal may contact Australian Skills Quality Authority. www.asqa.gov.au

Consumer Protection Officer

At **Trade Skills Australia**, the **OPERATIONS MANAGER** will be appointed the Consumer Protection Officer. The Consumer Protection Officer will be the primary point of contact for all complaints and appeals.

The **OPERATIONS MANAGER** may delegate responsibility for the resolution of the complaint and appeal if necessary. **Trade Skills Australia** will ensure that its staff and those acting on its behalf in accordance with the **Trade Skills Australia's** Code of Conduct and Appeals Policy.

MONITORING AND IMPROVEMENT

All complaints and appeals will be discussed at Management Meetings and/or at Continuous Improvement Meetings to identify potential causes of complaints or appeals, to discuss appropriate corrective action to eliminate or mitigate the likelihood of re-occurrence, and to identify an opportunity for continuous improvement of the processes.

VERSION CONTROL

Version Control Table			
Date	Summary of Modifications	Modified by	Version
23/09/2019	Document Creation	360RTO	v. 1.0
15/09/2020	Document Update	360RTO	v.1.1
27/02/2023	Document review minor update	Compliance Manager	V2.0