



**Australian Government**

**Australian Maritime Safety Authority**

# **RTO COMPLAINTS AND APPEALS POLICY AND PROCEDURE**

## **1. Purpose**

The purpose of this procedure is to outline the steps for handling complaints and appeals received from learners, employees, third parties and stakeholders of the RTO.

## **2. Scope**

This policy and procedure applies to all AMSA RTO staff, learners of AMSA RTO who have studied or completed their studies in the last six months and to learners who are seeking to undertake training with AMSA RTO.

## **3. Policy Statement**

3.1 AMSA RTO manages complaints and appeals in a transparent manner which enables learners to be informed of, and to understand their rights and obligations and the RTO's responsibilities in relation to complaints and appeals under the *Standards for Registered Training Organisations (RTOs) 2015* (the Standards).

3.2 AMSA RTO manages and responds to complaints in relation to the quality of training and assessment; the quality of client service; and compliance with the VET Quality Framework, including allegations involving the conduct of:

- the RTO, its trainers, assessors, or other employees,
- a third-party providing services on the RTO's behalf, its trainers, assessors or other employees; or
- a learner of the RTO.

## **4. Responsibilities**

4.1 AMSA RTO staff, trainers and assessors are responsible for:

- conducting themselves in a manner consistent with the AMSA Code of Conduct to minimise the incidence of complaints and allegations,
- the accurate and timely documenting of complaints and appeals as outlined in this procedure,
- ensuring that learners are fully informed of the RTO's policy and procedures for handling complaints and appeals,
- assisting a complainant or appellant to resolve concerns directly and informally with parties involved in the first instance; and
- assisting a complainant or appellant to lodge a formal complaint or appeal using the RTO's Complaints and Appeals Form, where required.

- 4.2 The RTO Chief Executive Officer is responsible for:
- ensuring that complaints and appeals are managed in a transparent manner in accordance with the principles of natural justice and procedural fairness; and
  - offering independent review of decisions, where required.
- 4.3 The RTO Manager, Response Planning and Senior Advisor Learning and Development is responsible for:
- ensuring that the complaints and appeals process operates in a transparent manner in accordance with the principles of natural justice and procedural fairness;
  - considering independent review of decisions where required;
  - determining independent internal or external third parties to review complaint and appeal processes; and
  - ensuring that all complaints and appeals are addressed and actioned appropriately and within the timeframes set out in this policy.
- 4.4 The Senior Learning and Development officer is responsible for:
- maintaining the *RTO Complaints and Appeals Register*; and
  - ensuring that complaints and appeals outcomes are used to inform continuous improvement strategies

## **5. Complaints and Appeal Procedure General Principles**

- 4.1 Principles of natural justice and procedural fairness are followed at every stage of the complaint and appeal process by allowing anyone subject to a decision by the RTO, or anyone who has allegations made against them, to a right of reply before a decision is made.
- 4.2 The decision maker in the process is independent of the decision being reviewed.
- 4.3 Each complainant or party lodging a complaint or appeal may be accompanied and/or assisted by a support person throughout the process.
- 4.4 Complaints and appeals are handled in the strictest of confidence and records are secured in accordance with the AMSA Recordkeeping policy and Australian Privacy Principles in AMSA's electronic records management system.
- 4.5 All complaints, appeals and outcomes are documented in the *RTO Complaints and Appeals Register*. Outcomes of complaints and appeals processes are used to inform continuous improvement activities.
- 4.6 If a complainant raises a concern but is not willing to proceed with the complaint, they are advised that because of the requirements of procedural fairness, in most circumstances no further action can be taken by the RTO.
- 4.7 Appeals of assessment outcomes are to be lodged within 28 days of when the assessment outcome is informed to the learner.
- 4.8 Investigations into plagiarism will be handled in accordance with the complaints and appeals procedure.

## **6. Informal Complaints and Appeals**

- 6.1 In the first instance, learners are encouraged to raise their complaint directly wherever possible with the person/s involved.

- 6.2 It is expected that all parties will participate in good faith in resolving concerns so that AMSA RTO maintains a respectful learning environment.
- 6.3 Learners are encouraged to raise concerns directly with the trainer, particularly where the concerns are adversely affecting the learning environment.

## **7. Formal Complaints and Appeals Procedure**

### **Stage 1 – Lodging a Formal Complaint or Appeal**

- 6.1 Where the parties involved are unable to successfully resolve the concern directly, then a formal complaint or appeal may be lodged with the RTO in writing or by emailing the completed form to [nationalplantraining@amsa.gov.au](mailto:nationalplantraining@amsa.gov.au) using the *RTO Complaints and Appeals Form*. A copy of the form is provided to the complainant, and it records the following information:
- complainant's full name, address, phone/email address;
  - details of the concern raised by the complainant;
  - the complainant's desired outcome;
  - reasons outlining the escalation to a formal process;
  - if the complaint relates to another party, that party's full name and position; and
  - the particulars of the decision or finding in dispute (for a review of decision).
- 6.2 AMSA RTO acknowledges receipt of all complaints and appeals in writing or electronically. The acknowledgement outlines the anticipated review period.
- 6.3 AMSA RTO notifies the Senior Advisor Learning and Development and the Manager Response Planning of the complaint or appeal and where it is located.
- 6.4 Where AMSA RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO informs the complainant or appellant, outlining reasons why more than 60 calendar days are required, and regularly updates the complainant or appellant on the progress of the matter.

### **Stage 2 - Determination of Outcome**

- 6.5 Where AMSA RTO determines that they have the decision-making capacity they make a determination and inform the complainant of the outcome in writing within 60 days. Decisions or outcomes of the complaint or appeals process that resolve the complaint or appeal and find in the favour of the party are implemented immediately.
- 6.6 AMSA RTO notifies the Senior Advisor and the Manager Response Planning of the outcome and action implemented. Documentation is securely filed, and the outcome and continuous improvement action is noted in the *RTO Complaints and Appeals Register*.
- 6.7 If a complaint cannot be investigated by the RTO (for whatever reason), then the Manager, Response Planning will inform the complainant at this point and refer them to the most appropriate body.

### **Stage 3 - Internal Review of Determination**

- 6.8 Where the RTO is unable to make a determination, or the complainant is dissatisfied with the outcome they can appeal and request a review of the decision from a third party. Appeals or requests for review of decisions are to be lodged within 28 days of the decision or outcome.
- 6.9 Requests for appeal or review of decisions are referred to the Manager, Human Resources, Corporate Services Division who will identify and assign an internal review officer within AMSA, but independent of AMSA RTO or decision.

- 6.10 AMSA RTO acknowledges receipt of the request for internal review in writing or electronically. The acknowledgement outlines the anticipated review period and the designated review officer. The review process and review officer are recorded in the RTO Complaints and Appeals Register.
- 6.11 The review officer makes a determination and advises the appellant of the decision or outcome. Decisions or outcomes of appeal or review process that find in the favour of the appellant are implemented immediately.
- 6.12 The Manager, Response Planning will notify the Senior Advisor Learning and Development of the outcome and action to be implemented. Documentation is securely filed, and the outcome and continuous improvement action is noted in the RTO Complaints and Appeals Register.

#### **Stage 4 – Independent Third-Party Review of Determination**

- 6.13 Where the appellant is dissatisfied with the outcome of the internal review they can appeal and request a review of the decision from an independent external third party. Appeals or requests for an independent third-party review of decisions are to be lodged within 28 days of the decision or outcome.
- 6.14 Requests for appeal or review of decisions are referred to an independent third party or external mediator, determined by the RTO Chief Executive Officer or Manager, Human Resources.
- 6.15 AMSA RTO acknowledges receipt of the request for independent third-party review in writing or electronically. The acknowledgement outlines the anticipated review period and the independent review officer. The review process and review officer are recorded in the RTO Complaints and Appeals Register.
- 6.16 AMSA RTO discloses any costs associated with a third-party review, so all parties are aware of any costs they may incur. ASQA is not able to act as the independent third party for reviewing complaints.
- 6.17 The independent review officer makes a determination to AMSA. AMSA RTO advises the appellant of the decision or outcome in writing. Decisions or outcomes of the appeal or review process that find in the favour of the appellant are implemented immediately.
- 6.18 The Manager, Human Resources will notify AMSA RTO of the outcome and action to be implemented. Documentation is securely filed, and the outcome and continuous improvement action is noted in the RTO Complaints and Appeals Register.
- 6.19 If the appellant is still dissatisfied with the result of their complaint or appeal, they can contact the National Training and Complaints Hotline on 13 38 73 or by completing a online complaints form at <https://www.dewr.gov.au/national-training-complaints-hotline>. The hotline will be able to refer the appellant to the most appropriate authority to have their complaint considered. Alternatively, the appellant can contact ASQA on 1300 701 801 or lodge a complaint directly by creating an account via ASQAconnect <https://asqaconnect.asqa.gov.au/>.