



POLICY 24
COMPLAINTS & APPEALS
POLICY AND PROCEDURE
FOR STUDENTS

Last Reviewed: June 2017

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1. SCOPE

In compliance with **Standard 6** of the **Standards for Registered Training Organisations 2015**, Tactical Training (Australia) Pty Ltd (TTA) has a responsibility to provide a complaints and appeals policy to manage and respond to allegations involving the conduct of:

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

The TTA Complaints and Appeals Policy and Procedure exists to ensure our students have access to a fair, equitable and documented process for dealing with complaints and appeals efficiently and effectively.

2. AUDIENCE AND APPLICABILITY

This policy applies to all divisions and facilities of TTA, all individuals employed therein, and the students of TTA.

3. PURPOSE

TTA has a commitment to providing continuous improvement in the quality of training and assessment services provided.

Every effort is made by this organisation to resolve student complaints and appeals as part of our strategic direction for service delivery as a Registered Training Organisation (RTO). TTA is committed to the provision of an equitable, reliable, efficient, safe and healthy learning and workplace environment.

Our focus is to achieve improved employment outcomes with an emphasis on linking employment and training opportunities to produce 'trained' people for a competitive labour market. In order to achieve our vision and to provide a fair and unbiased training environment, employees and students may bring any complaint or appeal concerning any aspect of the delivery and assessment of their course, or any dissatisfaction with the services provided or rights and obligations as detailed in the terms and conditions of their enrolment.

An avenue for complaints procedures has been developed for this purpose.

The Key actions and intent of this policy is to:

- Continue to develop, implement and review a fair, efficient and effective complaints/appeals procedure in accordance with the **Standards for Registered Training Organisations 2015**
- Ensure that TTA staff members and students are informed of and follow the procedures in place to resolve or mitigate issues as they arise
- Take corrective action to deal with the identified causes of complaints so as to avoid future reoccurrences of the same issues
- Monitor and improve the system where required.

4. DEFINITIONS

Complaint

Complaints arise when a client is not satisfied with an aspect of services and requests action to be taken to resolve the matter. These matters can include unfair or unjust treatment in the assessment process, unjust disciplinary measures, sexual harassment or any failure to adhere to the principles of equality of opportunity in education or employment.

It does not matter whether a client suffers an injustice or only thinks so. Goodwill is damaged either way unless there is a chance to air the complaint and seek mutually acceptable resolution and outcomes.

Appeal

Appeals arise when a student is not satisfied with an assessment decision or result that has been made. Appeals can relate to assessment decisions but they can also relate to other decisions, such as a decision to exclude a student from a program.

Students should be encouraged to resolve complaints and appeals through TTA's existing complaints and appeals procedures.

5. COMPLAINTS PROCESS AND PROCEDURE

A significant source of complaints and appeals relate to the incorrect implementation of policy, assessment and work practices; it is important that Managers and Trainers and Assessors are aware of their responsibilities to ensure that organisational standards, assessment criteria of training packages and policies are observed.

It is the policy of TTA to ensure our clients:

- Are treated fairly
- Are clearly informed in a timely way about how to lodge a complaint/appeal
- Are given an opportunity to present their case
- Are provided access to an independent arbiter if this is needed
- Are clearly informed of the outcomes of the complaint or appeal
- Complaints/appeals are resolved within realistic and fair timelines.

Aggrieved students shall be informed of the appropriate steps in the complaints and appeals process, and where a mutually acceptable outcome or resolution through an appropriate consultative process cannot be reached, our organisation shall direct the client to the appropriate legal entity where they can seek further assistance.

Any student who feels aggrieved in relation to educational studies undertaken or services provided by this organisation and seeks information on the appropriate steps to follow should firstly:

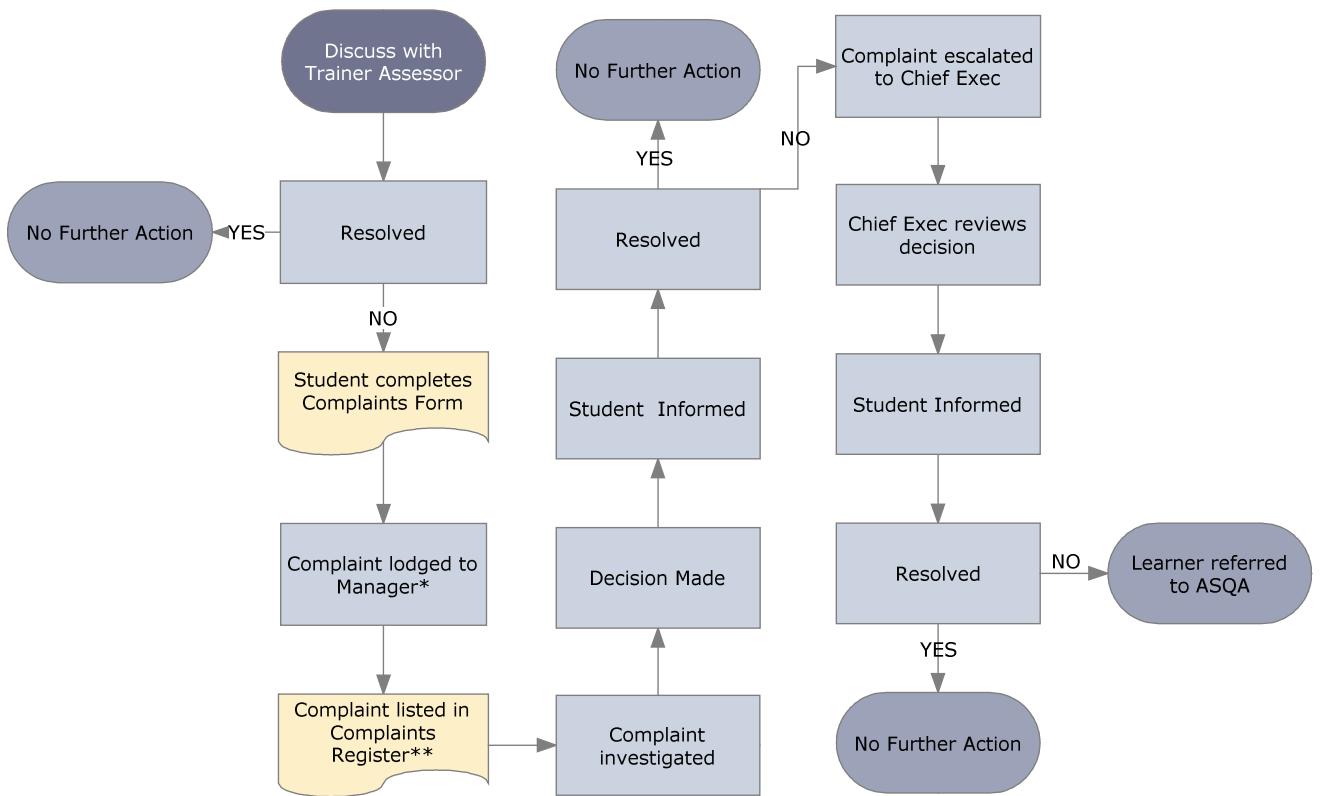
- Raise matters of concern with their immediate Trainer or Assessor and seek resolution through a consultative process aimed at meeting a mutually acceptable outcome before a formal written complaint is raised
- All matters raised shall be documented and kept on record in the students file for the minimum period as defined in the **General Direction for Retention requirements for completed student assessment items**. This will serve as a record should the complaint progress to a formal written complaint
- All Trainers and Assessors will exercise their delegations and seek to resolve complaints as quickly as possible. If a complaint cannot be handled within their delegated authority, they will immediately refer the issue with an appropriate recommendation to the next or appropriate management level for consideration and final decision
- Where a matter cannot be resolved informally through initial discussion and all attempts to resolve the issue have failed at the discussion level, the student shall be requested to provide details about their complaint in a written format, which may include the student:
 - Completing a copy of the Complaints Form (provided upon request)
 - Submitting a letter in writing or via email to privacy@tacticaltraining.edu.au
- Formal complaints will be actioned by a member of the management team at TTA, and they shall be responsible for:
 - Recording the complaint or appeal
 - Investigating the complaint or appeal
 - Provide a response to the complainant, detailing the actions that shall be taken or other decisions made in relation to the complaint
- The manager responsible for actioning the complaint is required to make every effort to facilitate a mutually agreeable outcome
- Where it is necessary to do so, unresolved complaints may be escalated to the attention of the Director, and subsequently to the CEO
- Where the student is still not satisfied with the decision of the RTO they will be referred to the national regulator, the Australian Skills Quality Authority (ASQA):

Telephone: **1300 701 801**

Email: enquiries@asqa.gov.au

Website: <http://www.asqa.gov.au/complaints/make-a-complaint---domestic-students/make-a-complaint---domestic-students1.html>

COMPLAINTS PROCESS FLOWCHART



6. ASSESSMENT APPEALS SYSTEM

In the event a student objects to actions taken or decisions made by TTA Trainers or Assessors in conducting assessment services, they have the right to lodge an appeal. They also have the right to lodge an appeal against competency decisions made if:

- They believe that the outcome is invalid; and
- They feel that the process was invalid, inappropriate or unfair.

Students Right of Fair Assessment Appeals and Reviews

- The student has the right to a review process against assessment decisions where it is in the belief of the student that competency has been achieved but not awarded
- After receiving notification of an unsuccessful outcome from an assessment a student may submit, in writing, a request for an appeal/review of the assessment. This request must be made within 20 business days of receiving notification of an unsuccessful outcomes
- The student has a right to a fair assessment and to be treated as an active partner in the assessment process
- Students may have a support person present throughout the appeal/review
- The student has the right to see the written records of the assessment (under the terms set out in Section 7 of this policy document)
- The student may access personal records relating to competency assessment at any time by making a request through the Trainer/Assessor. In the event that records are being held offsite in secure storage, a period of up to 10 business days must be allowed for retrieval of the student file
- Assessment records are not a matter of public record and are to remain strictly confidential between the student and authorised personnel.

Assessment Appeals System

Before making a formal appeal, students are to discuss the matter with their original Trainer and/or Assessor in an effort to reach an agreement. The Trainer/Assessor will undertake a review of the original assessment decision.

The Trainer/Assessor will identify, examine and judge evidence of competence contributing to the final assessment decision.

- If the student is unsatisfied with the outcome of the discussion with the Trainer and/or Assessor, the student will be requested to provide details about their appeal of assessment in a written format, which may include the student:
 - Completing a copy of the Assessment Appeal Form (provided upon request)
 - Submitting a letter in writing or via email to privacy@tacticaltraining.edu.au
- Formal appeals will be actioned by a member of the management team at TTA. Upon receiving a formal appeal application, TTA will attempt to resolve the issue by:
 - Upholding the appeal
 - Rejecting the appeal; and/or
 - Recommend further evidence gathering by either party
- If the client is dissatisfied with the final assessment decision, the client may request a review application by the CEO. In response to the review application, the CEO may:
 - Interview any of the people involved (e.g., the student and the Trainer and/or Assessor)
 - Request another assessor to review the process
 - Schedule another assessment
 - Uphold or dismiss the application at any stage.
- If it has been determined that the student has achieved competency, the client's assessment records will be upgraded and placed in the student's file
- Where it is deemed a student is not yet competent; and this is the final decision as part of the review application; the student may then consult with the ASQA, to have the matter considered for further action if required.

7. RECORD KEEPING AND ACCESS

TTA shall maintain a record of all complaints and appeals in the **Complaints Register**.

All associated documentation shall be archived in student files for the minimum period as defined in the ASQA ***General Direction for Retention requirements for completed student assessment items***.

Copies of associated documentation may be retained by TTA with the Complaints Register for an irrelative period at the discretion of TTA.

Requests for access to assessment records are to be submitted in writing to TTA. All personal records contained in student files are protected under the provisions of the TTA's Privacy Policy and Procedure, in accordance with the **Privacy Act 1988**, including the **Australian Privacy Principles (APPs)** as outlined in the **Privacy Amendment (Enhancing Privacy Protection) Act 2012**. Access to the original or file copy documents will be granted under the following circumstances only:

- The person requesting access and viewing the records is the person to whom the file relates
- Access will be provided under the strict supervision of a designated TTA staff member
- Original or copies of records held by TTA are not to be removed, taken, retained, damaged in any way or destroyed by persons accessing the record, and
- In accordance with **Clause 8.1** and **8.2** of the **Standards for Registered Training Organisations** requiring RTOs to cooperate with the VET regulator at all times.

8. POLICY PROMOTION

Access to this Policy is accessible:

- To staff members, including Trainers and Assessors, via the Public Drive on the Server;
- To learners in hard copy format, upon request to the TTA Customer Care team;
- Terms of this policy are promoted in learner information and throughout learner's induction appointment;
- Available to learners and other clients of TTA through publication in Terms & Conditions on www.tacticaltraining.edu.au/information/terms-and-conditions.

9. REVIEW OF POLICY

The **Complaints and Appeal Policy and Procedure (Students)** shall be kept under review by the Compliance Manager of TTA and shall be updated on needs basis. Application of this policy is the responsibility of the Chief Executive Officer and Compliance Manager.

Printed and electronic versions of this document are uncontrolled. The signed controlled copy is held at the office of Tactical Training (Australia) Pty Ltd by the Compliance Manager.

This policy, supersedes Policy *24 Complaint Grievance Appeal Policy (Student) v3.2 Jan 2017*.

10. ENDORSEMENT

This Policy was approved: 14th day of June 2017

Approved by: Compliance Manager
Chief Executive Officer

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COMPLAINTS FORM

Name:

Address:

Telephone numbers:

Course Name:

Trainer Assessor's name:

Please detail the grounds for your complaint in the space provided below:

Details of grounds for appeal:

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Signed: _____

Date: _____

OFFICE USE ONLY:

Date received: _____

Received by: _____

SUBMIT TO: Tactical Training (Australia) Pty Ltd, Unit 3 / 190 Glynburn Road, Tranmere SA 5073
Ph: (08) 8331 1620 **Fax:** (08) 8331 1610 **Email:** privacy@tacticaltraining.edu.au

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ASSESSMENT APPEAL INFORMATION

Tactical Training (Australia) Pty Ltd (TTA) provides students with a formal appeals process, which draws on a commitment to all parties understanding their rights and responsibilities in the assessment process.

If you object to actions taken or decisions made by TTA Trainer Assessors in conducting assessment services, you have the right to lodge an appeal.

You also have the right to lodge an appeal against competency decisions made if:

- You believe that the outcome is invalid; or
- You feel that the process was invalid, inappropriate or unfair.

Request for appeal/review of the assessment must be made within 20 business days of receiving notification of an unsuccessful outcome. All stages of the appeals process will be documented by TTA in an Assessment Appeals Report and this shall be provided to the parties involved on request.

Step 1

Before making a formal appeal, discuss the matter with the original Trainer Assessor in an effort to reach an agreement.

Step 2

If you are still unhappy, you may then lodge a formal appeal by providing details about the appeal in a written format, which may include:

- Completing a copy of the Assessment Appeal Form (provided upon request)
- Submitting a letter in writing or via email to privacy@tacticaltraining.edu.au

Step 3

Formal appeals will be actioned by a member of the management team at TTA. Upon receiving a formal appeal, TTA will try to resolve the issue by discussing the appeal and assessment process with the Trainer Assessor responsible for the assessment decision. A third party may also be invited to review the matter and provide independent advice or recommendations. On completion of investigating the facts and reviewing all avenues for resolution, a decision shall be made to

- Uphold the appeal
- Reject the appeal
- Recommend further evidence gathering by either party, or
- Complete further assessment by another workplace assessor shall be determined.

Step 4

If you are still unhappy with the outcome of the appeal you will be advised to contact the national regulator, the Australian Skills Quality Authority:

Telephone: **1300 701 801**

Email: enquiries@asqa.gov.au

Website: <http://www.asqa.gov.au/complaints/make-a-complaint---domestic-students/make-a-complaint---domestic-students1.html>

ASSESSMENT APPEAL FORM

Applicant name:

Address:

Telephone numbers:

Course Name:

Please identify in the table below the units of competency that are the subject of your appeal:

National Code(s)	Title(s)	Date Assessed

Trainer Assessor’s name:

Witness name:

Please detail the grounds for your appeal in the space provided below and ensure that you describe the alleged faults in the assessment process:

Details of grounds for appeal:

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Signed:

Date:

OFFICE USE ONLY:

Date received:

Received by:

Appeal review date:

Decision: UPHELD REJECTED

SUBMIT TO: Tactical Training (Australia) Pty Ltd, Unit 3 / 190 Glynburn Road, Tranmere SA 5073
Ph: (08) 8331 1620 **Fax:** (08) 8331 1610 **Email:** privacy@tacticaltraining.edu.au

(Attach additional pages if extra space required for writing)