



Competency Australia

Complaints and Appeals Policy



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1. PURPOSE

The purpose of this policy is to outline Competency Australia's approach to the management of formal complaints and appeals from learners, trainers, third parties and stakeholders.

This policy is based on providing and maintaining training and assessment services that are fair and reasonable and afford a forum where issues or inadequacies can be raised and resolved. This process provides opportunity for complaints and appeals to be recorded, acknowledged and dealt with in a fair, efficient and effective manner.

The object of this policy is to ensure that Competency Australia staff and third party partners, act in a professional manner at all times. This policy provides clients with a clear process to register a complaint or an appeal. It ensures all parties involved are kept informed of the resulting actions and outcomes.

2. POLICY STATEMENT

Competency Australia 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 (SRTOs) 2015.

Competency Australia acknowledges that clients have the right to appeal an assessment decision, based on valid grounds for appeal.

Competency Australia has provision for clients to appeal against assessment decisions, including those made by a third party partner.

Competency Australia ensures that clients have access to a fair and equitable process for lodging an appeal against an assessment decision.

Competency Australia acknowledges the clients' right to lodge a complaint when they are dissatisfied with the training and /or assessment services and experiences that they have been provided by Competency Australia.

Competency Australia will ensure that clients have access to a fair and equitable process for expressing complaints, and that Competency Australia will manage the complaint with fairness and equity.

In doing so, Competency Australia:

- has written processes in place for collecting and dealing with complaints and appeals in a constructive and timely manner;
- ensures that these procedures are communicated to all staff, third party partners and clients;
- ensures that all necessary documentation and resources are in place to enable clients to submit a complaint or appeal;
- ensures that each complaint or appeal and its outcome is recorded in writing; and
- ensures that customer complaints and appeals and their outcomes are fed into continuous improvement initiatives.
- ensures that each appeal is heard by an independent person or panel;
- ensures that each appellant has the opportunity to formally present his or her case;
- ensures that each appellant is given a written statement of the appeal outcomes, including reasons for the decision;
- takes appropriate action upon the subject of any appeal that is found to be substantiated.

3. DEFINITIONS

Appeal means a request for a decision made by Competency Australia to be reviewed.

Complaint means a person's formal expression of dissatisfaction with any product or service provided by Competency Australia.

The following words and expressions have the following specific meaning, as in the Standards for Registered Training Organisations (SRTOs) 2015.

Assessment means the process of collecting evidence and making judgements on whether competency has been achieved, to confirm that an individual can perform to the standard required in the workplace, as specified in a training package or VET accredited course.

Third party means any party that provides services on behalf of the RTO but does not include a contract of employment between an RTO and its employee.

4. POLICY

4.1 UNDERPINNING PRINCIPLES

Competency Australia strives to deal with issues as soon as they emerge, in order to avoid further disruption or the need for a formal complaint process.

In managing complaints and appeals, Competency Australia will ensure that:

- The principles of natural justice and procedural fairness are adopted at every stage of the complaints and appeals process.
- The complaints and appeals policy is publicly available.
- There is a procedure for making an appeal or complaint.
- Complaints and appeals are treated seriously and dealt with promptly, impartially, sensitively and confidentially.
- Complaints and appeals will be resolved on an individual case basis, as they arise.
- All clients have the right to express a concern or problem and/or lodge a complaint if they are dissatisfied with the training and assessment services that they have been provided (including through a third party) or the behavioural conduct of another learner.
- Clients have the right to lodge an appeal against an assessment decision if they feel they were unfairly treated during an assessment, and/or where they feel the assessment decision is incorrect and they have grounds for an appeal.
- All appeals must be lodged within 7 calendar days of the date of the assessment result notification to the client.
- All complaints and appeals are acknowledged in writing and finalised as soon as practicable.
- 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 resolution process, including the conduct of separate interviews initially.
- Every appeal is heard by a suitably qualified independent assessor or panel, who will be asked to make an independent assessment of the application.
- Competency Australia may charge a fee for the appeals process where an external assessor is engaged. Should this be the case, all costs incurred will be advised to the appellant.

- In the interest of confidentiality, the number of people involved in the resolution process will be kept to a minimum.
- Final decisions will be made by the Chief Executive Competency Australia or an independent party to the complainant.
- The resolution procedure emphasises mediation and education while acknowledging that in some instances formal procedures and disciplinary action may be required.
- If the process fails to resolve the complaint or appeal or the complainant is not satisfied with the outcome of the complaint the matter may be referred to an independent third party for review (at the request of the appelland/complainant). All costs incurred for the third-party review will be advised.
- If the complaint or appeal will take in excess of 60 calendar days to finalise Competency Australia will inform the complainant/appellant in writing providing the reasons why more than 60 calendar days are required. The complainant/appellant will also be provided with regular updates on the progress of the complaint or appeal.
- Victimisation of complainants/appellants, respondents or anyone one else involved in the complaint resolution process will not be tolerated.
- All complaints and appeals will be handled as In-Confidence and will not affect or bias the progress of the client in any current of future training.

4.2 INFORMAL COMPLAINTS AND APPEALS

Prior to initiating a formal complaint and appeal process, the parties involved will attempt to resolve concerns directly wherever possible.

It is expected that many concerns will be resolved in the first instance.

It is expected that all parties will participate in good faith in resolving concerns.

4.3 FORMAL COMPLAINTS AND APPEALS PROCEDURE

When a concern is unable to be successfully resolved indirectly, then a formal complaint or appeal may be lodged with Competency Australia in writing, through the use of CAF-0161 Complaints and Appeals Form.

The form is a record of 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

All complaints and appeals shall follow the below process:

- Appeals are to be made in writing within 7 calendar days of notification of the assessment decision using the Complaints and Appeals form.
- Complaints are to be made in writing within 7 calendar days of the incident using the Complaints and Appeals Form.
- A submitted Complaints and Appeals form will constitute a formal complaint or appeal. Further detail may be provided verbally.
- The Chief Executive Competency Australia shall be informed of receipt of any complaint or appeal.
- The Chief Executive Competency Australia may delegate responsibility for the resolution of the complaint or appeal, as appropriate.

- Appeals, where possible, are to be resolved within 28 days of the initial application.
- Complaints, where possible, are to be resolved within 14 calendar days of the initial application.
- In all cases the final conclusion will be endorsed by the Chief Executive Competency Australia.
- The appellant/complainant will be advised in writing of the outcome of their appeal or complaint, within seven (7) days of the resolution.
- If the outcome is not to the satisfaction of the appellant, they may seek an appointment with the Chief Executive Competency Australia.
- If the client is not satisfied with the decision they have the option to seek outside assistance to pursue the appeal or complaint.

4.4 APPEAL OUTCOMES

An investigation into an appeal may result in one of the following outcomes:

Appeal is upheld; in this event the following options will be available:

- The original assessment will be re-assessed, potentially by another assessor.
- Appropriate recognition will be granted.
- A new assessment shall be conducted/arranged.

Appeal is rejected/not upheld; the client will be required to:

- undertake further training or experience prior to further assessment; or
- re-submit further evidence; or
- submit/undertake a new assessment.

5. COMPETENCY AUSTRALIA RESPONSIBILITIES

The Chief Executive Competency Australia is responsible for ensuring compliance with this policy.

6. ACCESS & EQUITY

The Competency Australia Access & Equity Policy applies. (See Access & Equity Policy)

7. RECORDS MANAGEMENT

Records of all complaints and appeals and their outcomes are maintained securely.

Records of appeals will include:

- How the appeal was dealt with;
- The outcome of the appeal;
- The timeframes for resolution of the appeal;
- The potential causes of the appeal; and
- The steps taken to resolve the appeal.

Records of complaints include:

- How the complaint was dealt with;
- The outcome of the complaint;
- The timeframes for resolution of the complaint;
- The potential causes of the complaint; and
- The steps taken to resolve the complaint.

8. MONITORING AND IMPROVEMENT

All practices for managing complaints and appeals are monitored by the Chief Executive Competency Australia and areas for improvement identified and acted upon. (See Continuous Improvement Policy).