

Complaints and Appeals Guide

Introduction

Training Services Australia's personnel strive to deliver high quality training and assessment, and to always provide excellent customer service to our clients. We acknowledge, however, that from time-to-time there may be situations where people are dissatisfied with our actions, products, service or decisions. It is important that these situations are brought to our attention so that they can be dealt with fairly, efficiently and effectively.

This document describes the process that should be followed by someone who wishes to make a complaint or is dissatisfied with a decision made by Training Services Australia. The process is designed to make it easy for a person to engage with TSA personnel about issues or concerns they may hold, while also providing them with an opportunity to escalate these issues or concerns if not addressed to their satisfaction in the first instance.

What are complaints?

A **complaint** is any expression of dissatisfaction with an action, product or service of Training Services Australia.

Matters about which complaints may be made include, but are not limited to:

- Information provided to clients by TSA
- The quality of training or assessment
- The behaviour of TSA staff or trainers
- Student behaviour
- Discrimination, harassment, or bullying
- Administrative errors or unfair treatment
- Access to support services
- Training and assessment resources
- Facilities or premises
- Health and safety matters
- Record keeping
- Qualifications / statements of attainment that have been issued / not issued
- Fees / charges

What is an appeal?

An appeal is where a person is dissatisfied with a decision made by TSA personnel and would like the decision to be reviewed.

Appeals typically relate to assessment decisions made by TSA trainers / assessors. Appeals against assessment decisions are considered against the assessment principles of validity, reliability, fairness and flexibility.

Who can make a complaint or appeal?

A **complaint** or **appeal** may be lodged by:

- Any TSA client, including students
- A person representing a student
- TSA staff members or contractors
- Industry personnel
- Other members of the community

How can I make a complaint?

The procedure for making a complaint is described below:

1. Discuss your issue / concern with:
 - The TSA staff member involved, and / or
 - A TSA Training advisor, and / or
 - The TSA Operations Manager, and / or
 - The Principal of TSA

Listen actively and respectfully, keeping in mind that many concerns can be resolved efficiently through open and constructive communication.

If the person is unable to resolve the issue / concern, they may refer you to another TSA representative who is able to help.

2. If the complaint is not resolved to your satisfaction and you wish to take it further, put your complaint in writing on TSA's **Complaints and Appeals Form**. This form can be completed online, or you may request a copy to be emailed to you, or printed for you.

Please contact TSA Administration if you require assistance to access a copy of the form.

The completed form may be submitted online, by email, mail or by hand. Forms submitted by email, mail or hand should be marked for the attention of the Principal of Training Services Australia.

The TSA Principal may investigate the complaint themselves or may ask another TSA Manager to investigate the complaint.

3. A TSA Manager will acknowledge the receipt of your complaint in writing within 7 days of receiving it and will begin an investigation. The investigation may include:

- Speaking with you about the complaint
- Speaking with the person / people to whom the complaint relates
- Speaking with your supervisor or a representative from your organisation (particularly in cases where training provided to you by TSA was funded by your employer)
- Seeking external advice

The TSA Manager will ensure that the investigation is fair and unbiased, and that those involved are given an opportunity to present their side of the matter.

4. The TSA Manager will advise you, in writing, of the outcome of the investigation.

Where possible, this will be done within 30 days of receiving the complaint in writing. If additional time is needed, the TSA Manager will inform you in writing and will provide you with reasons why additional time is needed. The TSA Manager will also provide you with regular updates on the progress of the investigation.

5. If you are not satisfied with the outcome of the investigation and wish to take it further, you may request that TSA arrange for an **independent reviewer** (for example, an external mediator, assessor or consultant). TSA will provide you with the details of the independent reviewer and any associated costs before the review proceeds.

If you wish to proceed with independent mediation, you must advise the TSA Manager in writing, and you will need to pay one quarter of the independent mediation costs, up to a maximum of \$250. This will be refunded to you if your complaint is upheld.

6. If you are not satisfied with the outcome of the independent mediation, you may refer the matter to the Australian Skills Quality Authority (ASQA) complaints team. Details about how to lodge a complaint with ASQA can be obtained from the ASQA website.

How can I make an appeal?

The procedure for making an appeal is described below:

1. Contact the person who made the decision and ask them to explain their reasoning. Listen actively and respectfully, keeping in mind that many concerns can be resolved efficiently through open and constructive communication.
2. Should you remain dissatisfied with the decision, politely request the person who made the decision to review it. As part of this process, they may decide to review the information on which their decision was based and discuss their decision with other TSA personnel, including a TSA management representative (e.g., TSA Principal, Operations Manager or Quality Manager).

A TSA representative, in most cases the person who made the original decision, will advise you of the outcome of the review.

3. If the complaint is not resolved to your satisfaction and you wish to take it further, put your appeal in writing on TSA's **Complaints and Appeals Form**. This form can be completed online, or you may request a copy to be emailed to you or printed for you.

Please contact TSA Administration if you require assistance to access a copy of the form.

The completed form may be submitted online, by email, mail or by hand. Forms submitted by email, mail or hand should be marked for the attention of the Principal of Training Services Australia.

The TSA Principal may investigate the appeal themselves or may ask another TSA Manager to investigate the appeal.

Please note: If you wish to lodge a formal appeal, you must do so within one month of the original decision being communicated to you.

4. A TSA Manager will acknowledge the receipt of your formal appeal in writing within 7 days of receiving it and will begin an investigation. The investigation may include:
 - Speaking with you about the decision and giving you the opportunity to formally present your case
 - Discussing the decision with the person who made the decision
 - Seeking the advice of other TSA personnel (e.g., a trainer / assessor or the TSA Quality Manager)
 - Speaking with your supervisor or a representative from your organisation (particularly in cases where training provided to you by TSA was funded by your employer)
 - Seeking external advice (e.g., from a VET consultant or an independent assessor)

The TSA Manager will ensure that the investigation is fair and unbiased, and that those involved are given an opportunity to present their side of the matter.

5. The TSA Manager will advise you, in writing, of the outcome of the investigation.

Where possible, this will be done within 30 days of receiving the appeal in writing. If additional time is needed, the TSA Manager will inform you in writing and will provide you with reasons why additional time is needed. The TSA Manager will also provide you with regular updates on the progress of the investigation.

6. If you are not satisfied with the outcome of the investigation and wish to take it further, you may request that TSA arrange for an **independent reviewer** (for example, an external mediator, assessor or consultant). TSA will provide you with the details of the independent reviewer and any associated costs before the review proceeds.

If you wish to proceed with independent review, you must advise the TSA Manager in writing, and you will need to pay one quarter of the independent review costs, up to a maximum of \$250. This will be refunded to you if your appeal is upheld.

7. If you are not satisfied with the outcome of the independent review, you may refer the matter to the Australian Skills Quality Authority (ASQA) complaints team. Details about how to lodge a complaint with ASQA can be obtained from the ASQA website.

Third parties providing services on Training Services Australia's behalf

If a person wishes to make a complaint or appeal in relation to a third party which provides services on Training Services Australia's behalf, the person is encouraged, in the first instance, to address the complaint or appeal to the third party in accordance with that organisation's processes.

If the person is not satisfied with the response of the third party organisation, they are invited to address their complaint or appeal to Training Services Australia by following the processes described in this document.