

Contents

| | |
|---|---|
| Purpose..... | 1 |
| Definitions | 1 |
| Policy..... | 1 |
| Standards for Registered Training Organisations (RTOs) 2015 | 2 |
| NSW Smart & Skilled (<i>as applicable</i>) | 5 |
| QLD Skills Assure Supplier (<i>as applicable</i>) | 5 |

Purpose

The purpose of this policy is to ensure that when learners or clients (past or present) lodge a complaint or appeal with Railtrain, they are addressed in a fair, equitable, confidential and timely manner.

Definitions

A **Complaint** is an action taken by a learner or client in relation to an issue or dissatisfaction with any aspect of Railtrain services or operations (other than a result of an assessment).

An **Appeal** is an action by a learner to request a re-evaluation of an assessment resulting from dissatisfaction or disagreement with a competency result awarded (usually a not competent result).

A **Complainant** is the person who formally made the complaint. This person can be a learner, trainee, or client.

Learner can be a participant, student or trainee who is participating or has participated in training and assessment for the purpose of issuing an Australian Qualifications Framework certification.

Policy

Railtrain is committed to maintaining a supportive and fair training and assessment environment thereby allowing learners or clients to make formal complaints or appeal assessment decisions. All complaints or appeals will be acted on and addressed in a fair, equitable, confidential and timely manner.

A Complaint is when a client or learner informs Railtrain that they are not satisfied with an aspect of our service and request a resolution.

An Appeal is when a learner is unsatisfied with a decision that has been made (usually, but not limited to, an assessment competency decision).

All complaints and appeals are resolved using a formal process and all learners or clients will have their concerns heard and dealt with, without repercussion or discrimination to the quality of services provided to them by Railtrain. (Appeals must be made within 28 days of the final assessment outcome).

If required, the process can be extended to include a third party to provide impartial ruling on the resolution.

All complaints and appeals must be processed and finalised no later than 60 calendar days from lodgement. Where a response will take more than 60 days Railtrain will inform the learner or client of this in writing.

Each complaint or appeal is recorded and formally documented.

All details pertaining to the person making the complaint or appeal, any investigation involved and any resolutions will remain private and confidential.

The aim of this policy and related procedures is to ensure that all complaints and appeals reach a satisfactory outcome for all parties within a sufficient timeframe, and that any improvements raised during the process are assessed and if required implemented in order to prevent any future issues for other learners or clients.

Standards for Registered Training Organisations (RTOs) 2015

Refer to:

[Complaints \(ASQA\)](#)

[Complaints about training providers \(ASQA\)](#)

[ASQA Complaints and appeals FAQ's](#)

[Consumer protection agencies & State /Territory Ombudsman details](#)

[ASQA Connect](#)

[Complaint & Appeal Form RTO-F-071 V1 \(jotform.com\)](#)

| Procedure | Responsibility |
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| <p>Receiving a complaint from a learner or client</p> <ul style="list-style-type: none"> • All complaints should be communicated directly to the RTO Manager (unless the complaint is about the RTO Manager in which it will be forwarded on to the General Manager Training). • If a learner or client communicates a complaint the following points should be discussed: <ul style="list-style-type: none"> ○ Explain the complaints process to complainant, including who will need to be involved (pending on the matter) and how the issue will be dealt with. Reassure them of their rights to privacy etc. as outlined in the Complaints and Appeals Policy. ○ If the issue is in relation to a Railtrain member, contractor or Partner, the complainant should be encouraged to speak with the person involved before lodging a formal complaint (If the complainant has already done this, or does not wish to do so, continue with this process). ○ If the complainant says that they will discuss the issue with the person involved first, check back with them within 5 working days to see how they have progressed and if they were satisfied with the outcome. ○ If the complainant agrees that they would like to make a formal complaint send them the Complaint & Appeal Form. <p>Receiving an appeal from a learner</p> <ul style="list-style-type: none"> • A learner has 28 days after receiving their assessment results to lodge an appeal. • If a learner communicates an appeal, this must pass directly to the RTO Manager. • If a learner communicates an appeal, the manager must discuss the following with the learner: | <p>RTO Manager</p> |

| Procedure | Responsibility |
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| <ul style="list-style-type: none"> ○ Explain the appeals process to the learner, including who will need to be involved and how the issue will be dealt with. Reassure them of their rights to privacy etc. as outlined in the Complaints and Appeals Policy. ○ Encourage the learner to speak with their assessor or the other party involved in the appeal before lodging a formal appeal (If the learner has already done this, or does not wish to do so, continue with this process). ○ If the learner says that they will discuss the issue with the person involved first, check back with them within 5 working days to see how they have progressed and if they were satisfied with the outcome. ○ If the learner agrees that they would like to make a formal appeal send them the Complaint & Appeal Form <p>Receipt of Complaint or Appeal Form</p> <ul style="list-style-type: none"> ● Within 1 business day of the receipt of the Complaint & Appeal Form, the RTO Manager will assess the complaint and either investigate the complaint themselves, or forward the complaint to the most appropriate person who will be known as the 'Nominee'. ● The Nominee can include, but is not limited to the following staff members, depending on the issue of the complaint: <ul style="list-style-type: none"> ▪ Operations personnel ▪ Consumer Protection Officer ▪ RTO Coordinator (Compliance) ▪ HR Officer ● The Operations Manager/Nominee acknowledges the receipt of the Complaints and Appeals Form in writing within 10 business days. <p>Investigating and resolving a complaint from a client/student/trainee</p> <ul style="list-style-type: none"> ● The RTO Manager or Nominee will investigate the complaint by gathering information from the parties involved and documenting the information found on the corresponding Complaints & Appeals Form. ● The entire process must be finalised within 60 days. ● If the RTO Manager/Nominee requires more than 60 calendar days to resolve the Complaint, they must contact the complainant in writing outlining the reasons for extending the complaints process. In addition they must contact the complainant regularly to inform of all progress and updates in writing until the complaint is resolved. ● The Operations Manager/Nominee will review the information gathered from all parties involved and decide on a resolution. ● The outcome will be recorded on the Complaints and Appeals Form. <p>Investigating and resolving and resolving an appeal</p> | |

| Procedure | Responsibility | | | | | | | | | | | | | | |
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| <ul style="list-style-type: none"> The Manager will investigate the appeal by gathering information from the parties involved and documenting the information found on the corresponding Complaints & Appeals Form. The entire process must be completed within 60 days. If the Manager requires more than 60 calendar days to resolve the appeal, they must contact the learner in writing outlining the reasons for extending the appeal process. In addition they must contact the learner regularly to inform of all progress and updates in writing until the appeal is resolved. The Manager will review the information gathered from all parties involved and decide on an outcome. The appeal outcome will be discussed with the people involved and if all parties agree on the resolution, the outcome will be recorded on the Complaints and Appeals Form. A resolution could include a re-assessment from a different qualified trainer in the qualification the issue is pertaining to. <p>Appealing the Resolution</p> <ul style="list-style-type: none"> If the resolution is not agreed to, the issue will be documented on the Complaints & Appeals Form and will be presented to the General Manager Training. These Managers will: <ul style="list-style-type: none"> Discuss with the complainant as to why the issue could not be resolved. Present their resolution to the issue in writing to the complainant. If this does not resolve the issue, the complainant can request an independent third party (the Third Party can be nominated at the discretion of the complainant). The third party will review all information and present a resolution in order to make a final decision regarding the issue. This decision will be discussed with and presented to the complainant in writing. If at this point a resolution still cannot be agreed to, the complainant will be referred to the National Training Complaints Hotline. https://www.dewr.gov.au/national-training-complaints-hotline Below is a list of Consumer protection agencies which can provide information about seeking a refund or a cancellation of course fees, rights and obligations & may be able to assist in a negotiation between the learner and Railtrain. <table border="1"> <thead> <tr> <th data-bbox="177 1541 699 1574">State or territory</th> <th data-bbox="699 1541 1034 1574">Agency and contact details</th> </tr> </thead> <tbody> <tr> <td data-bbox="177 1574 699 1644">Australian Capital Territory (ACT)</td> <td data-bbox="699 1574 1034 1644">ACT Fair Trading Phone: (02) 6207 3000</td> </tr> <tr> <td data-bbox="177 1644 699 1713">New South Wales (NSW)</td> <td data-bbox="699 1644 1034 1713">NSW Fair Trading Phone: 13 32 20</td> </tr> <tr> <td data-bbox="177 1713 699 1783">Northern Territory (NT)</td> <td data-bbox="699 1713 1034 1783">Northern Territory Consumer Affairs Phone: 1800 019 319</td> </tr> <tr> <td data-bbox="177 1783 699 1852">Queensland (QLD)</td> <td data-bbox="699 1783 1034 1852">Fair Trading Phone: 13 74 68</td> </tr> <tr> <td data-bbox="177 1852 699 1921">South Australia (SA)</td> <td data-bbox="699 1852 1034 1921">Consumer and Business Services Phone: 13 18 82</td> </tr> <tr> <td data-bbox="177 1921 699 1998">Tasmania (TAS)</td> <td data-bbox="699 1921 1034 1998">Consumer Affairs and Fair Trading Phone: 1300 65 44 99</td> </tr> </tbody> </table> | State or territory | Agency and contact details | Australian Capital Territory (ACT) | ACT Fair Trading Phone: (02) 6207 3000 | New South Wales (NSW) | NSW Fair Trading Phone: 13 32 20 | Northern Territory (NT) | Northern Territory Consumer Affairs Phone: 1800 019 319 | Queensland (QLD) | Fair Trading Phone: 13 74 68 | South Australia (SA) | Consumer and Business Services Phone: 13 18 82 | Tasmania (TAS) | Consumer Affairs and Fair Trading Phone: 1300 65 44 99 | |
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| <p>Victoria (VIC) Consumer Affairs Victoria Phone: 1300 55 81 81</p> <p>Western Australia (WA) Consumer Protection Phone: 1300 304 054</p> <ul style="list-style-type: none"> Below is a list of state or territory ombudsman who may be able to help if the complaint is about fees and refunds. <table border="0"> <thead> <tr> <th>State or territory</th> <th>Ombudsman website address</th> </tr> </thead> <tbody> <tr> <td>Australian Capital Territory (ACT)</td> <td>www.ombudsman.act.gov.au</td> </tr> <tr> <td>New South Wales (NSW)</td> <td>www.ombo.nsw.gov.au</td> </tr> <tr> <td>Northern Territory (NT)</td> <td>www.ombudsman.nt.gov.au</td> </tr> <tr> <td>Queensland (QLD)</td> <td>www.ombudsman.qld.gov.au</td> </tr> <tr> <td>South Australia (SA)</td> <td>www.trainingadvocate.sa.gov.au</td> </tr> <tr> <td>Tasmania (TAS)</td> <td>www.ombudsman.tas.gov.au</td> </tr> <tr> <td>Victoria (VIC)</td> <td>www.ombudsman.vic.gov.au</td> </tr> <tr> <td>Western Australia (WA)</td> <td>www.ombudsman.wa.gov.au</td> </tr> </tbody> </table> <p>Communication and continuous improvement for the RTO</p> <ul style="list-style-type: none"> The RTO Manager/Nominee will file the documentation relating to the complaint in secure company records and enter a summary of the issue including outcomes (omitting names) and reference number on the Complaints & Appeals Form. The RTO Manager/Nominee will enter a recommendation/action as to what service, process or documentation could be improved in order to avoid a similar issue from occurring and send through copy of outcomes to the General Manager Training, who will action and distribute as relevant. | State or territory | Ombudsman website address | Australian Capital Territory (ACT) | www.ombudsman.act.gov.au | New South Wales (NSW) | www.ombo.nsw.gov.au | Northern Territory (NT) | www.ombudsman.nt.gov.au | Queensland (QLD) | www.ombudsman.qld.gov.au | South Australia (SA) | www.trainingadvocate.sa.gov.au | Tasmania (TAS) | www.ombudsman.tas.gov.au | Victoria (VIC) | www.ombudsman.vic.gov.au | Western Australia (WA) | www.ombudsman.wa.gov.au | |
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| Australian Capital Territory (ACT) | www.ombudsman.act.gov.au | | | | | | | | | | | | | | | | | | |
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| Northern Territory (NT) | www.ombudsman.nt.gov.au | | | | | | | | | | | | | | | | | | |
| Queensland (QLD) | www.ombudsman.qld.gov.au | | | | | | | | | | | | | | | | | | |
| South Australia (SA) | www.trainingadvocate.sa.gov.au | | | | | | | | | | | | | | | | | | |
| Tasmania (TAS) | www.ombudsman.tas.gov.au | | | | | | | | | | | | | | | | | | |
| Victoria (VIC) | www.ombudsman.vic.gov.au | | | | | | | | | | | | | | | | | | |
| Western Australia (WA) | www.ombudsman.wa.gov.au | | | | | | | | | | | | | | | | | | |

NSW Smart & Skilled (as applicable)

Refer [Smart & Skilled Operating Guidelines 2022-2023 Activity Period](#)

| Procedure | Responsibility |
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| <ul style="list-style-type: none"> As above. | RTO Manager |

QLD Skills Assure Supplier (as applicable)

Refer Skills Assure Supplier Policy 2021-2023

[Skills Assure supplier policy 2021-23 for Queensland VET Investment programs \(desbt.qld.gov.au\)](http://desbt.qld.gov.au)

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| <ul style="list-style-type: none"> As above. | RTO Manager |

