



**Martyr Training Services**

REGISTERED TRAINING ORGANISATION

MARTYR TRAINING SERVICES PTY LTD. ABN 46 606 648 748

# COMPLAINTS AND APPEALS POLICY

MANAGING COMPLAINTS AND APPEALS

VERSION 2  
FEB 2019



## Purpose

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. The principles of natural justice and procedural fairness are adopted at every stage of the appeal process.

- a) The appellant can provide detail of their appeal either verbally and/or in writing.
- b) All appeals must be lodged within 7 calendar days of the date of the assessment result notification to the client.
- c) If the appeals process fails to resolve the appeal, or the appellant is not satisfied with the outcome of the appeal, the matter will be referred to an independent third party for review at the request of the appellant. All costs incurred for the third-party review will be advised to the appellant.
- d) Every appeal is heard by a suitably qualified independent assessor or panel, who will be asked to make an independent assessment of the application.
- e) All appeals are acknowledged in writing and finalised as soon as practicable.
- f) A fee may be charged for the appeals process where an external assessor is engaged. Should this be the case, all costs incurred will be advised to the appellant.
- g) If the appeal will take more than 60 calendar days to finalise, the Manager will inform the appellant in writing providing the reasons why more than 60 calendar days are required. The appellant will also be provided with regular updates on the progress of the appeal.
- h) Appeal issues are usually dealt with as soon as they emerge, to avoid further disruption or the need for a formal complaint process.
- i) All appeals will be handled 'In-Confidence' and will not affect or bias the progress of the participant in any current or future training
- j) Martyr Training Services identifies potential causes of complaints and appeals and takes necessary corrective steps to eliminate or mitigate the likelihood of reoccurrence.

## Grounds for Appeal

Valid grounds for an appeal against an assessment decision (where the client feels the assessment decision is incorrect) could include the following:

- a) The judgement as to whether competency has been achieved and demonstrated was made incorrectly;
- b) The judgement was not made in accordance with the Assessment Plan;
- c) Alleged bias of the assessor;
- d) Alleged lack of competence of the assessor;
- e) Alleged wrong information from the assessor regarding the assessment process;
- f) Alleged inappropriate assessment process for the competency;
- g) Faulty or inappropriate equipment; and/or
- h) Inappropriate conditions.

## 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:

- a) the original assessment will be re-assessed, potentially by another assessor.
- b) appropriate recognition will be granted.
- c) a new assessment shall be conducted/arranged.

Appeal is rejected/ not upheld; in accordance with the assessment policy the client will be required to:

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

## Appeals Process

All appeals shall follow the below process:

- a) Appeal to be made in writing within 7 calendar days of notification of the assessment decision using the Appeals form.
- b) A submitted Appeals form will constitute a formal appeal from the appellant. Further detail may be provided by the appellant verbally.
- c) The Manager shall be informed of receipt of any appeal.
- d) The Manager may delegate responsibility for the resolution of the appeal, as appropriate.
- e) Appeals will be processed in accordance with the process below.
- f) Appeals, where possible, are to be resolved within 28 days of the initial application.
- g) In all cases the conclusion will be endorsed by the Manager.
- h) The appellant will be advised in writing of the outcome of their appeal, within seven (7) days of the resolution.
- i) If the outcome is not to the satisfaction of the appellant, they may seek an appointment with the Manager
- j) If the appellant is not satisfied with the decision they have the option to seek outside assistance to pursue the appeal.

### Process:

Candidate verbally raises concerns with Trainer or Assessor. If the matter is resolved with Trainer or Assessor, no further action required. If matter is not resolved, client completes an Appeals form and outlines the ground for appeal. Appeal lodged within 7 calendar days

- a) Manager requests all documentation from Trainer or assessor. The Manager commences appeal through a participative process.
- b) The Manager reviews all evidence and makes a judgement. The client is informed of the outcome. Matter is resolved within 28 calendar days.
- c) If the appeal is upheld, the appropriate recognition is issued, assessment arranged, root cause identified and rectified.
- d) If the appeal is not upheld, the candidate is required to undertake further training or experience prior to further assessment.

## Complaints Policy

A complaint may include allegations involving the conduct of: trainers, assessors or other staff; or a learner.

If a client has a complaint, they are encouraged to speak immediately with the trainer/assessor to resolve the issue. If the complainant is not satisfied that the issue has been resolved they will be asked to complete a Complaints Form, to lodge a formal complaint. The Compliance Manager will then investigate the complaint and advise the complainant of the outcome. If the complainant is not satisfied with the outcome they may write to the Manager, setting out in detail the issue of concern. This may lead to occasions where an industry-training representative may be invited to act as an objective party to negotiate a satisfactory resolution.

In managing complaints:

- a) The principles of natural justice and procedural fairness are adopted at every stage of the complaint process.
- b) The complaints policy is publicly available.
- c) There is a procedure for making a complaint.
- d) Complaints are treated seriously and dealt with promptly, impartially, sensitively and confidentially.
- e) Complaints will be resolved on an individual case basis, as they arise.
- f) 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.
- g) All complaints are acknowledged in writing and finalised as soon as practicable.

- h) 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.
- i) The rights of the complainant and respondent will be acknowledged and protected throughout the complaint resolution process, including the conduct of separate interviews initially.
- j) In the interest of confidentiality, the number of people involved in the resolution process will be kept to a minimum
- k) Final decisions will be made by the Manager or an independent party to the complaint.
- l) The complaint resolution procedure emphasises mediation and education while acknowledging that in some instances formal procedures and disciplinary action may be required.
- m) If the complaints process fails to resolve the complaint or the complainant is not satisfied with the outcome of the complaint the matter will be referred to an independent third party for review, at the request of the complainant. All costs incurred for the third-party review will be advised to the complainant.
- n) If the complaint will take more than 60 calendar days to finalise the complainant will be informed in writing providing the reasons why more than 60 calendar days are required. The complainant will also be provided with regular updates on the progress of the complaint.
- o) Victimisation of complainants, respondents or anyone one else involved in the complaint resolution process will not be tolerated.
- p) All complaints will be handled as Staff-In-Confidence and will not affect or bias the progress of the client in any current or future training.

## Complaints Process

All complaints shall follow the below process:

- a) Complaints are to be made in writing within 7 calendar days of the incident using the Complaints Form.
- b) A submitted complaint form will constitute a formal complaint from the client. Further detail of the complaint can be provided by the client verbally.
- c) The Manager must be informed of receipt of all complaints immediately.
- d) The Manager may delegate responsibility for the resolution of the complaint.
- e) In the case of a complaint, the Manager will initiate a transparent, participative investigation to identify the issues.
- f) Complaints will be processed in accordance with the Complaints process below.
- g) Complaints, where possible, are to be resolved within 14 calendar days of the initial application.
- h) In all cases the conclusion will be assessed by the Manager
- i) The Client will be advised in writing of the outcome of their complaint, within seven (7) days of resolution.
- j) If the outcome is not to the satisfaction of the Client, they may seek an appointment with the Manager
- k) If the client is not satisfied with the decision they have the option to seek outside assistance to pursue the complaint.

## Process:

Candidate verbally raises concerns with Martyr Training Services. If matter is resolved with staff member, no further action is required. If matter is not resolved with a staff member, then Client completes Complaints Form and outlines the grounds for the complaint.

- a) Complaint lodged within 7 calendar days of the incident date. Staff member involved is required to forward all documentation to the Manager or delegated representative.
- b) Manager or delegated representative commences complaint resolution through a participative process. All evidence is reviewed and a judgement is made. The complainant is informed of the outcome. Matter is resolved within 28 calendar days
- c) If the complaint is upheld, appropriate outcomes are implemented with the complainant, root cause identified and rectified.
- d) If the complaint is not upheld, complainant is informed of the decision and their right to pursue the decision further with external agencies.