

Earthworks Training & Assessment Services  
RTO 50590

## Complaints and Appeals Policy

ETAS's expectations regarding the identification and management of Complaints and Appeals.

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Definitions & Acronyms	
Appellant	Refers to a course participant who has undertaken training and assessment with ETAS who appeals an assessment decision.
ASQA	Australian Skills Quality Authority
Complaint	Complaint - a statement by a course participant or that of another person that something is unsatisfactory, unacceptable or a grievance.
Complainant	Refers to a course participant who has undertaken training and assessment with ETAS or that of another person.
ETAS	Refers to Earthworks Training & Assessment Services as a registered training organisation, or employees, or trainer and assessor or course participant or that of any other person or service provided by Earthworks Training & Assessment Services.
RTO	Registered Training Organisation



## Complaints and Assessment Appeals Policy, Process and Procedure

### 1. Policy Intent

The intent and purpose of Earthworks Training and Assessment Services (ETAS) Complaints and Appeals policy shall be to ensure natural justice and procedural fairness is applied to complaints and appeals and acknowledged appropriately. This policy shall be reviewed annually or as required to ensure the intent of the policy remains relevant and compliant. For the purpose of this policy, definitions of complaints and appeals are included to provide clarity of meaning in the context of Earthworks Training & Assessment Services as a registered training organisation.

### 2. Scope

This policy shall apply to Earthworks Training & Assessment Services as a registered training organisation, its directors and employees including that of the trainer and assessor, course participants and that of any other entity, or persons representing or providing services on behalf of ETAS and course participants.

### 3. Policy Statement

Complaints and appeals are taken seriously and shall be dealt with promptly, impartially, with sensitivity and in confidence.

### 4. Purpose

ETAS employees are responsible for replicating their professional attitude and represent themselves professionally within their areas of expertise of education and training, industry and customer service. All formal and informal feedback is integral, valued and welcomes including feedback from industry, assessment validations contribute significantly to our continuous improvement process and practice.

After providing all opportunities to resolve a complaint or appeal, the complainant or appellant may raise this directly with Australian Skills Quality Authority (ASQA). [www.asqu.gov.au](http://www.asqu.gov.au)

ETAS shall strive to reach that *'spirit of middle ground'* to prevent, resolve and mitigate a complaint or appeal, and by mutual agreement to resolve.

ETAS is guided by and functions within the principles and legislation as specified by the Australia Quality Training Framework and the Australian Skills Quality Authority (ASQA) Standards for Registered Training Organisations V2.2 October 2019 (<https://www.asqa.gov.au/standards>). Essentially this means when a course participant undertakes training and assessment with ETAS, we can guarantee they will receive a high standard of training and assessment and customer service. Non-compliance of Commonwealth, State and Territory Acts, legislation, regulations, and codes of practice may be investigated by the relevant State or Territory regulatory authorities.

Compliance with the Standards, Commonwealth, State and Territory Acts, legislation, regulations and codes of practice supports a framework of systems to reduce and eliminate potential risks and possible activities of non-compliance, be it deliberate / intentional or non-deliberate / non-intentional. ETAS shall take actions against incidents of non-compliance only if it falls into our areas of responsibility.

The Chief Executive Officer / Training Manager and the Manager of Organisational Infrastructure and Training Support are high managerial agents and working directors with duties of such responsibility that conduct is assumed to represent ETAS in all capacities. Both persons are ultimately responsible for training, assessment, regulatory compliance, governance, and leadership and approved by Australian Skills Quality Authority as *'fit and proper persons'*

### 5. Legal Considerations

ETAS shall take into consideration the legal, ethical, principles and business commitments within this policy, its principles, and guidelines.

ETAS shall have:

- a. A clear and prompt process for handling complaints and appeals.
- b. A welcoming approach to feedback including that of any compliments received.
- c. A positive attitude to discussion and continuous improvement.

- d. Commitment to resolving complaints and appeals quickly, fairly, efficiently, and courteously.
- e. Solutions to offer to resolve complaints and appeals.
- f. Ongoing continuous improvements.

## 6. Principles - Complaints and Appeals

To prevent and mitigate a complaint or appeal, ETAS shall strive to reach that '*spirit of middle ground*' and mutual agreement to resolve and:

- a. Ensure natural justice, procedural fairness and equity is applied when dealing with complaints and appeals.
- b. Make every effort to resolve a complaint or appeal in a timely manner and on an individual case by case basis.
- c. Adhere to the complaint and appeal resolution process and understanding no action will be taken without direct consultation using a process of discussion, cooperation, collaboration and conciliation.
- d. Ensure the complainant or appellant and ETAS, as the respondent is acknowledged and protected throughout the complaint resolution and appeal process.
- e. In the interest of confidentiality, limit the number of people involved in any resolution process.
- f. Ensure employees involved in any official capacity in any aspect of the complaint or appeal process always maintain absolute confidentiality.
- g. Support the complainant or appellant to ensure their right to representation during the complaint resolution and appeal process.
- h. Encourage the resolution procedure emphasising the '*spirit of middle ground*', mediation and education while acknowledging that in some instances formal procedures and disciplinary action may be required.
- i. Victimisation of complainants, appellants, respondents, or that of anyone one else involved in the complaint resolution and appeal process will not be tolerated and addressed immediately.

## 7. Complaints and Appeals

The Complaints and Appeals process and procedures shall be clearly communicated by way of:

- a. ETAS employees clearly articulating the complaints or appeals process and procedure.
- b. Earthworks Training and Assessment Services Resources Handbook for Students, Business / PCBU's – documented.
- c. Documented - Course registration form.
- d. Earthworks Training and Assessment website – documented.

## 8. Organisational Approaches to Managing Complaints and Appeals

ETAS shall:

- a. Assign one (1) employee to manage each complaint and appeal to its outcome.
- b. Ensure an employee dealing with the complaints and appeal has the delegated authority to organise solutions that are acceptable to the complainant.
- c. An employee who deals with a complaint and who cannot resolve the complaint shall refer the complaint directly to the Chief Executive Officer / Training Manager.
- d. Ensure the complainant is satisfied with a proposed solution before proceeding.
  - i. Work within statutory requirements, ensuring both the complainant's rights and that of ETAS are protected.
  - ii. Follow up with the complainant within one (1) week to make sure that issues have been resolved to satisfaction.

## 9. Complaints

### Interpersonal Approaches to Managing Complaints

- a. Speak to the complainant one to one basis.
- b. Thank the complainant for raising their complaint.
- c. Research the situation before speaking to the complainant i.e checks records, speak to other employees, and verify how these compare with the version of events.
- d. Treat the complainant with genuine empathy, courtesy, patience, honesty, and fairness.
- e. Respond to the complaint quickly and efficiently and courteously.
- f. Advise the complainant how the complaint will be handled.
- g. If a complaint cannot be resolved on the spot inform the complainant what will happen next and when.
- h. Show the complainant they are understood.
- i. Listen intently, ask questions to clarify and summarise back to the complainant understanding of what they have said.
- j. Do not jump to conclusions, lay blame, or become defensive.
- k. Focus on solutions and involve the complainant in developing them.
- l. Negotiate a solution that is to everyone's satisfaction.
- m. Keep the complainant updated on progress, act quickly on promises and inform when an action is completed and how ETAS will prevent the issue from happening again.

### 10. Complaints - Examples

A complaint may be based on, but not limited to:

- a. Training and assessment materials and resources thought or perceived to be inappropriate or incorrect.
- b. Information provided, be it written or verbal thought or perceived inappropriate or incorrect.
- c. The training and assessment offered or provided thought or perceived to be inappropriate or incorrect.
- d. Direct discrimination by way of a person (s) being treated unfairly, unequally or harassed on the basis of a characteristic or a presumed characteristic relating to person's sex, sexuality, pregnancy, marital status, race, disability or age.
- e. Indirect discrimination when a requirement (written or unwritten rules, traditions, practices, procedures, or structures) which is the same for everyone has an unequal or disproportionate effect or result on particular cohorts.
- f. Victimisation which constitutes verbal abuse, deliberate isolation by others or employees, denial of promotional or training opportunities or any other detriment. ETAS shall be responsible for acting to ensure that this does not occur.
- g. Privacy breach relating to the collection, storage, and access to the collection, use and disclosure of personal information.
- h. Personal behaviors and conflict where a person (s) behaviour is inappropriate or causing disruption or conflict.

## 11. Complaints – Resolution Procedure

- a. The complainant shall have the right to lodge a valid complaint.
- b. The complainant shall have the right to lodge the complaint with outside agencies at any point during the complaint resolution process.
- c. Prior to lodging a complaint, the complainant should, in the first instance, approach the trainer and assessor or that of any other employee of ETAS to attempt to resolve the complaint with an emphasis on the finding that ‘spirit of *middle ground*’ to resolve their issues and concerns.
- d. The Manager of Organisational Infrastructure and Training Support shall be assigned to manage a complaint through to its outcome and shall:
  - I. Have full authority to organise solutions acceptable to complainant and as such shall warrant satisfaction with a proposed solution before proceeding.
  - II. Work within statutory requirements to ensure the rights of the complainant and that of ETAS are protected.
  - III. Inform the Chief Executive Officer / Training Manager of the complaint and the nature of the complaint immediately.
  - IV. In the interest of confidentiality limit the number of people involved in the resolution process.
- e. The Manager of Organisational Infrastructure and Training Support shall explain to the complainant the process to the complainant.
- f. A complainant may be accompanied by a third party of their choice to support them in the process of discussion to resolve the complaint.
- g. A Complaint Lodgment is required to be completed by the complainant to progress a complaint. Complaint Lodgment form must include details of:
  - I. The nature of the complaint.
  - II. Date and time of the incident.
  - III. Other relevant information, evidence and or documentation and
  - IV. Complainant’s signature, address and dated.
- h. A complainant is required to submit a completed Complaint Lodgment form within four (4) working weeks from the date of the incident to the Manager of Organisational Infrastructure and Training Support. Complaint Lodgment form shall be received by way of:
  - Email: [training@etas.com.au](mailto:training@etas.com.au)
  - Post: PO Box 1627, Berrimah NT 0828
- i. On receipt of the Complaint Lodgment (*Attachment 1*), the Manager of Organisational Infrastructure and Training Support shall acknowledge receipt of the Complaint Lodgment in writing within two (2) days to the complainant addressed to their nominated address.
- j. A complaint that is resolved, the Manager of Organisational Infrastructure and Training Support shall provide a written report, including relevant documents to the Chief Executive Officer / Training Manager.
- k. A resolved complaint shall be acknowledged by the Manager of Organisational Infrastructure and Training Support in writing to the nominated address of the complainant within two (2) days of the complaint being resolved.
- l. The Chief Executive Officer / Trainer and Assessor and the Manager of Organisational Infrastructure and Training Support shall further review and consider for potential continuous improvement actions, regardless of whether the complaint was resolved or not.
- m. The Manager of Organisational Infrastructure and Training Support shall follow up with the complainant within one (1) week to ensure issues have been resolved to satisfaction.

## 12. Complaints – Non - Resolution Procedure

If the complaint resolution procedure was unable to resolve the complaint, and after providing all opportunities to resolve the complaint, the complainant has the right to rise directly with Australian Skills Quality Authority. [www.asqa.gov.au](http://www.asqa.gov.au)

## 13. Complaints - Record Keeping

The Manager of Organisational Infrastructure and Training Support shall document, record and maintain details of complaint, outcome and any actions or sanctions taken by ETAS.

Information shall be:

- a. Stored securely in a locked environment
- b. Remain confidential
- c. Updated regularly as required including:
  - i. Preventive measures to mitigate the risk of or prevent from reoccurring.
  - ii. Continuous improvement actioned.
  - iii. Review of complaints policy, process and procedure, process and procedure.

## 14. Complaints - Resolution and Review of Circumstances

The Manager of Organisational Infrastructure and Training Support and the Chief Executive Officer / Trainer and Assessor shall review the circumstances of the complaint for the purpose of:

- a. Preventive measures to mitigate the risk of or prevent from reoccurring.
- b. Interrogative analysis- could we have ETAS done better?
- c. Continuous improvement.

If a complaint is made in relation to:

- Training and Assessment Materials: The Chief Executive Officer / Trainer and Assessor shall review the course content in collaboration with the complainant.
- Inappropriate behaviour or misconduct (maladministration or misconduct) of an employee or that of another person shall be investigated and if required take the appropriate action with the employee and inform the complainant of the outcome.
- An assessment decision - the assessment may be reviewed by another assessor.

## 15. Appeals

ETAS shall ensure natural justice and procedural fairness apply to an appeal against an assessment decision.

Appeals and the subsequent reassessment process are an integral part of the training and assessment pathways leading to a nationally recognised qualification or statement of attainment under the Australian Qualifications Framework.

The appellant has the right to lodge an appeal against an assessment decision if they feel they were unfairly treated or dealt with during an assessment or if the assessment decision was incorrect.

Grounds for an appeal shall be heard by a suitably qualified independent and impartial assessor or panel from another organisation who will make an independent and impartial assessment.

## 16. Grounds for Valid Appeal

Grounds of valid appeal against an assessment decision (the assessment decision is incorrect) may 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 and lack of competence of the assessor.
- d. Alleged wrong information from the assessor regarding the assessment process.
- e. Alleged inappropriate assessment process for the competency.
- f. Faulty or inappropriate equipment; and /or inappropriate conditions.

## 17. Interpersonal Approaches to Managing Appeals

- a. Speak to the appellant one on one.
- b. Treat the appellant with genuine empathy, courtesy, patience, honesty and fairness.
- c. Respond to the appeal quickly and efficiently and courteously.
- d. Advise the appellant how the appeal will be handled.
- e. Research the situation before speaking to the appellant i.e. checks records, speak to other employees and check how these compare with the version of events.
- f. Do not jump to conclusions, lay blame, or become defensive.
- g. Keep the appellant informed on progress, act quickly on promises and inform when an action is completed.

## 18. Appeals - Resolution Procedure

The Manager of Organisational Infrastructure and Training Support shall be assigned to manage an appeal through to its outcome and shall:

- a. Have full authority to organise solutions acceptable to the appellant and as such, shall warrant satisfaction with a proposed solution before proceeding.
- b. Work within statutory requirements to ensure the rights of the appellant and ETAS are protected.
- c. Inform the Chief Executive Officer / Training Manager of the appeal and the nature of the appeal immediately.

In the interest of confidentiality limit the number of people involved in the resolution process.

The Manager of Organisational Infrastructure and Training Support shall explain the appeal process to the appellant.

An appellant may be accompanied by a third party of their choice to support them in the appeal process.

An appellant should be encouraged to complete and submit an Appeal Lodgment form (*Attachment 2*) within four (4) working weeks from the date of the incident to the Manager of Organisational Infrastructure and Training Support.

An Appeal Lodgment shall include details of:

- a. The nature of the appeal
- b. Dates and times of the initial assessment.
- c. Other relevant information, evidence and or documentation
- d. Date, contacts details, signature and address of the appellant.

Appeal Lodgment form shall be received by way of

Email: [training@etas.com.au](mailto:training@etas.com.au)

Post: PO Box 1627, Berrimah NT 0828

On receipt of the Appeal Lodgment, the Manager of Organisational Infrastructure and Training Support shall acknowledge receipt of the Appeal Lodgment in writing within two working (2) days to the appellant addressed to their nominated address.

An appeal that is resolved, the Manager of Organisational Infrastructure and Training Support shall provide a written report, including relevant documents to the Chief Executive Officer / Training Manager.

An appeal that is resolved and is acceptable to complainant shall be acknowledged by the Manager of Organisational Infrastructure and Training Support, in writing to the nominated address of the appellant within two (2) working days of the appeal being resolved.

The Chief Executive Officer / Trainer and Assessor and the Manager of Organisational Infrastructure and Training Support shall further review and consider for potential continuous improvement actions regardless of whether the appeal was resolved or not.

The Manager of Organisational Infrastructure and Training Support shall follow up with the appellant within one (1) working week to ensure issues have been resolved to satisfaction and every effort shall be made by ETAS to ensure the appeal is resolved in a timely manner. All appeals shall be treated confidentiality and shall not be detrimental to the appellant.

### **19. Appeal Outcomes**

Appeal outcomes may include:

- a. Appeal is upheld; in this event the following options will be available.
- b. The original assessment shall be re-appraised.

### **20. Fees**

ETAS may charge a fee for the appeals process.

### **21. Appeals - Record Keeping**

The Manager of Organisational Infrastructure and Training Support shall record, update, and maintain details of the appeal, the outcome, relevant documentation and action or sanctions taken by ETAS.

Information shall be:

- a. Stored securely in a locked environment
- b. Remain confidential
- c. Updated regularly as required including
- d. Preventive measures to mitigate the risk of or prevent from reoccurring.
- e. Continuous improvement actioned.
- f. Review of complaints policy, process and procedure, process, and procedure.

### **22. Appeals - Non - Resolution Procedure**

If the appellant is dissatisfied with the outcome of an appeal, and if after providing every opportunity to resolve the appeal, the appellant has the right to rise directly with Australian Skills Quality Authority (ASQA). [www.asqa.gov.au](http://www.asqa.gov.au)

### **23. Authorising Officer**

This policy is issued under the authority of Earthworks Training & Assessment Services Pty Ltd - RTO 50590 and is subject to annual review.

Review Date: 31 Dec 2023



## Attachment 1

Complaint Lodgment Form		
<p>You have the right to lodge a valid complaint.</p> <p>You have the right to lodge the complaint with outside agencies at any point during the complaint resolution process.</p> <p>Prior to lodging a complaint, in the first instance approach the trainer and assessor or that of any other employee of ETAS to attempt to resolve the complaint with an emphasis on the finding that 'spirit of middle ground' to resolve their issues and concerns.</p> <p><i>If assistance is required to complete contact the Manager of Organisational Infrastructure and Training Support on 08 8988 5484 or email: <a href="mailto:Training@etas.com.au">Training@etas.com.au</a></i></p>		
<b>Name of Complainant</b>		
<b>Address</b>		
<i>Provide your full address including suburb and postcode.</i>		
<b>Preferred Contact Details</b>	<b>Email:</b>	<b>Phone:</b>
<b>Nature of Complaint</b>		
<b>Date</b>		
<b>Time</b>		
Prior to submitting this form have you approached the trainer and assessor or that of any other employee of ETAS to attempt to resolve your concern or complaint?	<b>Yes</b>	<b>No</b>
<b>Statement of Complaint</b>		
<i>Record in your own words as much detail as possible including name of the trainer and assessor or employee.</i>		
<i>Additional pages may be attached.</i>		
<b>Submitting Your Complaint</b>	Thank you for submitting this Complaint Lodgment Form and will be in direct contact with you in less than 2 working days on receipt of this form.	
	Email <a href="mailto:training@etas.com.au">training@etas.com.au</a>	
	Post: PO Box 1627, Berrimah NT 0828	

ETAS Office Use Only		
<b>Date Received</b>		
<b>CEO / Training Manager Informed</b>	<b>Date</b>	
<b>Action</b>		

<b>Outcome</b> <i>Record and include details meetings, dates and contact with the complainant.</i>	Page 10 of 11
<b>Resolution</b>	
<b>Continuous Improvements Applied?</b> <i>Provide details</i>	

## Attachment 2

<p><b>Appeals Form</b></p> <p>ETAS shall ensure natural justice, procedural fairness and equity apply to appeals against an assessment decision initiated a complaint. Appeals and the reassessment process are an integral part of all training and assessment pathways leading to a nationally recognised qualification or statement of attainment under the Australian Qualifications Framework.</p> <p>You have the right to lodge an appeal if not satisfied with the outcome of complaints resolution process</p> <p>Grounds of valid appeal against an assessment decision (the assessment decision is incorrect) may include the following:</p> <ul style="list-style-type: none"> <li>· The judgement as to whether competency has been achieved and demonstrated was made incorrectly.</li> <li>· The judgement was not made in accordance with the assessment plan.</li> <li>· Alleged bias and lack of competence of the assessor.</li> <li>· Alleged wrong information from the assessor regarding the assessment process.</li> <li>· Alleged inappropriate assessment process for the competency.</li> <li>· Faulty or inappropriate equipment and / or inappropriate conditions.</li> <li>· You have the right to lodge a valid complaint.</li> </ul> <p><i>If assistance is required to complete contact the Manager of Organisational Infrastructure and Training Support on 08 8988 5484 or email: <a href="mailto:training@etas.com.au">training@etas.com.au</a></i></p>		
<b>Name of Appellant</b>		
<b>Address</b> <i>Provide your full address including suburb and postcode.</i>		
<b>Preferred Contact Details</b>	<b>Email:</b>	<b>Phone:</b>
<b>Details of Appeal</b>		
<b>Date</b>		
<b>Time</b>		
<b>Prior to submitting this form have you approached the trainer and assessor or that of any other employee of ETAS to attempt to resolve the assessment concern?</b>	<b>Yes</b>	<b>No</b>
<b>Statement of the Appeal</b> <i>Record in your own words as much detail as possible including UOC, name of the trainer and assessor. Additional pages may be attached.</i>		
<b>Submitting Your Appeal</b>	Thank you for submitting this Appeal Lodgment Form.	
	Email <a href="mailto:training@etas.net.au">training@etas.net.au</a>	
	Post: PO Box 1627, Berrimah NT 0828	

ETAS Office Use Only			
Date Received			
CEO / Training Manager Informed	Date		
Action			
Independent Panel Appointed	Yes                  No		
	Provide Names, Contact Details and Industry Positions of Panel		
	1. Name	Industry Position	Contact Details
	2. Name	Industry Position	Contact Details
	3. Name	Industry Position	Contact Details
Outcome			
<i>Record and include details meetings, dates and contact with the appellant.</i>			
Resolution			
Continuous Improvements Applied?			
<i>Provide details</i>			

End of Document