



ACE TRAINING CENTRE | **TOLL**

COMPLAINTS AND APPEALS POLICY

Helicorp Pty Ltd t/as Toll Helicopters
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Amendment History

Version No.	Release Date	Details of Changes
V1.0	01 Sep 2019	Initial Release
V2.0	27 Apr 2023	Re-write: amend RTO address, amend complaints process insert separate appeals process

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Purpose

This policy is intended to provide clear and practical guidance to ensure that complaints and appeals received about the Registered Training Organisation (RTO) and/or its trainers, staff, students, policies, procedures, facilities, and services it provides can be resolved equitably and efficiently, and in accordance with the principles of natural justice.

Scope

This Complaints and Appeals Policy will manage allegations involving the conduct of:

- Toll Helicopters, its trainers, assessors and other staff
- Stakeholders and others
- A student of Toll Helicopters

Definitions

Appeal	A request for reconsideration of a decision made by the RTO where there is disagreement or dissatisfaction with the original decision.
Complainant	A person who lodges a complaint or appeal.
Formal Complaint	A formal expression of dissatisfaction regarding some aspect of the conduct of Toll Helicopters, its services, staff or course participants.
Informal Complaint	A concern that is expressed without initiating the formal complaints process.
Natural Justice	Procedural fairness free from any bias.
RTO	Registered Training Organisation, identified as Toll Helicopters.
Third Party	A third party to the complaint. May be internal or external to the organisation.

Complaints and Appeals Principles

- A complainant is to be provided an opportunity to present his/her case at no cost.
- The Complaints and Appeals Policy must be publicly available and published on the RTO website.
- The principles of natural justice and procedural fairness are applied at every stage of the complaints and appeals process by allowing any individual subject to a decision by the RTO, or any individual who has allegations made against him/her, the right of reply before a decision is made.
- The complainant is entitled to have their complaint heard by a person who is without bias and who may not be affected by the decision.
- Formal complaints are to be lodged in writing, using *Form 1031 Complaints and Appeals Form*, within seven (7) days of the event of issue to which the complaint pertains.

- Appeals of assessment outcomes are to be lodged in writing, using *Form 1031 Complaints and Appeals Form*, within seven (7) days of when the assessment outcome is advised to the participant.
- The RTO's Chief Executive Officer (CEO) will investigate without prejudice.
- Complaints and appeals are handled in the strictest of confidence. The release of any information to third parties can only occur after the complainant has provided written permission for this to occur.
- All complaints, appeals and outcomes are documented in the RTO's Complaints and Appeals Register
- Outcomes of complaints and appeals processes are used to inform continuous improvement activities.
- The RTO shall maintain the enrolment of the complainant during the complaints and appeals process.
- If a complainant raises an informal complaint but is not willing to proceed with a formal complaint, they are advised that, due to the requirements of procedural fairness, in most cases no further action can be taken by the RTO.

Informal Complaints and Appeals

It is expected that, prior to initiating a formal complaint or appeals process, the parties involved will attempt to resolve their concerns directly whenever possible.

It is expected that all parties will participate in good faith in resolving their concerns so that the RTO maintains a respectful learning environment. Students are encouraged to raise their concerns directly with the parties involved, particularly where the concerns are adversely affecting the learning environment.

Where this course of action is not practical, is not able to provide an equitable solution, or the problem or issue persists, an official complaint should be lodged in writing within seven (7) days of the event or issue to which the complaint pertains.

Formal Complaints Process

Stage One – Lodging a Formal Complaint

Where the parties involved are unable to successfully resolve the complaint directly, a formal complaint may be lodged in writing by completing *Form 1031 Complaints and Appeals Form* and lodging it via email to acetc.rtoadmin@tollgroup.com with the following title in the email subject box: *Confidential – Formal Complaint*.

Form 1031 Complaints and Appeals Form is available upon request from any ACE Training Centre team member. Formal complaints should be addressed to the RTO Manager. The RTO Manager, or their delegate, will acknowledge receipt of the complaint in writing by the close of the next business day. They will also record the complaint in the Complaints and Appeals Register and assign it to the RTO CEO for investigation.

The handling of the complaint will commence within seven (7) working days of lodgement by a complainant and all reasonable measures will be taken to finalise the process as soon as practicable.

Where the RTO CEO considers that more than sixty (60) calendar days are required to process and finalise the complaint, the CEO will inform the complainant in writing outlining why more than sixty (60) calendar days are required.

As a benchmark, Toll Helicopters will strive to resolve all complaints and appeals within thirty (30) calendar days. The complainant will be provided with regular updates in writing to inform them of the progress of their complaint.

Stage Two – Determination of Outcome

Where the RTO makes a determination of outcome, the complainant is to be provided a written response to the complaint outlining the reasons for the outcome. Decisions or outcomes that resolve the complaint and find in favour of the complainant are implemented as soon as practicable.

The RTO securely maintains all records pertaining to complaints and their outcomes and any associated continuous improvement action is noted in the Complaints and Appeals Register. Where the RTO identifies any contributing cause of the complaint, it will take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Stage Three – External Complaint

Where the RTO is unable to make a determination, or the complainant is dissatisfied with the outcome, the complainant has the opportunity for a body that is independent of the RTO to review the complaint following the completion of the internal complaints process.

The RTO will engage external assistance from a mutually agreed independent mediation service. Irrespective of the outcome of the mediation, the RTO and the complainant agree to pay the mediator's fees and disbursements jointly in the proportions of 50:50.

The Australian Skills Quality Authority (ASQA) provides information on its complaints handling at <https://www.asqa.gov.au/students/complaints>

Formal Appeals Process

Grounds for appeal may include Toll Helicopters' failure to:

- Consider all available evidence and make an assessment decision consistent with the evidence provided.
- Take language, literacy and numeracy requirements into consideration.
- Provide reasonable adjustment as appropriate and without compromising the integrity of the assessment.
- Provide appropriate instruction before and during assessment activities.
- Provide a full or partial refund of fees where extenuating circumstances exist

Stage One – Lodging a Formal Appeal

A formal appeal may be lodged in writing by completing *Form 1031 Complaints and Appeals Form* and lodging it via email to acetc.rtoadmin@tollgroup.com with the following title in the email subject box: *Confidential – Formal Appeal*.

Formal appeals should be addressed to the RTO Manager and be made within seven (7) days of receiving the assessment outcome to which the appeal relates or being denied a refund upon original request.

Note: Assessment appeals that are submitted outside of this timeframe will not be considered.

The appellant must state the grounds on which the appeal is made and must outline why they believe the original decision is unjustified.

The RTO Manager, or their delegate, will acknowledge receipt of the appeal in writing by the close of the next business day. They will also record the appeal in the Complaints and Appeals Register and assign it to the RTO CEO for investigation.

The handling of the appeal will commence within seven (7) working days of lodgement by an appellant and all reasonable measures will be taken to finalise the process within ten (10) working days.

Where the RTO CEO considers that more than sixty (60) calendar days are required to process and finalise the appeal, the CEO will inform the appellant in writing outlining why more than sixty (60) calendar days are required.

Stage Two – Determination of Outcome

Where the RTO makes a determination of outcome, the appellant is to be provided a written response to the appeal outlining the reasons for the outcome. Decisions or outcomes that resolve the appeal and find in favour of the appellant are implemented as soon as practicable.

The RTO securely maintains all records pertaining to appeals and their outcomes and any associated continuous improvement action is noted in the Complaints and Appeals Register. Where the RTO identifies any contributing cause of the appeal, it will take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Stage Three – External Appeal

Where the appellant is dissatisfied with the outcome of the appeal, they have the opportunity for a body that is independent of the RTO to review the appeal following the completion of the internal appeals process.

The RTO will engage external assistance from a mutually agreed independent mediation service. Irrespective of the outcome of the mediation, the RTO and the appellant agree to pay the mediator's fees and disbursements jointly in the proportions of 50:50.

Unresolved appeals in relation to consumer-related issues, such as in relation to a refund of fees, may be referred to the Office of Fair Trading. If you live outside of New South Wales you can report your concerns to the Australian Competition & Consumer Commission <https://www.accc.gov.au/about-us/contact-us/report-a-consumer-issue>