

RTO COMPLAINTS AND APPEALS PRACTICE

Gas Division

1. PRACTICE

ATCO is firmly committed to conducting business to the highest legal and ethical standards. All employees are charged with the responsibility of maintaining that high standard in managing the affairs of the company. ATCO has put in place a Complaints and Appeals process to cover its activities and will ensure the principles of natural justice and procedural fairness are adopted at every stage of the Complaint or Appeal.

2. DEFINITIONS

Term/Acronym	Definition
ATCO	ATCO Gas Australia Pty Ltd
Complaints	Complaints may arise when a learner, potential learner, Assessor or any other stakeholder is not satisfied with any aspect of ATCO Registered Training Organisation (RTO), i.e.,— <ul style="list-style-type: none"> its procedures quality of a product or service provided by ATCO assessment result, or facilitators, Trainers or other learners
Appeal	Appeals may arise when a learner, potential learner, Assessor, or any other stakeholder is not satisfied with the decision made as a result of a Complaint
Complainant:	A learner, potential learner, external participant, Assessor or other stakeholder (including any third parties conducting training on ATCO's behalf) can make a complaint to ATCO
Appellant	A learner, potential learner, an external participant, Assessor or other stakeholder (including any third parties conducting training on ATCO's behalf) can appeal a decision made by ATCO
External Participant	An individual whose employer or organisation that they work for has engaged ATCO to provide them with an ATCO Accredited or Non-accredited training course
Respondent	ATCO or a representative on behalf of ATCO, responding to the party who lodged the Complaint or Appeal
Manager Training	ATCO employee responsible for the authorisation, publication and implementation of the RTO Complaints and Appeals Practice
Statutory References	<ul style="list-style-type: none"> <i>National Vocational Education and Training Regulator Act 2011;</i> <i>Standards for Registered Training Organisations 2015 (the Standards);</i> and Standard 6, Complaints and Appeals, recorded, acknowledged and dealt with fairly, efficiently and effectively. Specifically Clauses 6.1-6.5.

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3. PRACTICE STATEMENTS

ATCO will to the best of its ability and resources available:

- ensure initial Complaints and Appeals can be made using the following methods:
 - verbal Complaint or Appeal can be made in person or by phone
 - written Complaint or Appeal can be made via email to tmailbox@atco.com , Learner Feedback form, AQTF Learner Questionnaire, AQTF Employer Questionnaire or Customer Survey
- ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable
- endeavour to resolve the Complaint or Appeal within sixty (60) working days. Where ATCO considers more than sixty (60) working days are required to process and finalise the Complaint or Appeal, ATCO will:
 - inform the Complainant or Appellant in writing, including reasons why more than sixty (60) working days are required, and
 - regularly update the Complainant or Appellant on the progress of the matter
- ATCO will securely maintain records of all Complaints and Appeals and their outcomes and identify the potential cause of complaints and appeals and take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence
- assessment outcomes are measured against the assessment materials of the relevant course and mapped to the relevant Unit of Competency, that the course is aligned to
- if the Complainant is not satisfied with the outcome, they may be referred to the ATCO Gas Australia, Assets and Engineering, Senior Manager Technical Services
- ATCO will provide the option for review by an appropriate independent party at the request of the Complainant or Appellant if the process fails to resolve the Complaint or Appeal
- External Participants acknowledge and consent to ATCO informing their employer if an informal or formal Complaint (or Appeal) is lodged with ATCO.

4. PROCESS

4.1 Informal Complaints

1. Where possible, non-formal attempts shall be made to resolve the Complainant's Complaint. ATCO encourages open communication at all stages. Any Complainant with a Complaint is encouraged to raise the matter directly with the other party concerned in an attempt to resolve the issue mutually.
2. Informal Complaints are encouraged to be dealt with either verbally or in writing.
3. To ensure a record of any informal complaints is maintained, all details of the informal Complaint need to be emailed to the Manager Training who will update the 'Continuous Improvement, Non-conformance and Corrective Actions Register' accordingly. Any member of staff can be involved in the informal process to resolve issues but if the Complainant wishes to place a formal Complaint, then the Formal Complaint process below in [4.2](#) must be followed.

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4.2 Formal Complaints

1. Complainants can submit their complaints with the reasonable expectation that all complaints will be treated with integrity and privacy.
2. Complaints are directed immediately to the Manager Training, who either investigates them or refers them to the relevant Supervisor if there is any conflict of interest.
3. A Complainant who wishes to submit a Formal Complaint can do so by emailing the Training Mailbox address (tmailbox@atco.com) covering the criteria a)-f) as described in step 6 below.
4. Learners who disagree with their assessment result can lodge an initial assessment Complaint.
5. When a Complainant lodges their Complaint, this needs to occur no more than fourteen (14) working days after receiving the assessment result or an incident occurring.
6. When the Complaint is submitted in writing, it must not be anonymous, and it must be forwarded to the Manager Training. All Formal Complaints submitted must contain as much detail as possible: i.e.,—
 - a) date Complaint was submitted
 - b) name of Complainant
 - c) nature of Complaint and brief description
 - d) date of the event which led to the Complaint
 - e) a description of a possible desired outcome, and
 - f) attachments (if applicable).
7. ATCO requires that Complaints are not made anonymously, to ensure the matter is dealt with efficiently and effectively. All parties need to be involved every step of the way if the matter is to be resolved with natural justice and fairness.
8. Once a Complaint has been received, the details will be recorded in the 'Continuous Improvement, Non-conformance and Corrective Actions Register'. The information included for retention on the register includes:
 - a) date the Complaint was submitted
 - b) name of the Complainant
 - c) description of the Complaint
 - d) the resolution once agreed, and
 - e) date of resolution.
9. If required, relevant staff will be informed and given the opportunity to address the Complaint through discussion and negotiation. A written statement by staff may be submitted if required.
10. Neither the Complainant nor the Respondent will be discriminated against or victimised.
11. Once a Complaint has been logged in the 'Continuous Improvement, Non-conformance and Corrective Actions Register' by the Manager Training, the Assets and Engineering, Senior Manager Technical Services will be notified of the Complaint and will be provided with all relevant documentation relating to the matter.
12. Once a decision has been reached, the Manager Training will notify all relevant parties involved of the outcome of the Complaint in writing within fourteen (14) working days, where possible, from the date the Complaint was first received. When notifying the Complainant of

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the outcome, the Complainant will be advised of their right to Appeal the decision made by ATCO. Complainant will be referred to the Appeals procedure as outlined below.

13. If necessary, consultation with independent external agencies regarding the issue raised will occur and necessary actions to resolve the issues will be taken.
14. The Complainant will be given a written statement on the outcome, including reasons for the outcome. In the event the Complaint cannot be resolved within the thirty (30) working days, the Complainant will be informed in writing, including the reasons why the matter cannot be resolved.
15. Copies of all documentation, outcomes and further action required will be placed on the 'Continuous Improvement, Non-conformance and Corrective Actions Register' by the Manager Training and on the Complainant's file.
16. All information gathered during the Complaints/ Appeals process will be reviewed by Senior Management, to identify the potential causes of the Complaint and take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

4.3 Appeals Process

1. If the Complainant is not satisfied with the outcome from the clause 4.2, then they have the right to appeal the decision made by ATCO, where reasonable grounds can be established.
2. To activate the Appeals process, the Appellant must email the Manager Training via the Training Mailbox address (tmailbox@atco.com), and marked "Complaint Appeal" in the subject line.
3. The Appellant will need to lodge the Appeal within ten (10) working days after receiving their Complaint decision.
4. The Appellant must summarise the basis of the Appeal and the reason why they feel the decision in relation to their Complaint was unfair.
5. The Appeal is lodged through the Manager Training, who will ensure the details of the Appeal are documented on the 'Continuous Improvement, Non-conformance and Corrective Actions Register'.
6. Once the Appeal has been received, the Manager Training will consult with a different Assessor and look at the evidence for a decision. All reviews will have the Principles of Assessment and Rules of Evidence applied.
7. The Appellant shall be notified in writing of the outcome of the Appeal within twenty (20) working days from the date of Appeal lodgement.
8. The 'Continuous Improvement, Non-conformance and Corrective Actions Register' is updated with details of the Appeal outcome.
9. The Appellant will also be provided the option of activating the external Appeals process if they are still not satisfied with the outcome.

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4.4 External Appeals

1. If, at the completion of ATCO's internal resolution process, a Complainant or Appellant is dissatisfied with the outcome of the Appeal, they may wish to refer the matter to an external organisation.
2. Appeals can relate to an assessment decision or another decision within the program. ATCO encourages Complainants/ Appellants to resolve all Complaints and Appeals through their internal process.
3. If ATCO's Complaints and Appeals process is exhausted without result, listed below are other suitable mediators:
 - any Australian Domestic Student: The National Training Complaints Hotline
Phone: 13 38 73 (Monday to Friday, 8 am to 6 pm nationally)
Email: skilling@education.gov.au
 - Commonwealth Ombudsman – VET Student Loans
Email: VET@ombudsman.gov.au.

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Chief Executive Officer – AGA Registered Training Organisation
September 2022

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