

## Complaints Procedure

### Background:

Yachting Australia is responsible for the overseeing of Standards at Yachting Australia Training Centres as agreed by the Training Centre Principal.

All Yachting Australia qualified Instructors and Examiners are required to treat students and candidates with respect and fairness in accordance with the Instructor and Coaches Code of Conduct. All assessments in the use of boats and their equipment have implications for the safety of life at sea. It is therefore essential that candidates are given a thorough and searching assessment. There may be unnecessary risks to the candidate and anyone with whom he or she subsequently goes to sea with, if an instructor or examiner erred on the side of leniency in awarding a certificate. There must never be a question of relaxing the standards required for an award.

In many cases it becomes clear to the instructor or examiner at an early stage in the assessment process that the candidate has been over-ambitious in their choice of course or award. In such instances the instructor or examiner should discuss the situation with the candidate and agree revised aims, which are achievable within the time frame of the course or examination.

It should be noted that in developing this procedure, the principles of natural justice and procedural fairness will apply to the process.

### Complaints and Appeals Procedure:

1. If a candidate wishes to make a complaint or appeal against or about a course assessment, it should in the first instance be addressed to the Training Centre Principal in writing or email
2. The Principal should respond to the complaint within 10 working days. The Principal is advised to discuss the complaint or appeal with the instructor concerned and, if appropriate, with other instructors who have witnessed the assessment. Every effort should be made by the Principal to resolve any complaints as quickly as possible.
3. The Principal should then either inform the complainant that the assessment has been fairly and correctly carried out, or arrange for another assessment to be carried out by a different instructor.
4. If the complainant is dissatisfied with the decision of the Principal, he or she may appeal in writing to the Yachting Australia within 3 weeks of receiving the decision. Yachting Australia will acknowledge receipt of the complaint within 7 working days. The letter of appeal should contain the following:
  - a. Full details of the assessment - when where, involving whom etc.
  - b. The nature of the complaint or appeal
  - c. Copies of any supporting documentation relating to the assessment – outcome, action, plans, reports etc.
  - d. Copies of any previous correspondence regarding the complaint
5. On receipt of an appeal, an investigative process will commence and Yachting Australia may then consult with those carrying out the original assessments or inspections, and any witnesses or interested parties to the assessment and if appropriate decide whether or not a further assessment should be made. Yachting Australia will keep the relevant MYAs informed provided N:\Business Management\Policies and Procedures\Procedures\Training - TRA\Procedures 2010- 11\110404 Training Complaints Procedure.doc

that confidence is not breached. Yachting Australia will notify the parties of the outcome in writing within one month or receiving the complaint.

**Withdrawal of recognition of Instructor accreditation or Training Centre Recognition**

In the case of substantiated complaint, Yachting Australia reserves its right to suspend or withdraw the accreditation or recognition of a centre or instructor.

Yachting Australia may withdraw or suspend recognition for contravention of the Guidelines for Recognition or the spirit of Recognition, or breaches of the Instructors and Coaches Code of Conduct.

**Appeal against withdrawal of recognition**

A centre or individual wishing to appeal against the decision of the Yachting Australia Training Manager may bring their case to a Tribunal that will be convened by the Yachting Australia Board for the purpose.

**Appeals against the result of an RYA YA / MCA Yachtmaster Examination run in Australia**

The appellant should make an appeal in writing to the Yachting Australia Training Manager  
The Yachting Australia Training Manager will contact the Examiner making the assessment and any competent witness to the assessment process. The Yachting Australia Training Manager will then decide whether the original decision should be reversed, whether the applicant should be offered further assessment by another examiner or whether the result of the original examination should stand.

The outcome of all Yachtmaster appeals decided by the Yachting Australia Training Manager will be reported to the RYA Training Manager and the RYA/MCA Yachtmaster Qualification Panel.