

P.V1 – Complaints and Appeals Policy

Purpose

The purpose of this procedure is to define the system of the principles of natural justice and fairness in place to deal with complaints and appeals involving the conduct of: (Standard 6, Clause 6.1-6.6) and the National Code 2018, Standard 10 for Milestones International College (MIC)

- the RTO, its trainers, assessors or other staff
- The RTO's education agents or any related third party providing services on the RTO's behalf, its trainers, assessors or other staff or
- a learner of the RTO

1.0 Responsibility

- 1.1 The CEO is responsible for implementation of this procedure and ensuring that staff and students are made aware of its application.

2.0 Definition

- 2.1 A complaint or appeal is deemed to be dissatisfaction with the processes; outcome or quality of service provided by employees of MIC, and education agent, a related third party or other students. Grievance is an actual or supposed circumstance regarded as a just cause for the complaint. This will be included in complaints.

Examples of complaints include the following but not limited to:

- Enrolment process
 - Processes
 - The quality of the training delivery
 - Assessment outcomes/including recognition of prior learning
 - Issuing of results, certificates and /or statements of attainment
 - Any other activities associated with the delivery of training and assessment services
 - Conduct of the RTO in regards to its recipients
 - Conduct of other students
 - Issues arising from third party providers on behalf of the RTO
 - Other issues such as discrimination, sexual harassment, victimisation, disability discrimination and bullying
- 2.2 A complaint or appeal is deemed to be formal when it is made in writing to who will then formally acknowledge this in writing.
- 2.3 An Appeal is a request to have a decision reviewed. The decision to be reviewed may be as a result of an academic result (e.g. assessment grading), an Administrative Decision (e.g. Letter of Release), or as a result of a formal review of a complaint (based on this policy).
- 2.4 An External Appeal is when a 3rd party is engaged to review that MIC process documented here, has been correctly followed and the appellant has been treated fairly in accordance with the policy. An external appeal is not available until the entire internal processes have been exhausted.

3.0 Requirements

- 3.1 Students who are concerned about the conduct of the training provider are encouraged to attempt to resolve their concerns using this procedure.
- 3.2 The procedure will be implemented at no cost to the student.
- 3.3 All prospective students will be provided with information about the complaints and appeals procedure before making an agreement to enrol.
- 3.4 All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties.
- 3.5 Students will be provided with details of external authorities they may approach, if they wish to
- 3.6 At any stage in the internal complaint or appeal process students are entitled to have their own nominee included to accompany and support them.
- 3.7 Students may raise any matters of concern relating to training delivery and assessment, the quality of the teaching, student amenities, discrimination, sexual harassment and other issues that may arise including education agents or any related 3rd party.
- 3.8 All formal complaints and appeals must be submitted using form Student Complaint Form for complaints and form Student appeals form for appeals.
- 3.9 All complaints and appeals must be assessed within 10 working days of receiving formal paperwork
- 3.10 All forms must be submitted to reception in person, via email or post.

Complaints are to include the following information:

- Submission date of complaint
 - Name of complainant;
 - Nature of complaint;
 - Date of the event which leads to the complaint
 - Attachments (if applicable);
- 3.11 Once a formal complaint is received it is to be entered into the 'Complaints and Appeals Register' monitored by the Training Manager. The information to be contained and updated within the register is as follows:
 - Name of complainant;
 - Description of complaint / appeal
 - Determined Resolution; and
 - Date of Resolution
 - 3.12 **For Internal complaints and appeals:**
 - The student will have an opportunity to formally present their case, in writing or in person at no cost to the student.
 - The student may be accompanied and assisted by a support person at any relevant meetings.

- At the conclusion of the complaint or appeal the student will be given a written statement of the outcome, including details of the reasons for the outcome and the record of the complaint and outcome will be placed in the student file.
- 3.13 A student's enrolment must be maintained whilst a complaint or appeal is in progress and the outcome has not been determined except in cases where the provider is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment.
- 3.14 In cases where the provider is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment the provider only needs to await the outcome of the internal appeals process (supporting the provider) before notifying Department of Home Affairs through PRISMS of the change to the student's enrolment.
- 3.15 The College will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to review the process implemented by the College.
- 3.16 If there is any matter arising from a student complaint or appeal that is a systemic issue which requires improvement action this will be reported at the MIC management meeting as part of the continuous improvement process.
- 3.17 Where MIC considers more than 60 calendar days are required to process and finalise the complaint or appeal, MIC will ensure:
 - the complainant or appellant is informed in writing, including reasons why more than 60 calendar days are required, and
 - will regularly update the complainant or appellant on the progress of the matter
- 3.18 Nothing in this procedure inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies.
- 3.19 Should the complainant or appellant be dissatisfied with the outcome of this process, external mediation and resolution is available. A request for external mediation or dispute resolution must be made in writing.
- 3.20 The assessment of the complaint or appeal must be conducted in a professional, fair and transparent manner by parties involved.

External appeal process

- 3.21 The purpose of the external appeals process is to consider whether the College has followed its student complaint and appeals procedure, not to make a decision in place of the College. **For example, if a student appeals against his or her subject results and goes through the College internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.**
- 3.22 For external complaints and appeals the independent mediator will be the third party.
- 3.23 The external appeals procedure will be determined by the independent mediator.
- 3.24 Following the receipt of the outcome of the external appeal the College must immediately implement the decision, convey the outcome to the student in writing, place a copy of the

documentation on the student file and undertake any improvement actions arising from the complaint

- 3.25 If an appeal is against a College decision to report the student for unsatisfactory course progress the College must maintain the student's enrolment (i.e. not report the student for unsatisfactory progress) until the external appeals process is complete and has supported the provider's decision to report.
- 3.26 If an appeal is against a College decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment the College only needs to await the outcome of the internal appeals process (supporting the provider) before notifying the Department of Home Affairs through PRISMS of the change to the student's enrolment.
- 3.27 For matters in relation to the Australian Skills Quality Authority (ASQA's) Standards For Registered Training Organisations 2015 the complainant or appellant may take their matter to;

Australian Skills Qualification Authority
GPO Box 9928, Melbourne, VIC 3001

<http://www.asqa.gov.au/complaints/make-a-complaint---overseas-students/make-a-complaint---overseas-students-1.html>

<http://www.asqa.gov.au/complaints/make-a-complaint---domestic-students/make-a-complaint---domestic-students1.html>

- 3.28 For all other matters, the following people/organisations are available:

- 1) Overseas student OMBUDSMAN
Level 1
441 St Kilda Road
Melbourne VIC 3004

1300 362 072* within Australia
Outside Australia call +61 2 6276 0111

ombudsman@ombudsman.gov.au

- 2) Contact a solicitor; or
- 3) Contact the Law College of Victoria, 470 Bourke St Melbourne 3000, and telephone
9602 5000 for a referral to a solicitor

4.0 Method

Informal Complaint Process

- 4.1 Any student with a question or complaint may raise the matter with staff of the Registered Training Organisation and attempt an informal resolution of the question or complaint.

- 4.2 Questions or complaints dealt with in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless the College staff member involved determines that the issue question or complaint was relevant to the wider operation of the College.
 - 4.3 Students who are not satisfied with the outcome of the question or complaint are encouraged to register a formal complaint.
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Related Documents

Student Complaint Form
Student appeals form
Complaints and appeals register