



Human Resource and Operations: Grievance, Complaints and Appeal Policy and Procedure 6-1001

Purpose

- 1.1 The purpose of this procedure is to define the system available to students for dealing with student grievance, complaints and appeals

Responsibility

The Training and Compliance Manager is responsible for implementation of this procedure and ensuring that staff and students are made aware of its application

Scope

The object of this policy is to ensure that staff and students act in a professional manner at all times. This policy provides clients with a clear process to register a complaint or appeal. It ensures all parties involved are kept informed of the resulting actions and outcomes.

Inputs

Standards for Registered Training Organisations 2015:

Standard 5 Each student is properly informed and protected

5.1 Prior to enrolment or the commencement of training and assessment, whichever comes first, the RTO provides, in print or through referral to an electronic copy, current and accurate information that enables the learner to make informed decisions about undertaking training with the RTO and at a minimum includes the following content:

- a) the learner's rights, including:
- b) details of the RTO's grievance, complaints and appeals process required by Standard 6;

Standard 6 Grievance, Complaints and Appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.

6.1 The RTO has a grievance, complaints and appeals policy to manage and respond to allegations involving the conduct of:

- a) the RTO, its trainers, assessors or other staff;
- b) a third party providing services on the RTO's behalf, its trainers, assessors or other staff; or
- c) a learner of the RTO

6.2 The RTO has an appeals policy to manage requests for a review of decision, including assessment decisions, made by the RTO or a third party providing services on the RTO's behalf.

6.3 The RTO's grievance complaints policy and appeals policy:

- a) Ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;
- b) Are publicly available;
- c) Set out the procedure for making a grievance, complaint or requesting an appeal;
- d) Ensure grievance ,complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and
- e) Provide for review by an appropriate party independent of the RTO and the complaint or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal

6.4 Where the RTO considers more than 60 calendar days are required to process and finalise the grievance, complaint or appeal, the RTO:



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- a) Informs the complaint or appellant in writing, including reasons why more than 60 calendar days are required; and
- b) Regularly updates the complainant or appellant on the progress of the matter.

6.5 The RTO:

Securely maintains records of all complaints and appeals and their outcomes; and
Identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Requirements

- 1.2 Students who are concerned about the conduct of the MRCNWR are encouraged to attempt to resolve their concerns using this procedure.
- 1.3 The procedure will be implemented at no cost to the student.
- 1.4 The procedure will commence within 5 working days of the formal lodgement of the complaint or appeal and supporting information
- 1.5 All prospective students will be provided with information about the complaints and appeals procedure before making an agreement to enrol.
- 1.6 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.
- 1.7 Students will be provided with details of external authorities they may approach, if required
- 1.8 At any stage in the complaint or appeal process students are entitled to have their own nominee included to accompany and support them.
- 1.9 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.
- 1.10 For grievance, 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.
- 1.11 A student's enrolment will normally be maintained whilst a complaint or appeal is in progress and the outcome has not been determined except in cases where the MRCNWR is intending to cancel a student's enrolment
- 1.12 The MRCNWR will encourage the parties to approach a complaint with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint 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 MRCNWR.
- 1.13 If there is any matter arising from a student informal complaint, formal complaint or appeal that is a systemic issue which requires improvement action this will be reported in writing (via email to the EO) to the Continuous Improvement Group meeting so the matter can be recorded in the MRCNWR Complaints Register and be used as part of the continuous improvement activities of the MRCNWR.
- 1.14 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.
Students wishing to take this course of action are advised to:-

The VRQA E- mail: <http://www.vrqa.vic.gov.au/StateRegister/Public.aspx/LodgeEnquiry>
Telephone: 03 9637 2806



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Definitions

1.15 N/A

Method

Informal Complaint Process

- 1.16 Any student with an issue, question or complaint may raise the matter with staff of the MRCNWR and attempt an informal resolution of the complaint.
- 1.17 Students with an issue, question or complaint can arrange a meeting to discuss the matter with one of the following MRCNWR staff members who are responsible to try and resolve the issue, question or complaint with the student:
- Trainer
 - Training and Compliance Manager
- 1.18 If there is any matter arising from a student informal complaint that is a systemic issue which requires improvement action this will be reported by the staff member, in writing (via email to the EO) to the Continuous Improvement Group meeting so the matter can be recorded in the MRCNWR Complaints Register and be used as part of the continuous improvement activities of the MRCNWR.
- 1.19 The staff member (or any of those listed in 5.2) will try and resolve the complaint at the meeting or if required investigate the matter and then arrange another meeting with the student to discuss the outcome of investigation and offer a solution if appropriate.
- 1.20 Students who are not satisfied with the outcome of their discussion of the complaint are encouraged to register a formal complaint by:
- Obtaining a copy of the Student complaint form which can be requested from the Training and Compliance Manager;
 - Completing the Student complaint form;
 - Lodging the Student complaint form with the Training and Compliance Manager.
- 1.21 Students having difficulty completing the Student complaint form should ask a trainer, the Administration Officer or the Training and Compliance Manager to assist them.
- 1.22 Once the Student complaint form is lodged with the Training and Compliance Manager it will be dealt with as described in the formal complaint process below.

Formal Complaint Process – preamble

- 1.23 The formal complaint process will commence within 5 working days of the formal lodgement of the complaint or appeal and supporting information.
- 1.24 A maximum time of 10 working days from the commencement of the formal complaint process will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase.
- 1.25 Formal complaints must be lodged using the Student complaint form which can be requested from Training and Compliance Manager.
- 1.26 Formal complaints must be recorded in the student's files

Formal Complaint Process - details

- 1.27 Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so at any time by.



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- Obtaining a copy of the Student complaint form which can be requested from the Training and Compliance Manager;
 - Completing the Student complaint form;
 - Lodging the Student complaint form with the Training and Compliance Manager.
- 1.28 Once completed the complaint form is to be lodged with the Training and Compliance Manager who will arrange for the complaint to be entered on the MRCNWR complaint register and meet with the student to discuss the complaint.
- 1.29 During the formal complaint process:
- Students will have an opportunity to formally present their case to the Training and Compliance Manager, in writing or in person at no cost to the student
 - Students may be accompanied and assisted by a support person at any meetings involving the complaint.
- 1.30 Complaints can only be dealt with by the Training and Compliance Manager, or the EO. Whoever does hear the complaint must not be the subject of the complaint and cannot be involved in subsequent appeal hearing. In the event that the Training and Compliance Manager, and the EO are not eligible to hear the complaint then the complaint must be directed to an external person at no cost to the student.
- 1.31 The external person to hear a student complaint on behalf of a student is to be engaged from the Institute of Arbitrators and Mediators Australia (IAMA) phone (03) 9602 1711.
- 1.32 The role of the Training and Compliance Manager is to:
- Assist the student register their formal complaint
 - Ensure the resolution phase commences within 5 working days of the written complaint being lodged
 - Provide the student, or the students representative, with an opportunity to present their complaint
 - Ensure they fully understand the students complaint
 - Work with the student to identify how the complaint can be resolved to the satisfaction of the student
 - Consult and negotiate with the all parties involved with the complaint in order to obtain their commitment and agreement to the proposed solution
 - Formally document the resolution to the complaint including reasons for the method of resolution and provide the student with a written copy of the document
 - Arrange for the proposed resolution to be signed off by the student.
 - Monitor the implementation of the resolution to ensure that all parties adhere to the agreed resolution.
 - Ensure that the details of the complaint are recorded in the MRCNWR Complaints Register and reported to the Training and Compliance Manager report) for continuous improvement purposes.
 - Advise the student to take the complaint to appeal if a resolution cannot be agreed upon

Formal Complaint Process – finalisation

- 1.33 At the end of the resolution phase the Training and Compliance Manager will report the MRCNWR decision in writing to the student within 5 working days. The MRCNWR decision and reasons for the decision will be documented by the Administration/Compliance Manager and placed in the students file. A copy of this document will be provided to the student.
- 1.34 Following the resolution phase the MRCNWR will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint



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- 1.35 If there is any matter arising from a student formal complaint that is a systemic issue which requires improvement action this will be reported, by the Training and Compliance Manager, in writing (via email to the EO) so the matter can be recorded in the MRCNWR Complaints Register and be used as part of the continuous improvement activities of the MRCNWR.
- 1.36 Students who are not satisfied with the outcome of the formal complaint are encouraged to appeal against the MRCNWR decision by:
 - Obtaining a copy of the Student appeal form which can be obtained from the Training and Compliance Manager;
 - Completing the Student appeal form;
 - Lodging the Student appeal form with the Training and Compliance Manager.
- 1.37 Once the Student appeal form is lodged with the Training and Compliance Manager it will be dealt with as described in the Internal Appeal Process below.

Appeal Process - assessment

- 1.38 Students appealing an assessment decision (including RPL) will be given the opportunity for reassessment by a different assessor selected by the MRCNWR. Costs of reassessment will met by the MRCNWR.
- 1.39 The recorded outcome from the assessment appeal will be the most favourable result for the student from either the original assessment or the reassessment.
- 1.40 Only one assessment appeal will be allowed.

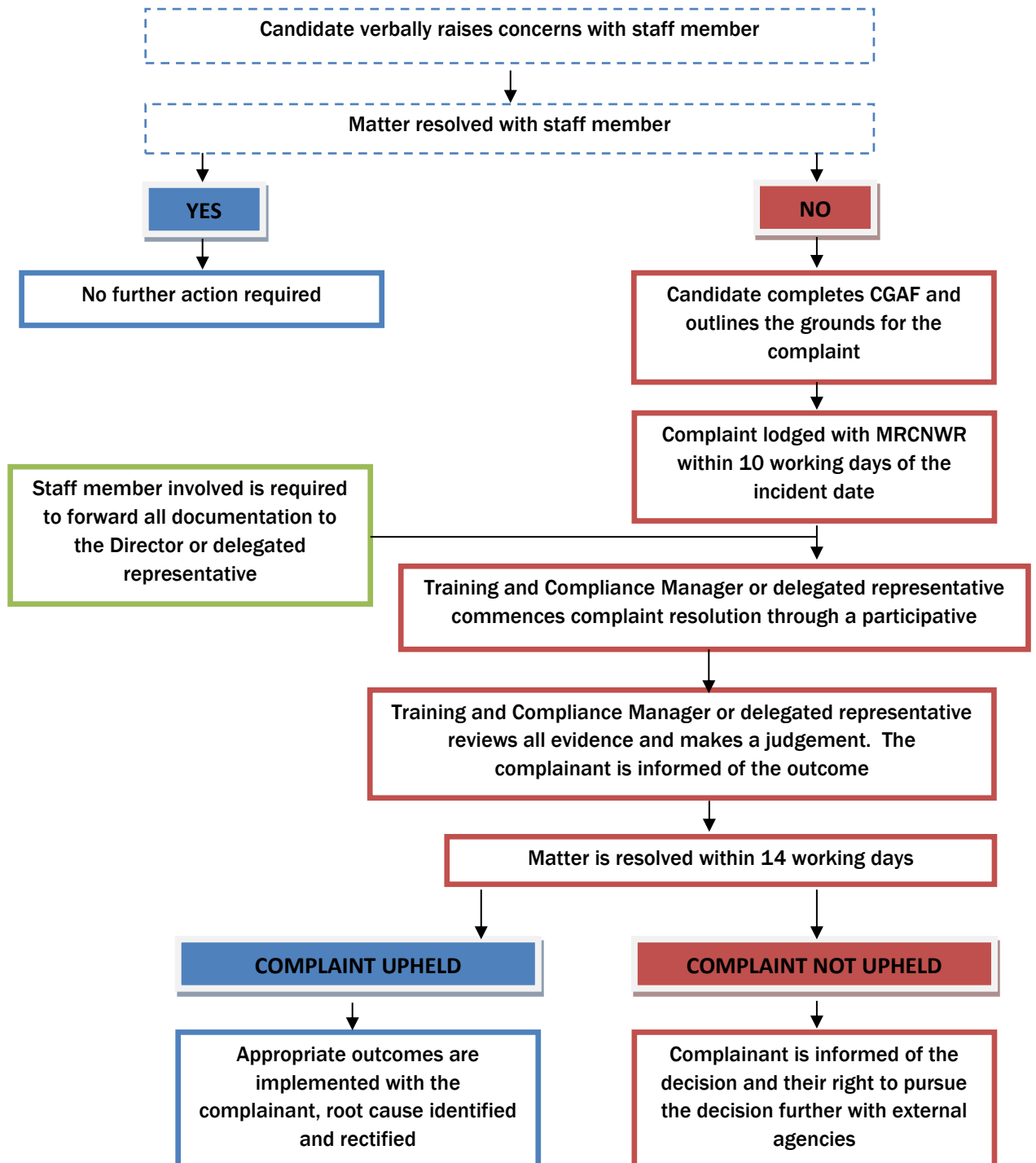
Appeal Process

- 1.41 Students who are not satisfied with the complaint process or the assessment appeal process undertaken by the MRCNWR are encouraged to make an external appeal by:
 - Obtaining a copy of the Student appeal form which can be obtained from the Training and Compliance Manager;
 - Completing the Student appeal form and selecting the Appeal option on the form.
 - Lodging the Student appeal form with the Training and Compliance Manager.
- 1.42 The purpose of the appeals process is to consider whether the MRCNWR has followed its student complaint procedure, not to make a decision in place of the MRCNWR. For example, if a student complains against their subject results and goes through the MRCNWR complaints process, the appeals process (if accessed) would look at the way in which the complaint was conducted. It would not make a determination as to what the subject result should be.
- 1.43 Students wishing to have their appeals addressed externally by the relevant registering authority, are encouraged to contact the VRQA:
 - Online form: <http://www.vrqa.vic.gov.au/StateRegister/Public.aspx/LodgeEnquiry>
 - Telephone: 03 9637 2806
 - Fax: 03 9032 1579.
- 1.44 Following the receipt of the outcome of the appeal the MRCNWR must immediately implement the decision, convey the outcome to the student, place a copy of the documentation on the student file and undertake any improvement actions arising from the complaint



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Complaints Process





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Student's appeal against assessment results

If a Student be assessed as 'Not Yet Competent' in any performance criteria they are to be provided the opportunity to be reassessed. A time for reassessment is to be set.

In the event that a student is again assessed 'Not Yet Competent' and if a student believes that they have not received a fair and accurate assessment of the performance criteria then the following procedure should be followed.

1. Student to discuss points of concern with their Trainer, with particular regard to assessment activities such as:
 - Project work;
 - Group and individual presentation work;
 - Written Tests;
 - Class Activity;
 - Assignment; or

A record of Appeal against results form is to be submitted to the Migrant Resource Centre North West Region trainer.

If after discussing the problem with the Trainer and Assessor the student still believes that the matter requires investigation, then the next measure is to:

2. Bring the matter before the Training and Compliance Manager for further discussion and coordination.

If the matter cannot be resolved by the Training and Compliance Manager then the next measure is to:

3. Discuss the matter with the students' trainer. If deemed appropriate the parties will review the initial assessment and identify an alternative assessment method against the learning outcomes.

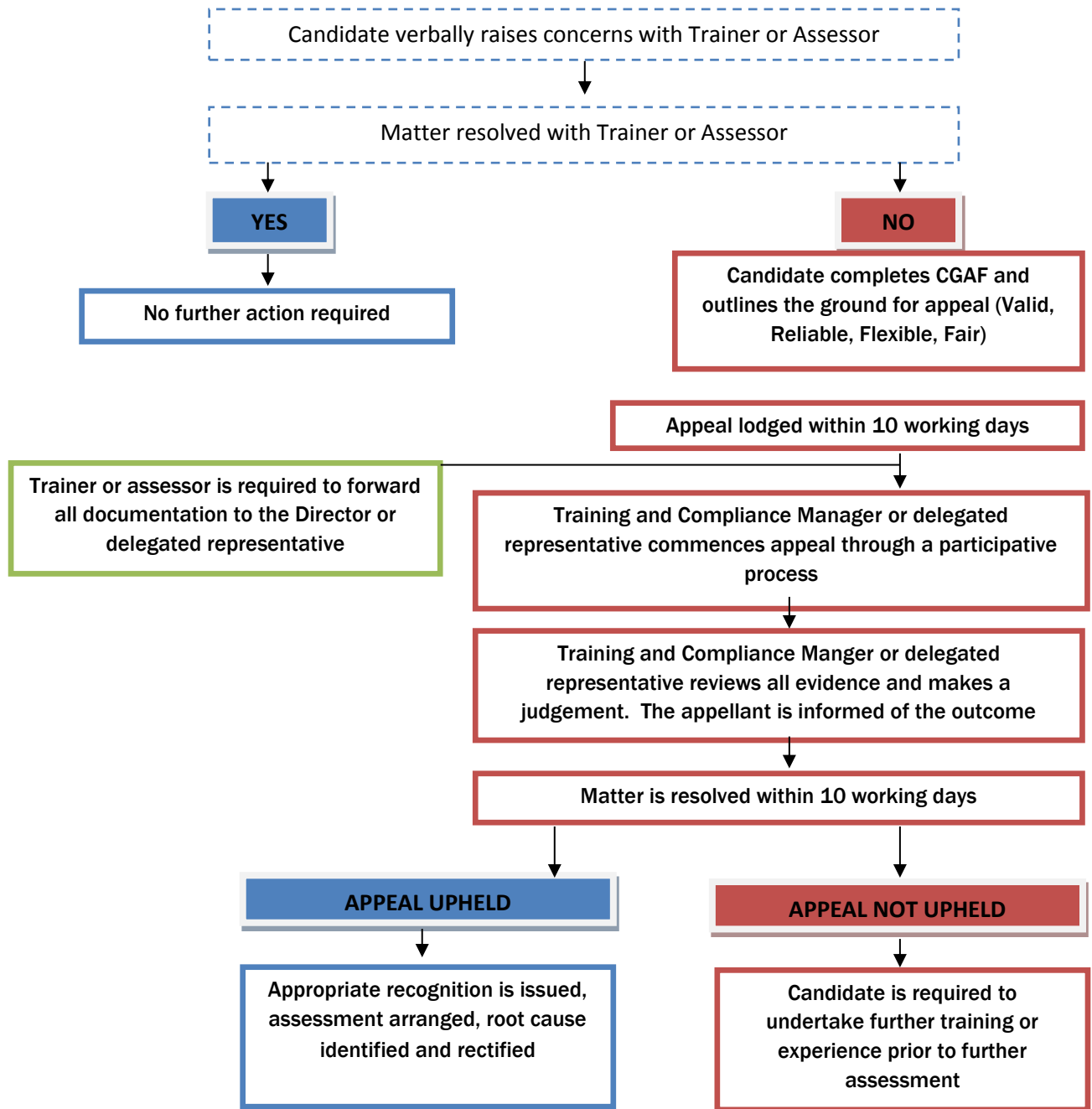
When the appeal has been resolved, a written Statement advising the appellant of the outcome and reasons for the outcome will be given to the appellant.

If at this stage the parties cannot come to an agreement, Migrant Resource Centre North West Region will request that the student formally appeals to:

ACPET (Australian Council for Private Education & Training)
PO Box 551, East Melbourne VIC 8002
Phone: +613 9416 1355
Email: vic@acpet.edu.au



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The above principles are accepted by MRCNWR as a right of every staff member and consultant who works on behalf of MRCNWR.

Administration:

All complaints and appeals will be discussed at CI Meetings for continuous improvement of the processes. All Complaints and Appeals are to be held on file.

Details concerning the scope of the Complaints and Appeals Policy are to be clearly displayed throughout the organisation and contained within the Student Handbook.



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30/09/2016	V1.0 30.9.2016	MRC NWR major review of all policies and procedures against AQTF Essential Conditions and Standards for Registered Training Organisations