

## MANAGE COMPLAINTS AND APPEALS

<b>Purpose:</b>	This policy and procedure has been developed to ensure that MIMT has a system in place so complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.
<b>Reference:</b>	ASQA – Standards for Registered Training Organisations (RTOs) 2015 Manage complaints and appeals (Clause 6.1 – 6.6)  VET FEE-HELP <b>6:</b> Policy and procedural requirements <b>6.2.2.2:</b> Student grievance procedures
<b>Who is responsible:</b>	Director/Campus Manager
<b>When:</b>	Upon submission of a complaint or appeal.
<b>Definitions</b>	<p><b>Academic Grievance</b> - An academic grievance refers to a grievance about assessment, student academic progress, course content and academic achievement in a VET Unit of Study.</p> <p><b>Appeal</b> – Dissatisfaction with a decision made by MIMT</p> <p><b>Complaint</b> – Dissatisfaction with a service offered or treatment received at MIMT</p> <p><b>Complainant/s</b> – refers to students (as defined above) who have lodged an academic or non-academic complaint with MIMT</p> <p><b>Student/s</b> – refers to all persons enrolled or seeking to enrol in a unit of study that meets the course requirements under subclause 45(1) of Schedule 1A of the Act who are, or would be entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the Act.</p> <p><b>Non-academic</b> - matters include those matters which do not relate to student progress, assessment, course content or awards in a course and include complaints in relation to personal information that the provider holds in relation to the complainant. Non-academic grievances tend to arise from events occurring at a provider or from decisions made by a provider and will cover issues such as:</p> <ul style="list-style-type: none"> <li>• complaints in relation to privacy/personal information that the provider holds in relation to the student</li> <li>• harassment,</li> <li>• vilification,</li> <li>• discrimination,</li> <li>• financial matters,</li> <li>• fines and payments,</li> <li>• application procedures,</li> <li>• exclusion from events and facilities. and</li> <li>• the use or misuse of personal information and.</li> </ul>
<b>Policy/ Process:</b>	This procedure applies to all academic, non-academic, informal and formal complaints and grievances submitted by students, prospective students or external parties of MIMT (includes students who are entitled to VET FEE-

HELP). All complaints grievances will be handled professionally in order to achieve a satisfactory resolution.

Students, potential students or external parties of MIMT are entitled to use the complaints procedure as set out in this policy regardless of the location of the campus at which the complaint/grievance has arisen, the student's place of residence or mode in which they study.

All grievances will be managed fairly and equitably and as efficiently as possible.

The student and respondent will not be victimised or discriminated against in any of the stages set out in this policy, nor as a result of a grievance being raised.

MIMT will encourage the parties to approach a grievance with an open view and attempt to resolve issues through discussion and conciliation.

This policy provides an avenue for most complaints and grievances to be addressed. However, where a complaint or grievance cannot be resolved through discussion and conciliation internally, MIMT acknowledges the need for an appropriate external and independent agent to moderate between the parties, as set in the grievance procedures below.

At all stages of the process, the complainant and/or respondent has the right to be assisted by a third party at any relevant meeting.

This policy is communicated to academic and support staff through the Institute's induction processes and on MIMT's website. The Campus Manager is responsible for ensuring all staff are adequately trained in the application of this policy.

Complainants have three stages at which a complaint may be addressed. There is no charge for complainants accessing the internal stages. Costs may apply to the complainant should they wish to access the external appeals process.

## **COMPLAINTS**

Complaints may relate to academic and non-academic related matters.

### **Informal Complaints – Stage 1:**

1. Where possible all non-formal attempts shall be made to resolve the complaint or grievance. MIMT encourages open communication and an environment of trust. Therefore, any complainant with a complaint is encouraged to raise the matter directly with the other party concerned to attempt to resolve the issue mutually or they can contact the Campus Manager.
2. Advice, discussions and general mediation may take place in relation to the issue and complainant/student complaint
3. The Campus Manager will note the informal complaint on the Complaints and Appeals Register accordingly. The Campus Manager will determine and ensure that the appropriate action will be taken if necessary.
4. Any staff member can be involved in this informal process to resolve

issues but if the complainant wishes to place a formal complaint, then the following process must be followed below.

**Formal Complaints – Stage 2:**

- 1) Any student, potential student or 3rd party may submit a formal complaint to MIMT with the reasonable expectation that all complaints will be treated fairly with integrity and privacy. There is no cost for the complaints process unless it is referred to a 3rd party.
  - i) A complaint may have a direct connection to MIMT, its trainers/ assessors or other staff
  - ii) a third party providing services on MIMT's behalf, its trainers, assessors or other staff or
  - iii) a student of MIMT
- 2) A complainant can submit a formal complaint by completing the 'Complaints and Appeals Form' located on MIMT's website or they can obtain a copy by calling MIMT on 9455 1926.
- 3) All formal complaints must be submitted to the Campus Manager and contain as many details as possible:
  - a. Date complaint was submitted
  - b. Name of complainant
  - c. Nature of complaint
  - d. Date of the event which led to the complaint
  - e. Attachments (if applicable)
- 4) Once a complaint has been received, the information will be inserted into the 'Complaints and Appeals Register' spreadsheet which is monitored by the Campus Manager until resolved. The information to be inserted and retained on the register includes:
  - a. Date the complaint was submitted
  - b. Name of complainant
  - c. Description of complaint
  - d. Determined resolution
  - e. Date of resolution
- 5) Once a complaint has been logged in the 'Complaints and Appeals Register', the Director will be notified of the complaint and will be provided with all relevant documentation related to the matter.
- 6) The Campus Manager and Director will confer and decide on the appropriate action in order to ensure a successful resolution is attained.
- 7) The relevant staff member/s or contract trainer/assessors will be informed of the complaint and they will have the opportunity to present their side of the matter.
- 8) Once a decision has been reached, the Campus Manager will notify all of the relevant parties involved of the decision and outcome which is to be concluded in writing and will include details of the reasons for the outcome within 15 working days from the date the complaint was first received. Within the notification of the outcome, the complainant will be advised that they have the right to appeal the decision made by MIMT. The complainant will be referred to the appeals procedure as

outlined below.

- 9) The Campus Manager will ensure that MIMT will act immediately on any substantiated complaint. If the internal or external complaint handling or appeal process results in a decision that supports the complainant, MIMT must immediately implement any decision and/or corrective and preventative action that is required and advise the complainant of the outcome.
- 10) The outcome will be placed on the 'Complaints and Appeals Register' and copies of relevant documentation will be stored on the Z drive: Z:\M.i.m.t\Policies and Procedures\14. Standards for RTOs 2015\Standard 6\Complaints ~ Grievances Received.
- 11) The complainant has the right to be accompanied by any person of their choice during the complaints or appeals process.

### **APPEALS**

Appeals may be made against academic and non-academic related matters.

#### **Formal Appeals (Non-Academic):**

- 1) If the complainant is not satisfied with the outcome from the formal complaint, then they have the right to appeal the decision made by MIMT where reasonable grounds can be established.
- 2) The areas in which a complainant may appeal a decision made by MIMT may include:
  - Assessment conducted
  - Deferral, suspension or cancellation decisions made in relation to a student's enrolment
  - Or any other conclusion/decision that is made after a complaint has been dealt with by MIMT in the first instance
- 3) To activate the appeals process, the complainant must submit an 'appeal application' by completing the 'Complaints and Appeals Form' located on MIMT's website or they can obtain a copy by calling MIMT on 9455 1926.
- 4) The student is required to provide a summary of the grounds that the appeal is based on and the reason why they feel that initial decision made is unfair within 10 working days from the time they received the outcome for their initial complaint. Help and support with this process can be gained from the Student Administration Support Officer.
- 5) Once the appeal has been received, the Campus Manager and Director will then determine the validity of the appeal and where necessary, organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate.
- 6) The process for all formally lodged appeals will begin within 15 working days from the date that the appeal was lodged.
- 7) The Campus Manager will ensure that MIMT acts on any substantiated appeal immediately.
- 8) The Director and Campus Manager will review the initial documentation of the complaint and shall make a decision based on the grounds of the appeal.

- 9) The complainant will be notified in writing within 20 working days from the initial lodgement of the appeal of the outcome with reasons for the decision. The 'Complaints and Appeals Register' will be updated. The complainant will also be provided the option of activating the external appeals process if they are not satisfied with the outcome.

#### **Informal Assessment Appeals (Academic):**

- 1) If a student wishes to appeal an assessment, they are required to notify their assessor in the first instance. Where appropriate, the assessor may decide to re-assess the student to ensure a fair and equitable decision is made. The assessor will be required to complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.

#### **Formal Assessment Appeals (Academic):**

- 1) If the informal assessment appeals process is still not to the students satisfaction, the individual can formally lodge an appeal by completing and submitting the 'Complaints and Appeals Form' to the Campus Manager which can be downloaded from MIMT's website or the student can obtain a copy by ringing the office (03) 9455 1926.
- 2) The Campus Manager will document the information in the Complaints and Appeals Register and obtain details from the assessor and any other parties involved.
- 3) A decision will be made regarding the appeal which will either indicate that the assessment decision remains as is or, details of a possible re-assessment by a 'third party'. The third party will be another assessor appointed by MIMT.
- 4) The student will be notified by writing within 20 working days from the initial lodgement of their appeal regarding the outcome with reasons for the decisions, and the 'Complaints and Appeals Register' updated. The student will also be provided the option of activating the external appeals process if they are not satisfied with the outcome

#### **External Appeals - Stage 3**

- 1) If the complainant is still not satisfied with the outcome/decision made that MIMT has provided, they may wish to refer the matter to an external/independent/third party mediator at their own expense.
- 2) Appeals can relate to academic and non-academic related matters. Students are encouraged to resolve complaints and appeals through the MIMT complaint mechanism prior to consulting external parties.
- 3) If the student is not satisfied by the complaints and appeal outcome, they can contact:

**Dispute Settlement Centre of Victoria (DSCV)**  
**4/456 Lonsdale Street**  
**Melbourne Vic 3000**  
**Telephone: 03 9603 8370**  
**Toll free: 1800 658 528**  
**Email: [dscv@justice.vic.gov.au](mailto:dscv@justice.vic.gov.au)**

This final stage will be addressed within 30 days.

Outcomes from the DSCV mediation in relation to a grievance will be implemented immediately.

### **Extensions**

If more than 60 calendar days are required to process and finalise the complaint or appeal, the Campus Manager will inform the individual in writing, including reasons why more than 60 days are required and regularly update the individual on the progress of the matter.

In most cases this would not be necessary as the timeframes identified in the above processes keep well under 60 days. It may need to happen if an appeal was to reach an external stage.

### **Record Management**

#### 1. *Electronic records:*

- a. Electronic records are safe from loss as the Director performs electronic backups of server information at least once a week on site at MIMT premises.
- b. Confidentiality is maintained as limited staff have access to the database (password protected), and all student / client information is only released as per MIMT's privacy policy. All staff employed by MIMT will be required to apply themselves to the following written procedures and safeguard confidential and personal information according to the Privacy and Protection of Personal Information Act 1998

#### 2. *Hard copy records:*

- a) Confidentiality is maintained – matters relating to a complaint or appeal are stored on the Z Drive where only the Director and Campus Manager have access to
- b) Contents of files are not discarded unless the state and national storage requirements for retention, archiving and retrieval of information have been met.

### **Corrective Action**

Any improvements arising from a complaint, grievance or appeal will be recorded in the continuous improvement register. This register is reviewed by the Director and Campus Manager bi-monthly and appropriate action is taken accordingly.

In the instance that MIMT receives complaints and or appeals which demonstrate a pattern or trend, the Director and Campus Manager will take the appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

The form of corrective action applied will be determined on a case by case basis where there are continuing trends and patterns.

### **Privacy**

MIMT acknowledges and respects the privacy of its students. It is required under the Privacy Act to comply with the National Privacy Principles in respect of the collection, use and disclosure of personal information from individuals.

	<p>All records of grievances and their outcome will be stored and kept strictly confidential.</p> <p>Records of all complaints, grievances, applications for review of decisions and outcomes of the grievance process will be kept for a period of five years. These records will be kept strictly confidential and stored in the office of the Campus Manager. Parties to the complaint will be allowed supervised access to these records at the discretion of the Director or Campus Manager.</p> <p>Approved by: Graeme De Goldi Director 18<sup>th</sup> June 2015</p>
<b>Relevant Records</b>	<ul style="list-style-type: none"><li>- Published policy on MIMTs website</li><li>- Student Enrolment Information Handbook</li><li>- Complaints/Appeals application form (FOR~112)</li></ul>