

COMPLAINTS AND APPEALS POLICY

March 2024

PURPOSE

MiTraining is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (RTOs) 2015. This policy outlines how MiTraining manages complaints and appeals in a fair, transparent and timely manner.

SCOPE

This policy applies to prospective and enrolled students, clients, MiTraining staff and independent contractors involved in the provision of MiTraining products or services.

POLICY STATEMENT

MiTraining seeks to provide a positive and productive experience to support individuals and organisations in achieving their goals. MiTraining recognises that a student or client concern may provide an opportunity for MiTraining to improve its products and services.

MiTraining will ensure that students and clients have access to a fair and equitable process for expressing complaints or appealing an assessment decision, and MiTraining will manage the complaint or appeal with fairness and equity.

TYPES OF COMPLAINTS

A complaint may relate to the conduct of:

- MiTraining and its trainers, assessors or other staff
- A third-party providing services on behalf of MiTraining, its trainers, assessors or other staff

A complaint may include, but is not limited to, the following:

- Course advice and enrolment
- Customer service and administration
- Training/assessment materials and delivery
- Student progress and academic progress decisions
- Issue of certificates and/or statements of attainment
- Marketing and promotional material
- Fees and charges
- Academic integrity
- Bullying, discrimination or harassment

GROUND FOR APPEAL

Valid grounds for an appeal against an assessment decision (where the student feels the assessment decision is incorrect) may include, but is not limited to, the following:

- The assessment process did not provide them with a fair, flexible and reasonable opportunity to demonstrate their competency
- The process used was discriminatory in some way
- They were not informed in advance of the conditions and method of assessment
- Alleged bias of the assessor

POLICY PRINCIPLES

MiTraining takes all reasonable steps to ensure that all prospective students, current students, clients and staff are aware of MiTraining's Complaints and Appeals Policy and where to access necessary resources to submit a complaint or appeal.

In managing complaints and appeals, MiTraining will ensure that:

- The principles of natural justice and procedural fairness are adopted at every stage of the complaints or appeals process
- The Complaints and Appeals Policy is publicly available on the MiTraining website
- Complaints and appeals are treated seriously and dealt with promptly, impartially, sensitively and confidentially
- Complaints will be resolved on an individual basis as they arise
- All students and clients have the right to express a concern or problem and/or lodge a complaint if they are dissatisfied with the training and assessment services that they have been provided (including through a third-party) or the behavioural conduct of another student
- All students have the right to lodge an appeal against an assessment decision if they feel they were unfairly treated during an assessment, and/or where they feel the assessment decision is incorrect and they have grounds for an appeal
- The complaint and appeals resolution procedure emphasises mediation and education while acknowledging that in some instances formal procedures and disciplinary action may be required
- All complaints and appeals will be handled with confidentiality and will not affect or bias the progress of the student in any current or future training
- Victimisation of complainants, respondents or anyone else involved in the complaint or appeals resolution process will not be tolerated

COMPLAINTS PROCEDURE

Informal Process

- MiTraining recommends that students attempt to resolve a complaint directly with the parties concerned through discussion and mutual agreement
- Students may seek support with an informal complaint by discussing it with their trainer who may direct them to other relevant staff members
- Students may be accompanied by a third-party of their choice to support them in the informal process discussion. The student is responsible for any associated fees for the third-party
- If the matter cannot be resolved informally, a formal complaint will need to be lodged with MiTraining
- All informal complaints, once finalised, will be reported to management for further review and consideration for potential continuous improvement actions, regardless of whether the

complaint was resolved or not. Where relevant, the complaint and outcome will be recorded on MiTraining's Continuous Improvement Register

- Details of the complaint and outcome will be recorded on MiTraining's Complaint Register

Formal Process

- Where a student wishes to submit a formal complaint or is dissatisfied with the attempt to resolve a complaint informally, the student may submit a formal complaint by completing the Complaint Form located on the MiTraining website
- Complaints are to be submitted in writing within seven (7) days of the occurrence or incident
- Receipt of the complaint will be acknowledged in writing within five (5) business days
- All reasonable measures will be taken to finalise the process within thirty (30) calendar days
- No fees will be charged to lodge a complaint
- MiTraining will implement appropriate resolution techniques to resolve the issue promptly to the mutual satisfaction of all parties
- On completion of the review, the complainant will be notified of the outcome in writing, including information and procedures concerning the complainant's right to appeal the proposed solution and request for an independent adjudicator
- Where a complaint is recognised as requiring more than sixty (60) calendar days to resolve, MiTraining will inform the complainant in writing, including reasons why more time is required, and will regularly update the complainant on the progress of the matter
- If the complainant is dissatisfied with the outcome, the matter will be forwarded to MiTraining's CEO for review. The CEO will assess and advise on the complaint within seven (7) business days of being notified
- Should the complainant remain dissatisfied with the outcome, they have the right to progress the matter to an independent third-party for further review
- All formal complaints, once finalised, will be reported to the CEO for further review and consideration for potential continuous improvement actions, regardless of whether the complaint was resolved or not. Where relevant, the complaint and outcome will be recorded on MiTraining's Continuous Improvement Register
- Details of the complaint and outcome will be recorded on MiTraining's Complaint Register

APPEALS PROCEDURE

Staff delivering training and assessment services on behalf of MiTraining will be required to:

- Provide timely guidance to students regarding the assessment appeals process
- Clarify any aspects of the assessment results that a student does not understand
- Provide each student that requests an assessment appeal with the required Appeals Form or direct them to the MiTraining website
- Communicate directly via email as soon as possible with management on any advice (written or verbal) provided by a student that they are seeking to appeal an assessment decision

The student should first discuss their concerns with their trainer/assessor. If the matter is satisfactorily resolved during initial discussions, no further action is required.

Where the concern is not satisfactorily resolved, the student may submit a formal appeal by completing an Appeals Form available on the MiTraining website. Appeals made by a student under the age of 18 will require a parent or legal guardian to support the application.

- Appeals are to be submitted in writing within seven (7) days of the initial assessment decision

- Receipt of the appeal will be acknowledged in writing within five (5) business days
- All reasonable measures will be taken to finalise the process within thirty (30) calendar days
- No fees will be charged to lodge an appeal
- Appeals will be processed with the following considerations:
 - Care is taken to ensure that the review is undertaken by a different assessor to the original assessor
 - The review is completed in the absence of the student
 - The second assessor does not sight the original marking notations or marking sheet used by the first assessor
- MiTraining's General Manager will use the Appeals Review Form to make an independent assessment of the application
- On completion of the review, the outcome decision will be communicated to the appellant in writing, clearly identifying management's decision to uphold or overturn the assessment appeal and the reason for the decision
- Where an appeal is recognised as requiring more than sixty (60) calendar days to resolve, MiTraining will inform the appellant in writing, including reasons why more time is required and will regularly update the appellant on the progress of the appeal
- If the appellant is dissatisfied with the outcome, the matter will be forwarded to MiTraining's CEO for review. The CEO will assess and advise on the appeal within seven (7) business days of being notified
- Should the appellant remain dissatisfied with the determination, they have the right to progress the matter to an independent third-party for further review
- All appeals, once finalised, will be reported to the CEO for further review and consideration for potential continuous improvement actions. Where relevant, the appeal and outcome will be recorded on MiTraining's Continuous Improvement Register
- Details of the appeal and outcome will be recorded on MiTraining's Appeals Register

EXTERNAL APPEALS

A review can be undertaken by an independent external third-party on behalf of the student if they are dissatisfied with the outcome of MiTraining's complaint process.

- MiTraining will agree to pay the cost of one mediation session of up to two hours through the Australian Mediation Association.
- Should the matter require further mediation or engagement of another independent third-party, this will be at the student's expense.
- The selection of the independent third-party will be communicated to the student and the selection must be with the mutual agreement of the student
- The independent third-party will be provided with all necessary documentation to review, investigate and mediate the complaint with all relevant parties
- A formal written report and ruling will be finalised within seven (7) business days from the date that all documentation is provided to the independent third-party
- All independent third-party proposed solutions will be final and reported to management and the student in writing with requirement for immediate implementation by both parties

APPEAL OUTCOMES

An investigation into an appeal may result in one of the following outcomes:

- Appeal is upheld. The following options may apply:

- The original assessment will be re-assessed by another assessor
- Appropriate recognition will be granted
- A new assessment will be conducted/arranged
- Appeal is rejected/not upheld. In accordance with the MiTraining Assessment Policy, the student will be required to:
 - Undertake further training or experience prior to further assessment
 - Re-submit further evidence
 - Submit/undertake a new assessment

RESPONSIBILITIES

MiTraining's General Manager is responsible for this policy and may delegate all or part of this responsibility to another MiTraining staff member.

MiTraining's General Manager, or delegate, is responsible for:

- Establishing and maintaining appropriate procedures to oversee and monitor implementation of this policy
- Providing the CEO with an annual report on student complaints
- Escalating complaints which may significantly impact reputational risk to the RTO to the Board of Directors
- Considering complaints lodged by students in relation to academic and non-academic matters as set out in this policy
- Ensuring students are provided with information about, and assist them to resolve, complaints

Details concerning the scope of the Complaints and Appeals Policy are to be clearly displayed throughout the RTO and contained within the Staff Induction Process, Student Handbook and MiTraining website.

ACCESS AND EQUITY

MiTraining provides a fair and reasonable opportunity for individuals to freely participate in the learning environment and be free from discrimination, harassment, bullying and vilification. Please refer to the Access and Equity Policy for further information.

RECORDS MANAGEMENT

All documentation from this policy and associated processes will be maintained in accordance with the Records Management Policy. Specifically, records will include:

Complaints

- How the complaint was dealt with
- The outcome of the complaint
- The timeframes for resolution of the complaint
- The potential causes of the complaint
- The steps taken to resolve the complaint

Appeals

- How the appeal was dealt with

- The outcome of the appeal
- The timeframes for resolution of the appeal
- The potential causes of the appeal
- The steps taken to resolve the appeal

POLICY REVIEW

This policy and accompanying documents will be periodically reviewed in accordance with the Continuous Improvement Policy to identify areas for improvement.

POLICY PUBLICATION

Policies and procedures applicable to prospective and enrolled students, MiTraining staff and contractors are (where appropriate):

- Included in the student induction or staff orientation
- Available on the website
- Available on the student administration/management system or internal electronic system
- Available by request

NOTES

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| <i>Related Policies/Procedures:</i> | <i>Access and Equity Policy Assessment Policy Continuous Improvement Policy</i> |
| <i>Related Documents/Forms:</i> | <i>Appeals Form Appeals Review Form Appeals Register Complaint Form Complaints Register Student Handbook</i> |
| <i>Related Legislation:</i> | <i>Competition and Consumer Act 2010 Fair Trading Legislation and Regulations National Vocational Education and Training Regulator Act 2011 Standards for Registered Training Organisations (RTOs) 2015 Trade Practices Legislation and Regulations</i> |
| <i>Approved By:</i> | <i>Chief Executive Officer</i> |
| <i>Date of Next Review:</i> | <i>18/03/2025</i> |

COMPLAINTS AND APPEALS FLOWCHART

