

# POL008 COMPLAINTS AND APPEALS POLICY

*This policy applies to both Southern Training Organisation RTO#91378 and MBA Group Training Limited RTO#88163*

The complaints and appeals policy is in place to ensure that all complaints are dealt with in a constructive and timely manner, affording all parties the opportunity to be heard and providing natural justice in the handling of all complaints and appeals.

## COMPLAINTS AND APPEALS GUIDELINES

1. The RTO is committed to continuous improvement and approach complaints as an opportunity to refine and improve our service delivery.
2. The RTO respects both privacy and natural justice considerations when handling complaints or appeals.
3. The RTO will ensure this policy is publicly available and is published on our website and an excerpt is provided in the student handbook.
4. Students are able to raise any concerns relating to training delivery or assessment, the quality of the teaching, discrimination, student amenities, sexual harassment or any other issues which may arise.
5. Any learner or staff member can raise a complaint involving the conduct of the RTO, our trainers/assessors, other staff members, anyone delivering training/assessment on our behalf or another learner of the RTO.
6. Students may have decisions on their assessments reviewed if they feel a decision has been made in error.
7. Complaints received will be addressed and resolved within 60 days.
8. If the RTO requires more than 60 days to resolve any complaint or appeal, the RTO will write to all parties involved and explain why it requires more time and give an expected date that a resolution will be made. The RTO will keep all parties informed during this time in writing.
9. Students will be notified in writing of outcomes of all formal complaints/appeals, including reasons for the decision. Outcomes will be decided based on current Government Legislation, Standards for RTOs 2015, our Policies and Procedures, Rules of Evidence, Principles of Assessment and natural justice principles.
10. If any party to the complaint is not satisfied with the outcome, they may appeal the decision with the RTO.
11. Complainants or those appealing an assessment outcome have the opportunity to have their matter reviewed by a third party external to the RTO. The cost of any external review will be covered equally by the RTO and the complainant/appellant.
12. Complaints will be managed in accordance with the *Privacy Policy*. This means that all personal information collected by MBA is used only for the purpose it is collected for and will only be shared on a need to know basis.

13. Anonymous complaints will be addressed, however there may be limited outcomes for matters raised this way.
14. The complainant can withdraw a complaint at any time during the process. However, depending on the nature of the complaint, MBA may be required to continue with its enquiries.
15. Must be lodged within 12 months of completion of course.
16. Must be lodged within 1 month of a formal complaint outcome.
17. Assessment Result Appeals must be lodged within 1 month of assessment decision.

## COMPLAINTS PROCEDURE

The following tables detail the steps to be followed by both the RTO and complainant when handling a complaint.

### INFORMAL COMPLAINT

Students who have concerns relating to the delivery of training and/or assessment, the RTO, trainers/assessors, RTO staff or another learner should firstly discuss the matter with the relevant trainer/assessor or staff member (as appropriate). If the concern is unable to be resolved the student may lodge a Formal Complaint.

### FORMAL COMPLAINT

Learners may lodge a formal complaint at any stage of the student lifecycle.

- a) The complainant will be required to complete the Complaints and Appeals Form which is available on the website ([www.mba.org.au](http://www.mba.org.au)) or may be requested from any staff member and posted to learners.
- b) The complainant is required to submit the completed Complaints and Appeals Form to the RTO by:
  - i. Post: Training Director, MBA Group Training, P.O Box 1211, Fyshwick, ACT 2609
  - ii. Email: Training Director - [training@mba.org.au](mailto:training@mba.org.au)
- c) The Complaint will be reviewed by the Training Director \*
- d) A confirmation of receipt will be sent to the complainant and a show cause letter will be sent to the person to whom the complaint refers to.
- e) All parties to the complaint will have the opportunity to address the complaint or respond to the allegation/s.
- f) The Training Director\* will assess all information and make a decision based on all available information – after taking into account the complaint and responses and any other investigation which may take place.
- g) The Training Director\* will write to all parties involved setting out the decision and reasons for decisions.

- h) If any party is not satisfied with the outcome of the decision, they may appeal the decision and ask for a review of the decision. Decision appeals will be reviewed by the CEO\*.
- If the complainant is still not satisfied with the outcome of the decision they may ask for a review of the decision by an independent mediator as outlined below or may complain directly to the Australian Skills Quality Authority (details below).

*\*if the complaint is about the Training Director it will be reviewed by the CEO if the complaint is about the CEO it will be reviewed by the MBA Board.*

## APPEALS PROCEDURE

Assessment is the process of collecting evidence and making judgments about whether competency has been achieved. Assessments are carried out in accordance with the Principles of Assessment and Rules of Evidence.

Learners who feel they have been assessed unfairly should discuss with the assessor directly. If the matter is not resolved satisfactorily, it should be taken to the Training Director in an attempt to resolve the issue at this level. Should the learner still be dissatisfied, they have the right to lodge an Assessment Result Appeal.

### LODGING AN ASSESSMENT RESULT APPEAL

- a) The learner is the only person who can lodge an assessment result appeal.
- b) Assessment Result Appeals must be lodged within 1 month of assessment results being recorded.
- c) The learner is required to complete the Complaints and Appeals Form. Forms can be downloaded from [www.mba.org.au](http://www.mba.org.au)
- d) The learner is required to submit the completed Complaints and Appeals Form to MBA Group Training by:
  - Post: Training Director, PO Box 1211, Fyshwick ACT 2609
  - Email: Training Director, [training@mba.org.au](mailto:training@mba.org.au)
- e) MBA Group Training will strive to resolve any Assessment Result Appeals within 28 working days of lodgment.
- f) Assessment Result Appeals will be reviewed against the Principles of Assessment and the Rules of Evidence. Students will be notified of the outcome.

## TIMELINE AND RESPONSIBILITIES

The RTO is committed to providing a timely resolution to all complaints. The timeframes below provide guidance, but may vary based on the nature, complexity and scope of the issues. If timeframes vary, all parties are to be advised.

### TIMELINE

ACTION	ESTIMATED TIMELINES
<b>Acknowledgement of Complaint</b>	Within 5 working days of receipt
<b>Meeting with Complainant</b>	Within 10 working days of receipt
<b>Notify respondent of Complaint</b>	Within 5 working days of confirmation of allegations
<b>Respondent submits a written response</b>	Within 5 working days of notification
<b>Complaints must be lodged</b>	Within 12 months of completion of a course
<b>All complaints resolved</b>	<p>Within 60 days</p> <p>If the RTO requires more than 60 days to resolve a complaint or appeal, the RTO will write to all parties involved and explain why it requires further time and provide expected date a resolution will be made. The RTO will keep all parties informed during this time in writing.</p>
<b>Appeals must be lodged</b>	Within 1 month of assessment results being recorded
<b>Appeals resolved</b>	<p>Within 28 days</p> <p>If the RTO requires more than 28 days to resolve a complaint or appeal, the RTO will write to all parties involved and explain why it requires further time and provide expected date a resolution will be made. The RTO will keep all parties informed during this time in writing.</p>

## RESPONSIBILITIES

### Complainant

- **Complaints should be made in a reasonable manner free from threats to any individual.**
- **Act respectfully.**
- **Recognise that the respondent has the right to be made aware of the complaint and the right to respond in a fair process.**
- **The complaint should only be discussed with the parties involved in its resolution.**

### Respondent

- Recognise the complainant's right to raise their concerns.
- Work constructively towards resolution and participate in the resolution process.
- Avoid behaviour such as to victimise, harass or give adverse treatment to the complainant or others involved in resolving the complaint.
- Only discuss complaint with the parties involved in its resolution.

### Complaint Manager

- Address all complaints professionally.
- Treat all parties with sensitivity, respect and courtesy.
- Model behaviour that promotes high standards of behaviour and keeps all parties informed throughout the process.
- Treat complaints quickly, courteously, fairly and within the timelines specified.
- Advise all parties of how long it will take to deal with the issue and keep them informed of the progress.
- Advise parties of their right to have a support person present at interviews.
- Avoid any potential bias or conflict of interest.

## EXTERNAL AUTHORITIES

If a complainant is still dissatisfied or is unsatisfied with the fairness of the process, they have the right to lodge a complaint externally with an appropriate agency or body such as one of those listed below;

- ACT Government Fair Trading
  - Ph: 132281
  - Web: [www.ors.act.gov.au/community/fair\\_trading](http://www.ors.act.gov.au/community/fair_trading) OR <http://www.act.gov.au/browse/topics/law-and-justice/consumer-rights>
- Australian Human Rights Commission
  - Ph: 1300 656 419
  - Web: <https://www.humanrights.gov.au/>
- Australian Capital Territory Civil & Administrative Tribunal
  - Ph: 02 62071740
  - Post: GPO Box 370 Canberra ACT 2601
  - Email: [tribunal@act.gov.au](mailto:tribunal@act.gov.au)
  - Web: <http://www.acat.act.gov.au/>

- WorkSafe ACT
  - Ph: (02) 6207 3000
  - Email: [worksafe@act.gov.au](mailto:worksafe@act.gov.au)
  - Web: [http://www.worksafe.act.gov.au/health\\_safety](http://www.worksafe.act.gov.au/health_safety)
- Australian Skills Quality Authority (ASQA)
  - Ph: 1300 701 801
  - Email: [enquiries@asqa.gov.au](mailto:enquiries@asqa.gov.au)
  - Web: [www.asqa.gov.au](http://www.asqa.gov.au)
- Department of Training and Education ACT
  - Ph: (02) 6207 5111
  - Email: [skills@act.gov.au](mailto:skills@act.gov.au)
  - Web: [www.det.act.gov.au/](http://www.det.act.gov.au/)

#### DOCUMENT INFO

Relevant Standards: Standards for Registered Training Organisations (RTOs) 2015 – Standard 1, Standard 2, Standard 5, Standard 6

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