

## Complaints and Appeals Policy & Procedure

### 1. Policy

This policy/procedure supports the RTO to provide a process for complaints and appeals to be heard and actioned. This includes any allegations involving the conduct of:

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

All complaints and appeals received by Mint International College (MIC) will be viewed as an opportunity for improvement.

Despite all efforts of MIC to provide satisfactory services to its students and clients, complaints may occasionally arise that require formal resolution. The following procedures provide students and clients the opportunity to have any issues relating to a substantiated complaint or appeal resolved and resolutions reached that attempt to satisfy all parties involved. This complaints and appeals process will be at no cost to the student or client (unless referred to a third party; see procedure for more details).

### 2. Procedure

The complaints and appeals policy and procedure and applicable form is made available to all students, potential students, and clients by directly contacting the RTO, through the RTO's website, and within the student information handbook.

#### 2.1 General Complaints

Where possible all non-formal attempts shall be made to resolve the issue. This may include advice, discussions, and general mediation in relation to the issue and the complainant's issue. Any staff member can be involved in this informal process to resolve issues but once a complainant has placed a formal complaint / appeal the following procedures must be followed:

- Any student, potential student, or third party may submit a formal complaint to MIC with the reasonable expectation that all complaints will be treated with integrity and privacy. There is no cost for accessing the internal complaints and appeals process.
- Complainants have the right to access advice and support from independent external agencies / persons at any point of the complaint and appeals process. Use of external services will be at the complainant's costs unless authorised by the CEO.
- Any person wishing to submit a formal complaint or appeal can do so by completing the 'Complaints and Appeals Form' and state their case providing as many details as possible. This form can be gained by contacting Student Administration at the RTO, or through the RTO website.
- All formally submitted complaints or appeals are submitted to the Student Administration. Complaints are to include the following information:
  - Submission date of complaint
  - Name of complainant;

- Nature of complaint ;
  - Date of the event which lead to the complaint
  - Attachments (if applicable)
- Once a formal complaint is received it is to be entered into the ‘Complaints and Appeals Register’ which is monitored by the CEO regularly. The information to be contained and updated within the register is as follows:
    - Submission date of complaint
    - Name of complainant
    - Description of complaint / appeal
    - Determined Resolution
    - Date of Resolution
  - A complainant may be assisted or accompanied by a support person regardless of the nature of the issue or complaint throughout the process at all times.
  - The staff receiving the complaint (Student Support Officer) shall then refer the matter to the appropriate staff to resolve, or make a decision on the complaint within 10 working days and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint. In the unlikely event that the complaint is not finalised within 60 calendar days, the RTO shall ensure that the complainant shall be provided reasons for the delay, and will be regularly kept informed and updated of the progress of the matter.
  - Once a decision has been reached the SSO shall be required to inform all parties involved of any decisions or outcomes that are concluded in writing. Within the notification of the outcome of the formal complaint the complainant shall also be notified that they have the right of appeal. To appeal a decision the RTO must receive, in writing, grounds of the appeal. Complainants are referred to the appeals procedure.
  - The SSO shall ensure that the RTO will act immediately on any substantiated complaint. If the internal or any external complaint handling or appeal process results in a decision that supports the complainant, the registered provider must immediately implement any decision and/or corrective and preventative action that is required, and advise the complainant of the outcome.
  - Copies of all documentation, outcomes and further action required will be placed into the ‘Complaints and Appeals Register’ by Student Administration and on the students file / complainant’s file.

## 2.2 Appealing a Decision

All complainants have the right to appeal decisions made by MIC where reasonable grounds can be established. The areas in which a complainant may appeal a decision made by MIC

Training may include:

Assessments conducted

Deferral, suspension, or cancellation decisions made in relation to the student’s enrolment

Or any other conclusion / decision that is made after a complaint has been dealt with by MIC in the first instance.

To activate the appeals process the complainant is to complete a 'Complaints and Appeals Form' which is to include a summary of the grounds the appeal is based upon. The reason the complainant feels the decision is unfair is to be clearly explained and help and support with this process can be gained from Student Support Services.

The SSO shall then determine the validity of the appeal and organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate.

The process for all formally lodged appeals will begin within 10 working days of the appeal being lodged.

The Training Manager shall ensure that MIC acts on any substantiated appeal.

Where an appeal has been lodged it will be defined into one of the following categories and the appropriate procedures followed.

### **2.3 General appeals**

Where a complainant has appealed a decision or outcome of a formal complaint they are required to notify MIC in writing within 20 working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal.

The appeal shall be lodged through Student Administration and they shall ensure the details of the appeal are added to the 'Complaints and Appeals Register'.

The SSO shall be notified and shall seek details regarding the initial documentation of the complaint and shall make a decision based on the grounds of the appeal.

The complainant shall be notified in writing of the outcome with reasons for the decisions, and the 'Complaints and Appeals Register' updated. The complainant shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The complainant is required to notify MIC if they wish to proceed with the external appeals process.

### **2.4 Assessment appeals**

Where a student wishes to appeal an assessment, they are required to notify their Trainer & Assessor in the first instance. Where appropriate the Trainer & Assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The Trainer & Assessor shall complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.

If this is still not to the student's satisfaction, the student shall formally lodge an appeal by submitting a written letter outlining their reasons for the appeal. They shall lodge this with student administrations department and the appeal shall be entered into the 'Complaints and Appeals Register.'

The Academic Manager shall be notified and shall seek details from the Trainer & Assessor involved and any other relevant parties. A decision shall be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a 'third party'. The third party shall be another Trainer & Assessor appointed by MIC.

The student shall be notified in writing of the outcome with reasons for the decision, and the 'Complaints and Appeals Register' updated. The student shall also be provided the option of

activating the external appeals process if they are not satisfied with the outcome. The student is required to notify MIC if they wish to proceed with the external appeals process

## 2.5 External Appeals and Further Information:

There is an external complaint/appeal process available to students if they have exhausted the above college/internal complaint and appeal procedures and still feel unsatisfied.

International students who wish to lodge an external appeal can do so through the Overseas Students Ombudsman. See the Overseas Students Ombudsman website [www.oso.gov.au](http://www.oso.gov.au) or phone 1300 362 072. The Overseas Students Ombudsman offers a free and independent service for overseas students who have a complaint or want to lodge an external appeal about a decision made by their training provider. MIC agrees to be bound by the independent mediator's recommendations and the CEO, or their nominee, will ensure that any recommendations made are implemented within 30 days of receipt of the mediator's report. Each complaint, grievance, appeal and its outcome will be recorded in writing and each party to the complaint is given a written statement of the appeal outcomes, including reasons for the decision.

Students may also seek legal redress through the usual court processes if they feel unsatisfied. They may also approach other agencies relevant to their specific situation;

- The Ombudsman
- The Privacy Commissioner
- The Equal Opportunity and Human Rights Commissions
- Department of Education and Training

Students may choose to contact the Department of Education and Training;

Department of Education and Training  
GPO Box 9880  
Melbourne VIC 2601

<http://education.gov.au/contact-department>

If the problem resolution fits within equal opportunity guidelines, it will be managed under MIC's relevant policies and procedures. The procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and procedure limits the rights of individuals to act under Australia's Consumer Protection laws. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.

## 3. Natural justice

The principle of Natural Justice underpins the duty to act fairly includes two rules: the fair dealing rule and the no bias rule. This means that all parties must be given the opportunity to present their case, be fully informed about allegations and decisions made and have the right to be represented by another person.

In addition, a decision maker must have no personal interest, beyond the scope of their role in this process and must be unbiased. If the decision maker cannot meet these requirements they must immediately withdraw from the process. The procedure shall have regard to the duration of an overseas student's stay in Australia. In order to expedite the process, students shall also have regard

for this and not unduly interfere with the mediation agent or the procedure. Should interference by the student affect the normal process of events, MIC shall not be held responsible for the consequences.

#### 4. Responsibility

The Student Support Officer is responsible for maintaining the Complaints and Appeals Register.

The General Manager is responsible for effective implementation and management of this policy and procedure.

The Compliance Officer is responsible for gathering and maintaining the data for QA purpose and making recommendations to the CEO for Corrective and Preventive actions.

The CEO has overall responsibility for the implementation and review of this policy.

Any complaints or breaches in relation to this policy should be reported to the Chief Executive Officer in person or by email to: [contact@minttraining.com.au](mailto:contact@minttraining.com.au)

#### 5. Further information

If, after the RTO's internal complaints and appeals processes have been completed, you still believe the RTO is breaching or has breached its legal requirements, you can submit a complaint to ASQA by completing the online complaint form: <https://rms.asqa.gov.au/registration/newcomplaint.aspx> (ASQA website: [www.asqa.gov.au](http://www.asqa.gov.au) )

Except in exceptional circumstances, you must attach evidence to your complaint form showing: that you have followed your RTO's formal complaints procedure, and the RTO's response.

ASQA's processes require you to identify yourself to ASQA as a complainant, although you may request that your identity is kept confidential throughout any investigation that ASQA undertakes.

Further References: SRTO 2015: 6.1, 6.2, 6.3, 6.4, 6.5, 6.6

The National Code 2018: 3.3.7, 6.1.6, 7.5.2, 10.1, 10.2, 10.3, 10.4

#### Other Relevant Documents

- Students Complaints and Grievance Form
- Student Handbook
- Student Code of Conduct