

Complaints and Appeals Handling Policy and Procedure

Purpose & Legislative Background

Based on Standard 10 National Code of Practice for Providers of Education and Training to Overseas Students 2018 Melbourne Institute of Business and Commerce has an internal complaint handling and appeals process in place. Professional, timely, inexpensive, and documented complaints handling, and appeals processes ensure that grievances between overseas students and registered providers can be heard and addressed. Additionally, as per clauses 6.1-6.6 of Standard 6 of Standards for Registered Training Organisations 2015, Melbourne Institute of Business and Commerce is responsible for implementing a policy that will provide the scope, turn-around time, and record management of a complaint.

The purpose of this policy is to provide all enrolled students at Melbourne Institute of Business and Commerce with information about its policies and procedures for handling internal complaints, third party reviews, and external appeals. This policy is also freely and easily accessible on the Melbourne Institute of Business and Commerce Website.

Scope

This policy applies to and may involve issues concerning the conduct of:

- Melbourne Institute of Business and Commerce as an organisation, its trainers, assessors, or other staff.
- Third-party services (if any) are provided on behalf of Melbourne Institute of Business and Commerce, its trainers, assessors, or other staff.
- a student at Melbourne Institute of Business and Commerce.

This is an important point to note in understanding that this policy has a broad application and is not simply relevant to complaints that may be made by students. A complaint may be made by an employer about Melbourne Institute of Business and Commerce or by the trainer about the conduct of the student. Throughout this policy, we refer to the person making a complaint as simply the complainant.

Policy

Informal Complaints

Due to the nature and possible outcomes of informal complaints, the authority to deal with informal complaints is any person be it a trainer, assessor, or another staff member. It is generally expected and accepted that informal complaints and their outcomes will not be recorded.

The trainer, assessor or other staff member receiving an informal complaint will make all efforts to address the concerns of the learner or complainant through an informal exchange of information, to clarify and understand the nature of the complaint and attempt to resolve the issues presented.

Once the nature of the complaint is found the trainer, assessor or other staff member is required to work with the learner or complainant to close the complaint with an agreed outcome.

If the outcome will incur a cost to Melbourne Institute of Business and Commerce, the CEO is to be notified for the expenditure to be approved and actioned.

Formal Complaints and Appeals

Melbourne Institute of Business and Commerce will handle all formal complaints and appeals fairly, professionally, equitably, confidentially, and promptly, to achieve a satisfactory resolution as soon as practicable. Written records of all formal complaints and appeals will be kept in detail on files and provided to the complainant upon request.

All complaints and appeals will be reviewed as part of the continuous improvement process and where corrective action has been highlighted while achieving resolution, it will be implemented as a priority.

Principles of resolution

Melbourne Institute of Business and Commerce is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, Melbourne Institute of Business and Commerce ensures that complaints and appeals:

- Are responded to consistently and transparently.
- Are responded to promptly, objectively, with sensitivity and confidentiality.
- Can be made at no cost to the individual.
- Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.

Melbourne Institute of Business and Commerce will inform all persons or parties involved in any allegations made as well as provide them with an opportunity to present their side of the matter.

Nothing in this policy and procedure limits the rights of an individual to act under Australia's Consumer Protection laws and it does not circumscribe an individual's rights to pursue other legal remedies.

Where a student chooses to access this policy and procedure, Melbourne Institute of Business and Commerce will maintain the student's enrolment while the complaints/appeals handling process is ongoing.

Melbourne Institute of Business and Commerce will in the first instance always endeavour to resolve complaints/disputes informally. Students are encouraged to first talk to a member of staff as soon as a problem arises.

- Where possible the complaint will be dealt with immediately by the Compliance Officer/Student support officer as they seek to resolve the issue informally.
- If the staff are unable to resolve the informally; the formal complaints process will commence within 10 working days of Melbourne Institute of Business and Commerce receipt of a written complaint or appeal and supporting information.
- Melbourne Institute of Business and Commerce will take all reasonable steps to finalise the process within 10 days from commencement or as soon as practicable.
- For complaints with added complexity, for example, in an instance where a review is conducted by independent parties, resulting in the complaint taking longer to resolve, all parties will be notified in writing if the resolution will take longer than 10 days. The reason/s for the delay will be provided in writing to the complainant.
- The complainant will be provided with a written statement of the outcome of each stage of the complaint/appeal, including details of the reasons for the outcome.
- If a student chooses to access Melbourne Institute of Business and Commerce complaints and appeals processes, Melbourne Institute of Business and Commerce must maintain the student's enrolment while the complaints and appeals process is ongoing.
- If the internal or external complaint handling or appeal process results in a decision that supports the student, Melbourne Institute of Business and Commerce must immediately implement any decision and/or corrective and preventative action and advise the student of the outcome.
- Melbourne Institute of Business and Commerce will respond to any complaint or appeal an overseas student makes regarding their dealing with the College, the college's agents, or any related party the College has arrangements with to deliver a course or related services.

- The college must advise students that are unsuccessful or unsatisfied with the college's internal complaints or appeals process, within 10 working days of the decision being made, of the student's right to access an external complaints and appeals process at minimal or no cost to resolve the dispute.
- The college must advise the student of the contact details of the appropriate external complaints handling and appeals body.
- If the student is not satisfied with the result or conduct of Melbourne Institute of Business and Commerce's internal complaints and appeals process, Melbourne Institute of Business and Commerce will assist the student to access independent mediation at minimal or no cost to resolve the dispute.
- Students can contact the Overseas Student Ombudsman directly.
- The college may decide to exclude a student from attending classes but continue to provide work to complete outside of the classroom environment. The college acknowledges that denying students learning opportunities throughout the appeals process may disadvantage the student should the appeals process find in their favour.
- Melbourne Institute of Business and Commerce will not report a student for unsatisfactory progress or attendance until the student has been allowed to access our internal and **ONE** external complaint and appeals process.
- Melbourne Institute of Business and Commerce will await the outcome of this process (and if, in favour of the provider) before reporting the student through PRISMS.
- If the appeal is against the College's decision to defer, suspend or cancel a student's enrolment due to misbehaviour or breach of college rules, Melbourne Institute of Business and Commerce will notify DESE/DHA via PRISMS of a change to the student's enrolment after the outcome of the internal appeals process.
- Complaints/appeals against **academic decisions will be accepted up to ten (10) working days from the date an assessment result was received.**

Independent mediation is available through the Dispute Resolution Branch, Department of Justice, and Attorney-General.

At present, there is no fee for use of this service, but this may change.

If mediation is sought, the mediator is required to report the outcome of the mediation, including any recommendations arising, within 10 days of the completion of the review. Once the college receives the report of the outcomes from independent mediation, they will provide a written report to the complainant

within 10 working days, detailing the recommended actions to resolve the grievance.

Making a complaint or appeal

Complaints about a particular incident should be made as soon as possible after the incident occurs and appeals must be made within ten (10) working days of the original decision being made.

Formal complaints and appeals must be made in writing using the Melbourne Institute of Business and Commerce Student Complaints and Student Appeals Form, as appropriate, or other written format and sent to Melbourne Institute of Business and Commerce's head office attention to the Chief Executive Officer.

When making a complaint or appeal, provide as much information as possible to enable Melbourne Institute of Business and Commerce to investigate and determine an appropriate solution. This should include:

- The issue you are complaining about or the decision you are appealing – describe what happened and how it affected you.
- Any evidence you must support your complaint or appeal.
- Details about the steps you have already taken to resolve the issue.
- Suggestions about how the matter might be resolved.

Your complaint or appeal will be acknowledged in writing via email or post within 10 working days.

Complaint or appeal procedure

An individual enrolled in a course or otherwise covered by this policy who has a complaint or appeal on any matter, will be allowed to present their case. The individual should undertake the following steps:

- In the first instance, an informal approach is to be made to the person with whom the individual has the complaint, to see if the matter can be resolved in a mutually satisfactory way. Melbourne Institute of Business and Commerce will always seek to resolve issues informally at the workplace level where possible.
- If not satisfied OR unable to undertake Step one (1), the individual is required to submit a formal complaint as early as possible in writing for investigation.
- An investigation **must be** commenced within 10 working days of written/formal lodgment.
- The complainant (and support person if required) will be invited to attend a meeting to discuss / formally present the complaint/appeal at no cost to them. This meeting is to be conducted by the CEO or delegated staff for non-academic complaints and the Academic Manager for academic

complaints.

- The investigating officer must provide a written outcome of the complaint/investigation to the complainant and the Chief Executive Officer within 10 days of the written receipt wherever possible or as soon as practicable.
- If the complainant is not satisfied with the outcome of the complaint resolution process, they may appeal. The appeal will ordinarily be conducted by the Chief Executive Officer and must commence within 10 business days of receipt of the Student Appeal Form.
- The Chief Executive Officer can request further information and evidence as required to conduct the appeal. Once completed, the outcome of the appeal will be provided in writing to the appellant within 10 business days of the outcome.
- If the internal or external complaint or appeal process results in a decision that supports the student, Melbourne Institute of Business and Commerce will implement any decision and/or corrective and preventative action required and advise the student of the outcome within the given timeframe.
- College must advise students that are unsuccessful with the college's internal complaints or appeals handling and process, within 10 working days of the decision being made, of the student's right to access an external complaints and appeals process at minimal or no cost to resolve the dispute.
- Written records of all complaints and appeals will be kept in detail at each stage (including corrective and preventative action, reasons, and outcomes) on student files and provided to the student upon request.

Resolution of complaints and appeals

- Additional members of the management team of Melbourne Institute of Business and Commerce may be involved in resolving complaints and appeals as outlined in the procedures as determined by the Chief Executive Officer from time to time.
- Where a complaint or appeal involves another individual or organisation, they will be allowed to respond to any allegations made.
- Where a third-party delivering services on behalf of the Melbourne Institute of Business and Commerce is involved, they will be included in the process of resolving the complaint or appeal.
- In the case of an assessment appeal, an assessor who is independent of the original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task.

Timeframes for resolution

Complaints and appeals will be finalised within 10 working days unless there is a significant reason for the matter to take longer. In matters where additional time is needed, the complainant or appellant will be advised in writing of the reasons and will be updated weekly on the progress of the matter until such a time that the matter is resolved.

Records of complaints and appeals

Melbourne Institute of Business and Commerce will maintain a record of all complaints and appeals and their outcomes on the Complaints and Appeals Register, which will be securely stored according to the Privacy Policy & Procedures.

Independent parties

- Melbourne Institute of Business and Commerce acknowledges the need for an appropriate independent party to be appointed to review a matter where this is requested by the complainant or appellant and the internal processes have failed to resolve the matter.
- Complainants and appellants can find an appropriate independent party by calling the Resolution Institute on 02 9251 3366 or by searching the following directory, according to their locality and area of concern: <https://www.resolution.institute/disputeresolverdirectory>;
- Costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by Melbourne Institute of Business and Commerce.
- Melbourne Institute of Business and Commerce may also appoint the independent party to be involved in the resolution of a complaint or appeal where it is deemed necessary.
- Melbourne Institute of Business and Commerce will provide complete cooperation with the external mediator investigating the complaint/appeal and will be bound by the recommendations arising out of this process.
- The Chief Executive Officer will ensure that any recommendations made are implemented within ten (10) working days of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation.

External complaint avenues

Complaints can also be made via the following avenues:

National Training Complaints Hotline:

The National Training Complaints Hotline is a national service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency/authority/jurisdiction to assist with their complaints. Consumers can register a complaint with the National Training Complaints Hotline by:

- Phone: 13 38 73, Monday–Friday, from 8 am to 6 pm nationally.
- Email: ntch@education.gov.au
- For more information about the National Training Complaints Hotline, refer to the following webpage: <https://www.education.gov.au/NTCH>

Australian Skills Quality Authority (ASQA):

Complainants may also complain to Melbourne Institute of Business and Commerce's registering body, the Australian Skills Quality Authority (ASQA).

ASQA can investigate complaints about Melbourne Institute of Business and Commerce concerning:

- the quality of our training and assessment
- our marketing and advertising practices

For students:

ASQA may not be able to investigate complaints if you do not include evidence that you have already exhausted our formal internal complaints process as above.

- If your complaint does not fall within ASQA's jurisdiction, it may be resolved more quickly if you directly contact the agency responsible as listed on the relevant webpage below.
- Please refer to the following webpage below before making a complaint to ASQA:
<https://www.asqa.gov.au/complaints/complaints-about-training-providers>

For other stakeholders:

Information about the process and information you should provide is available here:

<https://www.asqa.gov.au/students/complaints>

Overseas Students Ombudsman

The Ombudsman provides an external complaint and appeals process for overseas students of private education providers.

If you wish to lodge an external appeal or complain about a decision made by the college, you can contact the Overseas Students Ombudsman. 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 private education or training provider.

- See the Overseas Students Ombudsman website [Overseas Students - Commonwealth Ombudsman](#) or
- Phone 1300 362 072 for more information or
- Email: ombudsman@ombudsman.gov.au

Commonwealth ESOS Regulator

DESE through the [ESOS online inquiry form](#) or the ESOS helpline (02) 6240 5069.

The student may send through a complaint at any point, including after he or she has exhausted the provider's internal appeals process and the external appeals process. DESE will only intervene where Melbourne Institute of Business and Commerce's appeals process was not conducted correctly or if Melbourne Institute of Business and Commerce did not make the appeals process available to the student. DESE will only look at whether the appeals process met the requirements of the National Code. The DESE's role is not to judge whether the outcome was right or wrong.

Management Action and Responsibility

Refer to the RSA Matrix for details.

The policy must be approved by the CEO before it takes effect