

# COMPLAINTS AND APPEALS POLICY AND PROCEDURE

## 1. POLICY PURPOSE AND INTENT

Moorabbin Aviation Services Pty Ltd (MAS) views resolution of a constructive and valid complaint as a way of improving our organisation. We will comply with the ESOS National Code 2018 Standard 10 and the Standards for Registered Training Organisations (RTOs) 2015 Standard 6 to respond to complaints about our educational services, our staff, learners, any third party providing services on our behalf, or the organisation generally and its practices.

Our complaints process ensures the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process by;

- making the policy publicly available and explained;
- accessibility so a complainant can lodge complaints initially in person or phone and formal complaints can be lodged by email, letter or using the MAS complaints and appeals form;
- ensuring formal complaints are acknowledged in writing within reasonable timeframes;
- protecting the complainants rights;
- allowing lodgement of a complaint without charge;
- handling complaints in a manner that protects individual's privacy;
- treating complaints in a fair, transparent, equitable, objective and unbiased manner
- providing a process which will effectively resolve a variety of complaints with acceptable timeframes;
- ensuring complaints are monitored, recorded and reported to the appropriate people;
- ensuring that where a student's appeal relates to a decision to cancel the student's enrolment, MAS will wait for the complaints process to be completed before student cancellation proceeds;
- providing the complainant/appellant with a written statement of the outcome, including the reasons for the outcome;
- providing for a review by an appropriate independent external party if the processes fail to resolve the complaint or appeal, and
- ensuring all complaints are an input or trigger point to our continuous improvement process.

## 2. Policy Scope

This complaints and appeals policy and procedures applies to all students, persons seeking enrolment, instructors and staff of Moorabbin Aviation Services as well as the general public who may have reason to raise a complaint or a subsequent appeal against a complaint decision with our organisation.

## 3. Definitions

**Complaint** refers to an expression of dissatisfaction with academic or non-academic services or situations, which may include behaviour of a staff member or student of MAS. A complaint can be raised by any person who believes there are sufficient facts and reasons to support a claim against another party or parties or against a decision made.

**Appeal** is a process for requesting a review of an official complaint decision.

**Formal Complaint** is a complaint made in writing as per this policy and procedures.

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**Informal Complaint** refers to an unofficial complaint that has not been formalised in writing and which may be resolved through discussion and verbal or written agreement.

**Complainant** refers to the person who raises a complaint.

**Appellant** refers to a person who lodges a formal appeal against a previous complaint decision/outcome.

**Academic Complaints** relate to a decision made about training delivery or an assessment process or outcome, failure by a student to meet satisfactory academic progress, and/or the quality of the course delivery or resources.

**Non Academic Complaint and Appeal** refers to a complaint or appeal in relation to a non-educational service provided by MAS, directly or indirectly via a third party and which may refer to a person, department, organisation or service activity.

**Domestic Student** refers to a student of MAS who is an Australian Citizen or a permanent resident of Australia who is enrolled at MAS.

**International Student** refers to a student of MAS who is not an Australian Citizen or permanent resident of Australia who is enrolled at MAS.

**ASQA** is the Australian Skills Quality Authority which has a complaints process, whereby they accept complaints about training providers from students, their representatives and other members of the community.

**Negotiation** is an attempt to reach agreement by discussion.

**Overseas Students Ombudsman** is a role created under the Education Services for Overseas Students (ESOS) Legislation Amendment Act 2011 to assist International Students resolve complaints and help private Education Providers improve policies and practices to enhance the quality of International Education in Australia.

### 4. COMPLAINTS PROCESS

#### *Informal Complaints Process*

Step 1:

- If students have a complaint about training or some other aspect of vocational education then it is discussed with the instructor or assessor and preferably resolved through negotiation at that time.
- Complaints relating to an assessment decision/outcome must be raised within **5 working days** of the decision.
- If students, staff or other persons have a complaint about the organisation, staff or other students, and they are unable to negotiate an acceptable outcome or are unable to approach the person directly concerned with the complaint, then they should speak directly to the *Chief Executive Officer*.

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### ***Formal Complaints Process***

#### Step 2:

- If the complaint is not resolved in Step 1, then the complaint can be documented by the complainant onto the Complaints and Appeals Form which can be located through our website or obtained from the office. The complaint is lodged through an Instructor or directly to the Chief Executive Officer, and may be lodged in person or by attachment to an email.
- If a student chooses to access our complaints and appeals processes, Moorabbin Aviation Services Pty Ltd will maintain the students' enrolment while the complaints and appeals process is ongoing.

#### Step 3:

- The Chief Executive Officer will acknowledge the complaint in writing within **5 working days** of its receipt.
- Acknowledge of a complaint from a student must include advice that if they are not satisfied with the outcome of the internal complaints and appeals process, they have a right to access an external appeals process and that they can locate contact details for relevant external parties on the Complaints and Appeals Policy.

**NOTE:** Where the RTO considers more than **60 calendar days** are required to process and finalise the complaint or appeal, MAS will:

- a) inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
- b) regularly update the complainant or appellant on the progress of the matter.

#### Step 4:

- The Chief Executive Officer may refer the complaint to one or more Instructors or staff to further investigate.
- Complaints are investigated fairly and objectively and the complainant has the right to have their version of events heard in the resolution negotiation and have an independent advocate present.
- Details of the investigation are provided in writing to the complainant within **20 working days or as soon as possible** from lodgement of the complaint. The details will state the outcomes/decision and reasons for the decisions made. The complainant is advised that they have a right of appeal which must be lodged within **20 working days** of MAS providing the advice of the decision.
- The complainant may withdraw the complaint at any time and this will stop the process and the matter will be deemed resolved.

### **Appeal Process**

#### Step 5:

- Where the complainant is not satisfied with the outcome, the complainant (now appellant) will submit a written appeal against the decision on the Complaints and Appeals Form and submit this to the Chief Executive Officer. This is to be clearly marked as an appeal. The appeal application is acknowledged in writing within **5 working days** of its receipt.

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- The Chief Executive Officer will include other senior members of staff who have not been involved in the matter, or an independent party, to further investigate the appeal and determine a decision/outcome.
- This appeal panel will determine if there are grounds for the appeal. At this point a meeting or phone interview is held with the appellant to further discuss their concerns and their desired outcomes. The appellant has a right to include an independent mediator (at their cost). Other staff or students may also be interviewed.
- The appellant will be advised in writing **within 10 working days** if there are grounds for the appeal to proceed.

### Step 6:

- Following further investigation the outcome will be to either uphold the original complaint decision, or will overturn or modify the original complaint decision.
- Full details and explanation of the appeal decision are provided to the appellant in writing, **within 30 days**, advising reasons for the decision, and advising the appellant that they have the right to refer to an independent external party if they are not satisfied with the decision. *Refer to example independent external parties listed at the end of this policy.*

### Step 7:

- All formal complaints are recorded in the **Complaints Register**, including how the matter was dealt with and the outcome, including timeframes.
- Where the complaint or appeal is found to be substantiated, the investigation person or team will complete an **Improvement Request Form** and advise the **Chief Executive Officer** of the outcome.
- All decisions or recommendations in favour of a student will be implemented immediately.
- The **Compliance Manager** will note the outcome on the **Complaints Register**.
- The **Compliance Manager** will close out the complaint when the complaint has been resolved or closed, and will ensure all documents are securely maintained in appropriate files.

### Step 8:

- Where the resolution results in a decision or recommendation in favour of a student, MAS will immediately implement the decision or recommendation and take preventative or corrective action required by the decision and advise the student of the action taken.
- Where the resolution requires a documented change to policies and/or procedures, the **Compliance Manager** notifies the **Chief Executive Officer** of the change to ensure that the procedure for document change is followed.

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### **External referrals**

#### **Australian Mediation Association**

<http://ama.asn.au/>

#### **Overseas Students Ombudsman (for Overseas Students)**

<http://www.ombudsman.gov.au/about>

Phone 1300 362 272 - Hours 9.00am to 5.00pm Monday to Friday

#### **National Training Complaints Hotline**

<https://www.education.gov.au/NTCH>

Phone: 13 38 73 – Select Option 4

#### **Australian Competition & Consumer Commission**

<https://www.accc.gov.au/contact-us>

Phone 1300 302 502

#### **ASQA**

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

#### **Dispute Settlement Centre of Victoria**

<http://www.disputes.vic.gov.au/>

#### **Victorian Human Rights and Equal Opportunity Commission**

<http://www.humanrightscommission.vic.gov.au/>

#### **Consumer Affairs Victoria**

<https://www.consumer.vic.gov.au/>

Phone 1300 55 81 81