



National Provider No. 40666

Complaints and Appeals Policy and Procedure

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Complaints and Appeals Policy and Procedure

Introduction

This policy has been implemented to allow all staff/contractors, students and stakeholders of Masters in Building Training to be aware of their right to an appeal of and/or make a complaint against any decision or fact that has affected their employment, study experience or outcome.

Scope

This policy applies to all staff/contractors and students and stakeholders of Masters in Building Training and adheres to the Standards for Registered Training Organisations 2015 and all government funded programs.

Policy-Procedure

All complaints and appeals will be treated seriously and dealt with promptly, impartially, sensitively and confidentially. To protect the rights of both the complainant and the respondent, the following principles will be observed:

- The consideration of complaints and appeals will be dealt with according to principles of procedural fairness and natural justice which respect the right of a complainant to be heard by an impartial party;
- Attempts will be made to resolve complaints and appeals with and by the person(s) involved;
- Complainants and respondents will not be subject to discrimination or harassment resulting from their participation in the complaints process;
- This complaints process does not restrict a person's right to pursue other legal remedies;
- Complaints will be accepted in two formats. Formal and informal. An informal complaint can be made verbally and the resolution documented.
- Formal complaints are to be received in writing on the Complaints and Appeals Form and the resolution documented;
- Complaints and/or respondents have the right to be accompanied and assisted by a support person (such as a family member, friend, counsellor or other professional support person other than a qualified legal practitioner) if they so desire;
- All communications arising from the complaints process, together with the proceedings of the Appeals Committee, will remain confidential, except to the extent necessary to give effect to this policy;
- Where the appeal relates to the suspension of enrolment, students may maintain their enrolled status whilst awaiting the outcome of the appeal;

- At all stages of the process, reason and a full explanation for decision and actions taken as part of the procedures will be given in writing if so requested by the complainant or respondent;
- A complainant is entitled to access the appeal procedures regardless of the location at which the complaint has arisen, the complainant's place of residence, or the mode in which they study.

POSITION/AREA	RESPONSIBILITY
CEO	<ul style="list-style-type: none"> • Ensure all stakeholders are aware of and understand the principles expressed in this policy. • Monitor implementation and make recommendations for amendment.
Apprenticeship Manager, Trainers, Compliance Manager	<ul style="list-style-type: none"> • Ensure all students are aware of and understand the principles expressed in this policy. • Monitor implementation and make recommendations for amendment.
Compliance Manager	<ul style="list-style-type: none"> • Ensure all information regarding complaints and appeals are expressed throughout the organisation, kept current and reviewed in line with the continuous improvement policy and procedure. • Monitor implementation and make recommendations for amendment.
Respondents	<ul style="list-style-type: none"> • Ensure all appeals are assessed in the spirit of the principles expressed in this policy, and in accordance with the related policies.
Complainants	<ul style="list-style-type: none"> • Be aware of and understand the principles expressed in this policy. • Lodge appeals in accordance with the related policies.

Appealing a Decision

All Students have the right to appeal decisions made. The areas in which a student may appeal a decision made by Masters in Building Training may include:

- Assessments conducted
- Deferral, suspension or cancellation decisions made in relation to the students enrolment
- Or any other conclusion/decision that is made after a complaint has been made with Masters in Building Training in the first instance.

To activate the appeal process the student 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 student feels the decision is unfair is to be clearly explained.

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

The process for all formally lodged appeals will begin with ten (10) working days of the appeal being lodged.

The CEO and/or delegate shall ensure that Masters in Building Training acts on any substantiated appeal.

Where an appeal has been lodged, it will be defined into one of the follow categories and appropriate procedures followed:

General appeals

- Where a student has appeals a decision or outcome of a formal complaint they are required to notify Masters in Building Training in writing within twenty (20) working days of the grounds of their appeal. Any supporting documentation should be attached to the appeal.
- The appeal shall be lodged through the Training Manager and they shall ensure that the details of the appeal are added to the 'Complaints and Appeals Register'.
- The CEO or/or delegate 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 student shall be notified in writing of the outcome with reasons for the decisions, 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 Masters in Building Training if they wish to proceed with the external appeals process.

Assessment appeals

- Where a student wishes to appeal an assessment, they are required to notify their Trainer and /or Assessor in the first instance. Where appropriate the Trainer/Assessor may decide to reassess 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 Compliance or apprenticeship manager shall be notified and shall seek details from the Trainer and Assessor involved and any other relevant parties. A decision shall be made regarding the appeal either indicating the assessment decision or details of a possible re-assessment by a 'third party'. The third party shall be another Trainer and Assessor appointed by Masters in Building Training.
- 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 Masters in Building Training if they wish to proceed with the external appeals process.

Complaints and Appeals Procedure

Introduction

As part of the approach by Masters in Building Training to provide a fair, safe and productive work/study environment, access to information about Complaints and Appeals processes shall be made available fairly, consistently and promptly.

This procedure can be utilised by staff/contractors, students, third party providers and other stakeholders to submit a grievance of a business, academic or non-academic nature. Grievances of an academic nature include issues related to a student’s progress, assessment and outcome in a Vocational Education Training (VET) course of study. Grievance of a non-academic nature covers all other matters including grievances in relation to personal information that Masters in Building Training holds in relation to that stakeholder.

Scope

This policy applies to all staff/contractors, students, third party providers and other stakeholders of Masters in Building Training.

Procedure – Informal Complaint

Steps	Action
1	<ul style="list-style-type: none"> Complainant to establish basis for complaint and discuss with relevant staff/contractor, student, third party provider and/or another stakeholder
2	<ul style="list-style-type: none"> Respondent to directly communicate with complainant
3	<ul style="list-style-type: none"> Complainant to resolve complaint with the respondent
4	<ul style="list-style-type: none"> If the matter cannot be resolved at a local level or if the complainant is not satisfied with the outcome, either the complainant or the respondent can refer the matter to Compliance or Apprenticeship Manager

Procedure – Formal Complaint

Formal complaints and grievances must be submitted in writing marked to the attention of the CEO. Formal complaints only proceed after initial informal complaint has been finalised.

Steps	• Actions
1	<ul style="list-style-type: none"> • Complainant to submit complaint to the Compliance or Apprenticeship Manager on the Complaints and Appeals form, specifically including but not limited to: <ul style="list-style-type: none"> • The basis for the complaint • Details of the exact nature of the complaint • Signed and dated by the complainant
2	<ul style="list-style-type: none"> • Complaint to be acknowledged and resolved by the Compliance or Apprenticeship Manager within two (2) working days
3	<ul style="list-style-type: none"> • If the complaint cannot be resolved within two (2) days, the Compliance or Apprenticeship Manager shall convene an Independent Complaints Committee to review the matter <ul style="list-style-type: none"> • The Independent Complaints Committee shall be convened within ten (10) working day of receipt of the complaint • The Independent Complaints Committee shall consist of a representative of Masters in Building Training’s Management, and a Masters in Building Training staff member and an advocate of each party, which may be the complainant and/or the respondent, along with an independent stakeholder (which can be a contract trainer/assessor).
4	<ul style="list-style-type: none"> • All parties involved will be invited to discuss/resolve complaint within the committee
5	<ul style="list-style-type: none"> • If the complaint cannot be resolved within the committee, the complaint may be taken to the CEO for a final decision, following investigation the complainant will be notified within five (5) working days of the resolution of the complaint, resolution must include but not limited to: <ul style="list-style-type: none"> • The outcome of the complaint • Reasons for the outcome • Further avenues of the complaint

External Mediation Services

Administrative Appeals Tribunal (AAT)

The current fee to lodge an application with the AAT for the review of a decision can be found on the AAT website: www.aat.gov.au/FormsAndFees/Fees.htm

LEADR – Association of Dispute Resolution

Lead offer the follow services in and Western Australia:

- Free referral services: LEADR will furnish the profiles of three available mediators for the client to select from. Costs for mediation provided may apply.
- Extended facilitation service. For a negotiated fee, LEADR will assist the client further in choosing a mediator and will handle the administrative arrangements of the mediation.

Telephone: (02) 9251 3366, Free call: 1800 651 650,

FAX: (02) 9251 3733, Email: leadr@leadr.com.au

Staff/contractors, students and other stakeholders may access an external mediation or support service at any time, although typically will only become involved when all other options made available by Masters in Building Training have been exhausted.

Record Keeping and Confidentiality

A written record of all grievances handled under this procedure and their outcomes shall be maintained for a period of at least five (5) years, to allow all parties to the grievances appropriate access to these records, upon written request to:

The CEO Masters in Building Training

PO BOX 124

ST PETERS NSW 2044

or

info@mibt.edu.au