

**Date of Implementation**

13<sup>th</sup> May 2024

**Date Reviewed**

May 2024

**Date Due for Review**

May 2025

## **Complaints and Appeals Policy and Procedure (Clause 6.1 - 6.6)**

### **Purpose**

This policy and procedure are to provide clear and practical guidelines to ensure that complaints and appeals received about MiHaven Training, about and from students, Trainer and Assessors, staff and/or third parties can be resolved equitably and efficiently, and in accordance with the principles of natural justice.

As part of MiHaven Training's commitment to providing a fair, safe and productive learning environment; students, parents and guardians of students under 18 years of age, and individuals seeking to enrol, have the right to lodge a complaint if they believe they have been treated in a manner which is likely to have an unreasonable negative impact on them.

Complaints will be managed equitably, fairly and in a confidential and timely manner. Every attempt will be made to ensure that complainants and respondents are protected from victimisation and discrimination in any of the stages described in the procedure.

### **Scope**

Complaints may be of an academic or non-academic nature:

- Academic complaints relate to:
  - Student learning materials and resources
  - Assessment tools, methods and processes
  - Outcome of assessment processes
  - Training delivery methods
  - MiHaven Training its Trainer and Assessors, other staff and stakeholders
- Non-academic complaints may relate to:
  - A third-party providing services on the Registered Training Organisations (RTO's) behalf, its Trainers and Assessors or other staff
  - A student of MiHaven Training
  - Administrative processes
  - Customer service-related issues
  - Fees and charges
  - Any other issues not directly related to training delivery and assessment

Informal processes will be used to resolve issues where possible and prior to initiating formal or external complaint processes.

The respondent to a complaint has the right to respond to the matters raised. A person raising a formal complaint has the right to lodge an appeal and students will have their enrolment maintained while the complaint procedure is ongoing. Complainants and respondents to a complaint have the

right to be accompanied or supported by a third party at any relevant meeting (including informal and formal) of the procedure.

## Definitions

**Complaint** - is any expression of dissatisfaction with an action or service of the Registered Training Organisation (RTO).

**Appeal** - is where a student or staff member or stakeholder of MiHaven Training or another interested party disputes a decision arising from a complaint, an assessment decision, or another decision made by MiHaven Training.

**Complaints and appeals** can arise from but not limited to matters of concern relating to:

- Training delivery and assessment
- The quality of the training
- Student support
- Materials
- Discrimination
- Harassment

**Natural Justice** - is concerned with ensuring procedural fairness. It involves:

- Decisions and processes free from bias
- All parties having the right to be heard
- All parties having a right to know how and of what, they are involved/accused
- Investigating a matter appropriately before a decision is made
- All parties being told the decision and the reasons for the decision

**Person** – is the someone making the complaint (complainant or appellant) and can be an individual, a group or an entity/organisation.

## Policy

MiHaven Training believes that a person, who has a complaint or appeal, has the right to raise the complaint or appeal and expect that every effort will be made to resolve it in accordance with this policy, and without prejudice or fear of reprisal or victimisation. The person has the right to present the complaint or appeal formally and in writing.

MiHaven Training will manage all complaints and appeals fairly, equitably and as efficiently as possible. MiHaven Training will encourage the parties to approach the complaint or appeal with an open mind, and to resolve problems through discussion and conciliation.

MiHaven Training seeks to prevent complaints by ensuring high levels of satisfaction with its training and assessment, its performance as an RTO and with its public image. If a complaint should arise, all staff are expected to be fair, courteous and helpful in all dealings with the person making the complaint or lodging the appeal, and to assist or refer where they can.

Where a complaint or appeal cannot be resolved through discussion and conciliation, MiHaven Training acknowledges the need for an appropriate external and independent person/party to mediate. The parties involved will be given the opportunity to formally present their case in an independent forum. Confidentiality will be maintained throughout the process of making and resolving complaints/appeals. MiHaven Training seeks to protect the rights and privacy of all involved, and to facilitate the return to a comfortable and productive learning environment.

A copy of this Policy is available to the public, all stakeholders, students and staff via the MiHaven Training website.

## Procedure

Should a person have a complaint or appeal, the following steps are to be followed:

1. Discuss the issue directly with those involved to try and resolve it verbally.
2. If no resolution is reached, discuss the issue with Training Operations Manager to see if it can be resolved.
3. If this resolves the situation, the outcomes will be put in writing and signed by both parties. One of the two copies of the outcome will be placed on file with the Training Operations Manager and securely stored.
4. If there is still no resolution, the person should put the following information relating to the complaint or appeal in writing to the Training Operations Manager; Kris Hunt-[kris@mihaven.edu.au](mailto:kris@mihaven.edu.au)

This **written notification** can be made using the complaints and appeals form on our website, hard copy or over the phone (07 4041 0407 with a dictation made by MiHaven Training representative), and must include:

- A description of the complaint or appeal
  - A statement about whether the person wishes to formally present their case
  - Information about any prior steps taken to deal with the complaint or appeal
  - What they would like to happen to fix the problem and prevent it from happening again
5. A written acknowledgement of receipt of the complaint/appeal will be forwarded to the complainant in an efficient manner.
  6. The Training Operations Manager will either deal with the issue personally or arrange for it to be dealt with by a management representative. This process must commence as soon as practicable from the time the Training Operations Manager receives the written notification and a response/resolution must be presented within twenty eight (28) working days.
  7. The Training Operations Manager will:
    - Undertake a preliminary enquiry to determine nature of the complaint/appeal
    - Inform other relevant parties (if necessary)
    - Provide all parties an opportunity to present their case (with a support person and/or parent/guardian if a student is under 18 years of age)
    - Discuss with the parties any resolution and any arrangements required by MiHaven Training
    - Record the outcome of discussion on Complaints Form and/or Student Assessment Appeals Form
    - Provide the outcome in writing to the person (and other parties if relevant)
  8. Should the issue still not be resolved to the person's satisfaction, MiHaven Training will make arrangements for an independent party to resolve the issue and outline any costs that may be involved to the person.
  9. All parties involved will receive a written statement of the outcomes, including reasons for the decision within the twenty eight (28) working day period. If the process is taking longer than sixty (60) days from the complaint or appeal being received, the person will be notified in writing of the reason for the delay and kept informed of all progress.
  10. If the person is still not happy with outcomes from the independent process, they may take their complaint to the VET Regulator - the Australian Skills Quality Authority.
    - Information about the process can be found at: <https://asqaconnect.asqa.gov.au/> or at the National Complaints Hotline at: <https://www.education.gov.au/NTCH>
  11. From any substantiated complaints and appeals, the causes will be reviewed as part of the RTO's continuous improvement processes, and appropriate corrective action will be taken to prevent

- or reduce the likelihood of reoccurrence. Actions will be recorded on the Continuous Improvement Register and/or Corrective Action Register.
12. Any complaint that is related to illegal activity, such as theft, assault etc., will be immediately referred to the appropriate authority.
  13. All documentation relating to complaints or appeals will be stored securely as per the Records Management Policy and Procedure.
  14. MiHaven Training's Director and Training Operations Manager will be personally responsible for the implementation and maintenance of the policy.

### ***Complaints or Appeals***

Complaints and appeals are managed in a fair, efficient and effective manner. MiHaven Training will endeavour to resolve all formal complaints within twenty eight (28) working days of the receipt of the written complaint. If you are not satisfied with an academic decision or a procedural matter, you have the right to complain or appeal in the following manner:

- Informal approach made to the Trainer and Assessor concerned if it is an academic appeal. This is always the best first step, as often a satisfactory resolution can be made in the first instance.
- If you are still dissatisfied with a decision, you may appeal in writing to the Training Operations Manager who will conduct a formal review and may get another assessor to review your submissions. Please use the Complaints Form and/or Student Assessment Appeals Form which is available from MiHaven Training website.
- Where the complaint is not related to study or assessment, the Training Operations Manager will conduct an investigation into the complaint and provide a written response of the outcome.
- If still dissatisfied, you can request a hearing with an external independent person. This will be organised by MiHaven Training on your behalf and may incur fees.

If, after the above steps are completed, you are still not satisfied with the outcome or the process, you may contact the National Training Complaints Hotline on 13 38 73 or email them at [NTCH@education.gov.au](mailto:NTCH@education.gov.au) and lodge a formal complaint outside of MiHaven Training.

### ***Suggestions and Feedback***

MiHaven Training encourage all feedback, both positive and negative. If you have identified a barrier, run into a problem, want to share your feedback or have a suggestion which you feel we should know about, please approach any MiHaven Training staff member or your Trainer and Assessor. All students have the opportunity to complete a Mid-Course and/or End of Course Survey, which is automatically sent out to the students email accounts via the SMS. This is reviewed monthly by the Compliance Officer, and suitable actions are undertaken and logged within the appropriate registers.

### ***Informal Complaint***

In the event of a complaint, the student is required to follow the following procedures to ensure the issue is resolved:

- If a student wishes to lodge a complaint, they should raise their concerns with the party or parties concerned as soon as possible.
- The staff member who receives the complaint should determine, as far as possible, what the complainant wants to achieve, they may wish for example, simply to have their point of view heard or they may wish to take the complaint further.
- If the student feels unable to approach the individual/s concerned directly or are not satisfied with the initial response to their complaint, they should then take their complaint to the next formal level.
- In such instances a student should communicate directly with their trainer, who will make a decision and advise the student directly.

- If the student is dissatisfied with the outcome they may then choose to communicate the complaint to the MiHaven Training, who will make a decision in regards to proceeding with a formal complaint or appeal.
- Alternatively, if a student is dissatisfied with the decision made by the MiHaven Training, they may initiate a 'formal complaint' by completing and submitting a Complaints Form.

### ***Formal Complaint***

- Where an informal complaint cannot be resolved, the student must bring the matter to the attention of the MiHaven Training's, Training Operations Manager.
- The student is required to lodge their complaint in writing by completing a Complaint Form; this form is available from our website.
- The student must:
  - Fill out all required details on the form and attach any relevant documentation and submit the form to MiHaven Training.
- All internal investigations of complaints, reviews and appeals are provided at no cost to the complainant.
- All formal complaints or appeals are managed by the Training Operations Manager, every effort will be made to resolve all formal complaints within twenty eight (28) working days of the receipt of the written complaint.
- Where resolution of complaints will take longer than sixty (60) calendar days, the complainant or appellant will be advised in writing of the reasons and will be regularly updated in writing.
- If a student is still not satisfied, with the outcome of the formal Complaints and Appeals procedure the Training Operations Manager may refer them to an external mediator or may advise them of the appropriate body where they can seek further assistance.

### ***Interview Review***

- Upon receiving the student's completed complaints and appeals form MiHaven Training will investigate the students' claim.
- The initial investigation will conclude with a recommended course of action that specifically addresses the complaint.
- Where necessary a meeting between complainant and the other stakeholder involved will be arranged to resolve the matter.
- Where such a meeting takes place, MiHaven Training agrees that the complainant may be accompanied and assisted by a Third Party.

### ***Assessment Appeals***

Students have the right to appeal assessment results. This is not part of the usual complaints process and are done in conjunction with the Trainer and Assessor and other RTO staff as appropriate. To lodge an assessment appeal, discuss at first instance your trainer. Assessment appeals are negotiated on an individual basis and MiHaven Training allow for assessment of individual student circumstances. Assessment appeals are resolved as soon as practicable of the appeal being raised with MiHaven Training.

### ***Appeals and External Review***

Should a complainant not agree with the resolution, an appeal may be lodged. Appeals must be made within twenty-one (21) days of receiving the complaint resolution in writing and submitted to MiHaven Training. The circumstances of any appeal are analysed by the RTO Director of MiHaven Training.

Should the student continue to be dissatisfied with the outcome of a complaint and appeal, they may request the matter be referred to an external dispute resolution process by a body appointed for this purpose.

Student may contact directly:

**Queensland Training Ombudsman**

**P.O. Box 15090**

**City East QLD 4002**

**Free Call: 1800 773 048 (note: calls from mobiles may attract a charge)**

**Website: <https://trainingombudsman.qld.gov.au/>**

**Email: [info@qto.qld.gov.au](mailto:info@qto.qld.gov.au)**

The process of external dispute resolution may have associated costs; it is recommended that complainants inquire about this liability prior to progressing. MiHaven Training can provide details of this cost upon inquiry. Upon resolution, MiHaven Training will take the necessary steps to implement any recommendations arising from the external dispute resolution process as soon as practicable.

## **Record Keeping**

A full and detailed record of the complaint process, including all documentation and meeting minutes will be kept on the students' file. Documented records are maintained by MiHaven Training for a period of no less than five (5) years.

Records can be accessed by the student in writing and all student records are to remain Confidential and Private. All complaints and appeals lodged are recorded onto the MiHaven Training complaints and appeals register.

## **Publication**

MiHaven Training's Complaints and Appeal Policy and procedure is made available on our website.

