



# Complaints, Grievances and Appeals Procedure

Updated on 03/05/2019

# Purpose and Scope

Management Consultancy International (trading as MCI Institute, RTO: 91088) is committed to providing an effective, efficient, timely, fair and confidential complaints grievance handling procedure for all Students.

## Definitions

**The Act** refers to the Higher Education Support Act 2003

**Student/s** refers to all persons enrolled with Management Consultancy International Pty Ltd (Trading as MCI Institute) including persons enrolled in a VET unit of study that meets the course requirements under subclause 45(1) of Schedule 1A of the Act who are, or would, be entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the Act. For the purposes of non-academic grievances the term Student also refers to a person seeking to enrol with MCI including persons seeking to enrol in a VET unit of study that meets the course requirements under subclause 45(1) of Schedule 1A of the Act who are, or would, be entitled to VET FEE-HELP assistance under clause 43 of Schedule 1A of the Act.

**Complainant** refers to Students (as defined above) who have lodged a formal complaint or grievance with MCI.

**Academic matters** include those matters which relate to student progress, training and assessment, course content or awards in a VET course of study.

**Non-academic matters** include those matters which do not relate to student progress, training and assessment, course content or awards in a course and include grievances in relation to personal information that the provider holds in relation to the student. Non-academic grievances tend to arise from events occurring at a provider or from decisions made by a provider.

**Natural justice** – the rules or principles of natural justice, also known as procedural fairness, have developed to ensure that decision making is fair and reasonable. Put simply, natural justice involves decision-makers informing people of the case against them or their interests, giving them a right to be heard (the ‘hearing’ rule), not having a personal interest in the outcome (the rule against ‘bias’), and acting only on the basis of logically probative evidence (the ‘no evidence’ rule). *Taken from NSW Ombudsman, permission granted to reproduce given on 23rd January 2015. For further information on this, please follow the link below:*

[https://www.ombo.nsw.gov.au/data/assets/pdf\\_file/0017/3707/FS\\_PSA\\_14\\_Natural\\_justice\\_Procedural\\_fairness.pdf](https://www.ombo.nsw.gov.au/data/assets/pdf_file/0017/3707/FS_PSA_14_Natural_justice_Procedural_fairness.pdf)

# Scope

This procedure covers both academic and non-academic complaints, grievances and appeals and outlines the following activities:

- a. Lodging student, client or staff's grievances or complaints about services or products received by MCI
- b. Lodging complaints, grievances and appeals regarding academic and non-academic matters by MCI student
- c. Lodging complaints, grievances and appeals regarding non-academic matters by prospective MCI student
- d. Lodging complaints with a higher authority to MCI
- e. Handling appeals and disputes
- f. Resolving grievances, complaints, appeals and disputes

This procedure covers allegations involving the conduct of:

- a. MCI, its trainers, assessors or other staff
- b. A third party providing services on the RTO's behalf, its trainers, assessors or other staff
- c. A student of MCI

# References


- Standards for Registered Training Organisations 2015, Standard 6: clauses 6.1 – 6.6
- Higher Education Support (VET) Guideline 2015, Clause 42
- ISO 9001:2008 section 7.2.3

# Responsibilities

The Chief Operating Officer is responsible for implementation of this procedure and ensuring that all staff are fully trained in its operation and Students and Complainants are made aware of its availability.

# Procedure

1. General principles applicable to this procedure:
  - a. The Complainant and any respondent will have the opportunity to present their case at each stage of the procedure.
  - b. The Complainant and any respondent have the option of being accompanied/assisted by a third person (such as a family member, friend or counsellor) if they so desire.
  - c. The Complainant and any respondent will not be discriminated against or victimised.
  - d. At all stages of the process, discussions relating to complaints, grievances and appeals will be recorded in writing. Reasons and a full explanation in writing for decisions and actions taken as part of this procedure will be provided to the Complainant and/or any respondent if requested.
  - e. A Complainant shall have access to the internal stages of this complaint and grievance procedure at no cost.

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- f. Costs for an external appeal will be shared equally by MCI and the Complainant. The cost to have presence of another person or third party at the external review will be covered by the Complainant. Further information about the cost of an external review can be accessed at:
    - Administration Appeal Tribunal website: <http://www.aat.gov.au>
    - LEADR Student Mediation Scheme website: <https://www.resolution.institute>
  - g. MCI endeavours to resolve most of the complaints within 49 calendar days.
  - h. Where MCI considers that more than 60 calendar days will be required to process and finalise the complaint or appeal, MCI will:
    - Inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and
    - Regularly update the complainant or appellant on the progress of the matter
2. Formal Complaint – Stage One (internal)
- a. Formal complaints and grievances should be submitted in writing by completing Complaints & Appeals Form
  - b. The Complainant is invited to include suggestions about how the grievance might be resolved.
  - c. The Quality & Compliance Manager or his/ her delegate will then assess the complaint or grievance, determine the outcome and advise the Complainant in writing of their decision within 49 calendar days.
  - d. If the complaint or grievance hasn't been resolved within 49 calendar days, an update will be supplied via email to the complainant.
  - e. The Complainant will be advised about outcomes of their complaint via written notice which as a minimum will include:
    - Outcomes of the complaint
    - The reasons for the decision
    - The complainant right to access stage two (appeal) of this procedure if they are not satisfied with the outcome of Stage One.
  - f. They will complete the investigation themselves or seek assistance from another department to gather the information / complete the action as required.
  - g. If a complaint is resolved at this stage, the Quality & Compliance Manager or his/ her delegate will close the complaint.
3. Appeal – Stage two (internal)
- a. If the complainant feels that the outcome of the investigation doesn't resolve the original complaint, the matter will be escalated to the Chief Operation Officer (COO) for review.
  - b. An appeal must be lodged in writing with the Chief Operating Officer at MCI via Complaints and Appeals Form
  - c. The written notice should include reason for appealing the original decision, resolution and additional documentation to support the appeal if applicable.
  - d. The Complainant's appeal will be determined by the COO who will conduct all necessary consultations with the Complainant and other relevant persons and make a determination of the appeal.
  - e. The Complainant will be advised in writing about the outcome of their appeal, including the reasons for the decision within 49 calendar days.
  - f. If the appeal hasn't been resolved within 49 calendar days, an update will be supplied via email to the complainant.
  - g. The Complainant will be advised about outcomes of their appeal via written notice which as a minimum will include:

- Outcomes of the appeal
  - The reasons for the appeal decision
  - The complainant right to access stage three (external) of this procedure if they are not satisfied with the outcome of Stage Two.
- h. If a complaint or grievance is resolved at this stage, the COO will close the complaint.
4. Review – Stage Three (external)
- a. The CEO, Educational Director refers unresolved complaint to an independent external third party to assist in resolution. The third party may include but is not limited to:
    - Administration Appeal Tribunal
    - Relevant State or Territory Ombudsman
    - VET Student Loans Ombudsman (VET FEE-HELP Students)
    - LEADR Student Mediation Scheme
  - b. A written notice of the decision on review with a reason for the decision will be provided to the Complainant.
  - c. Any person associated with an RTO is entitled to lodge a complaint about the RTO with the Australian Skills Quality Authority (ASQA). It is ASQA policy that any complaint should first be directed to the RTO.
5. Administration procedures:
- a. Complaints can be received in a variety of formats:
    - Through submission of a complaints form (preferred method)
    - In writing, by letter, fax or email
    - By phone
    - Through social media
    - In person
  - b. Handling received complaints:
    - It is important that complaints are resolved, but also recorded to assist in preventing future similar complaints.
    - All complaints received through submission of the complaints form will be dealt with in accordance to the procedure outlined above.
    - For complaints received through other means, a filtering approach will be used. If the issue appears minor, then the recipient of the complaint will attempt to resolve the problem, taking ownership of any outcomes required. If the problem is so resolved, no further action need be taken.
    - If however an attempt to resolve the matter fails, or if the matter escalates, or if the matter is known to be related to one which has happened previously, then the recipient must complete a Complaint form.
    - If the issue appears to be major from the outset, then a Complaints form must be completed, even if the issue is resolved by the recipient of the complaint.
  - c. Acknowledgement of complaint:
    - Receipt of a complaint form will be acknowledged via email within 3 business day of the form being submitted.
  - d. Complaints register:
    - All submitted complaint forms are recorded on the complaints register by the Quality & Compliance Manager.
    - Within the complaints register, each complaint received will be categorised. The length of time it takes to close all complaints will also be monitored.

- Where appropriate a Continuous Improvement Request will be raised and tabled at the next Continuous Improvement (QMT) meeting. Decisions from the Continuous Improvement Meeting and any recommendations arising from the external review raised during Continuous Improvement meeting are implemented as per MCI Continuous Improvement process.

## Records

MCI must allow authorised bodies to access records related to a particular grievance as permitted by law, but otherwise the records are confidential.

The following records shall be generated and retained in the Student Management System for a period of 5 years:

- Records of written formal complaints (e.g. completed complaint form) or records of hearing of a formal complaint
- Written appeals
- Written notices of decisions on the formal complaints
- Written notices of decisions on appeals
- Complaints & appeals register

## Key links

Forms and/or documents required for this procedure:

- Complaints & Appeals Form: <http://fs9.formsite.com/mcieduau/Complaints/index.html>

### Document Revision History and Version Control

Approved by: Kim Middlemiss, RTO Operations Manager.

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