



COMPLAINT AND APPEAL POLICY AND PROCEDURE

PURPOSE

The purpose of this policy and procedure is to define the system available to students for dealing with complaints and appeals and to meet the standards that govern this Policy and Procedure. These standards are under the SRTOs and National Code of Practice for Providers of Education and Training to Overseas Students 2018 '*Standard 10- Complaints and Appeals*'.

SCOPE

This policy applies to all current and prospective students.

POLICY

Mercury Institute of Victoria (MIV) is committed to developing and maintaining an effective, timely, fair and equitable complaints or grievances and appeals system about matters or issues relating to students' experiences at MIV.

MIV ensures:

- a) Complaints, grievances or appeals are resolved promptly, objectively with sensitivity and in complete confidentiality. When MIV attempts to resolve difficulties experienced by MIV students it is committed to a culture of openness, fairness and continuous improvement.
- b) A complaints or grievances and appeals handling system is in place that is client focused and helps MIV to prevent these events from recurring.
- c) A culture that views complaints and appeals as an opportunity to improve operations.
- d) That students are fully informed of their rights to lodge a complaint or appeal. MIV will give students who raise complaints the opportunity to formally present their cases. Under no circumstances will students suffer any discrimination as a result of raising a complaint or appeal against complaints in good faith.
- e) All formal complaints and appeals must be lodged in writing using the '*Complaint and Appeal Form*'
- f) Responsibility for investigating and handling complaints. These responsibilities



are clearly identified as follows:

- All withdrawal, suspension or deferrals from course/unit complaints will be investigated and handled by the RTO Manager.
 - All complaints related to the campus and facilities will be investigated and handled by the RTO Manager.
 - Academic complaints will be investigated and handled by the Training Coordinator.
 - Finance complaints will be investigated and handled by the RTO Manager.
 - All appeals will be investigated and handled by the Complaints and Appeal Panel (CEO and RTO Manager).
- g) The complaint and appeal process can be accessed at no additional cost.

All formal complaints and appeals and their outcomes will be recorded in the Student Management System including any forms or letters.

Complaints and appeals may be made in relation to any of MIV's services, learning and teaching and decisions such as, but not limited to:

- The enrolment process;
- Selection or admission decisions;
- Lack of resources and facilities;
- Learning and teaching facilities, staff and library resources provided;
- Assessment results and reviews;
- Students at risk/academic progress in a course of study;
- Decisions made on request for deferment, cancellation or suspension;
- Decisions made on RPL/Credit Transfer applications;
- Decisions made by MIV on request for release;
- Decisions made on student or staff misconduct;
- Decisions made by academic staff members affecting individuals or groups of students;
- The way someone feels they have been treated, including allegations by staff or students of harassment, bullying, or discrimination; and
- Fee and refund matters.



Resolution timeframe

Formal Complaints

All formal complaints will be responded to efficiently to ensure an effective resolution within a reasonable timeframe. MIV will acknowledge receipt in writing of all complaints received within **5 business days**.

MIV will commence an investigation into the complaint from the date of receipt and will endeavour to resolve formal complaints within twenty (20) working days. MIV will keep the complainant informed in writing throughout the process.

In some cases, particularly if the matter is complex, the resolution may take longer. In this event MIV will inform all parties of the reasoning for the delay, and will ensure this process does not exceed more than 45 working days.

Students may appeal the outcome of the complaint or grievance process to the Complaint and Appeal Panel.

Appeals

All appeals will be responded to efficiently to ensure an effective resolution within a reasonable timeframe.

MIV's Complaint and Appeal panel will acknowledge receipt in writing of all appeals received within **5 business days**.

MIV will commence an investigation into the appeal from the date of receipt and will endeavour to resolve the appeal within twenty (20) working days. MIV will keep the complainant informed in writing throughout the process.

In some cases, particularly if the matter is complex, the resolution may take longer. In this event MIV will inform all parties of the reasoning for the delay, and will ensure this process does not exceed more than 45 working days.

Independent Parties

MIV 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. 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 MIV.

For domestic students, the independent party recommended by MIV is the Dispute Settlement Centre of Victoria (DSCV), however complainants and appellants are able to use their own external party at their own cost. Domestic students may also access the



external complaint avenues indicated below free of charge.

For international students, the independent party is the Overseas Students Ombudsman. This service is free of charge. Where an international student is not satisfied with the outcome or conduct of the internal process, they are referred to the Overseas Students Ombudsman (OSO). Information is available here:

<http://www.ombudsman.gov.au/about/overseas-student-ombudsman-landing-page>

MIV 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 RTO Manager will ensure that any recommendations made are implemented within twenty (20) 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 complaint. Consumers can register a complaint with the National Training Complaints Hotline by:

- Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally.
- Email: ntch@education.gov.au

Australian Skills Quality Authority (ASQA):

Complainants may also complain to MIV's registering body, Australian Skills Quality Authority (ASQA).

ASQA can investigate complaints about MIV in relation to:

- The quality of our training and assessment; and/or
- Our marketing and advertising practices.

For students:

ASQA may not be able to investigate the complaint 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 relevant webpage below before making a complaint to ASQA:

Domestic students: <https://www.asqa.gov.au/complaints/make-complaint-domestic-students/before-you-make-complaint>

International students: <https://www.asqa.gov.au/complaints/make-complaint-overseas-students/before-you-submit-complaint>

For other stakeholders:

Information about the process and information you should provide is available here: <https://www.asqa.gov.au/complaints/make-complaint-other-stakeholders>

The Overseas Student Ombudsman (OSO)

International students may also complain to the OSO if their complaint is in relation to MIV:

- Refusing admission to a course;
- Course fees and refunds;
- Course or provider transfers;
- Course progress or attendance;
- Cancellation of enrolment;
- Accommodation or work arranged by your provider;
- Education agent giving incorrect advice; or
- If you believe we have failed to take action or are taking too long to take some action. This might include (for example), failing to provide your results within the normal timeframe, or failing to provide services included in your written agreement with MIV.

The OSO may not be able to investigate your complaint if you have not already exhausted our formal internal complaints process as above.

Please refer to the following website if you are considering making a complaint: <http://www.ombudsman.gov.au/making-a-complaint/overseas-students#quality-of-education-provider>



PROCEDURE

Mercury Institute of Victoria (MIV) is committed to demonstrating the effective management and resolution of concerns, complaints and appeals arisen from academic or non-academic issues. MIV will collect data about the complaint or appeal, and record it in the Complaint and Appeal Register. This register includes information about action taken to address the root cause of complaints and appeals including the follow up and the outcome of the complaint/appeal. All outcomes will be updated and recorded in the Student Management System under the individual student's record.

All students are permitted to be assisted or accompanied by a support person.

Informal Complaints handling

- 1) Students are encouraged to raise the matter informally with their trainer/assessor, Student Support Officer, or RTO Manager. The outcome of any informal complaint will not be kept in the student's file unless requested to do so by the student.
- 2) If the complaint cannot be resolved informally; then, the student will be required to lodge a formal complaint using the *Complaint and Appeal Form*.

Formal Complaints handling

- 1) Students may raise any matters of concern relating to the teaching and learning and assessment, the quality of the teaching, student support, student facilities, discrimination, sexual harassment and other issues that may arise by completing the *Complaint and Appeal Form*.
- 2) The current *Complaint and Appeal Policy and Procedure* and *Complaint and Appeal Form* are available on MIV's website (<http://mercury.edu.au>) or can be requested in person at reception or via email.
- 3) All complaints will be handled professionally and confidentially in order to achieve a satisfactory resolution. All staff ensure that they comply with MIV's *Privacy and Personal Information Policy*.
- 4) Unless otherwise decided by the Complaint and Appeal panel, the RTO Manager or Training Coordinator will handle all formal complaints. If the formal complaint is in respect to the RTO Manager, then the CEO will handle that complaint; if the complaint is in respect to the Training Coordinator, the RTO Manager will handle the complaint. If the complaint is in respect to the complaint and appeal panel member, then other members of the panel will handle the complaint and appeal excluding the complaint person involved.



- 5) All formal complaints should be lodged in writing via the *Complaint and Appeal Form*.
- 6) All formal complaints received will be acknowledged in writing within 5 business days of receipt.
- 7) Investigation into the complaint will commence from the day the written acknowledgement is issued.
- 8) The complaint will be resolved fairly and equitably and at the earliest possible time. MIV will endeavour to resolve all complaints within 20 business days. In the event the complaint is more complex and more time is required MIV will notify all parties in writing and will ensure this is resolved no later than 45 business days.
- 9) All parties will be notified of the outcome in writing.
- 10) Mercury Institute of Victoria will ensure that students have a clear understanding of the steps involved in the procedure, and will keep all parties informed throughout the process.
- 11) Where a complaint cannot be resolved through discussion and conciliation, MIV acknowledges the need for an appropriate external and independent agent to mediate between the parties.
- 12) Nothing in this procedure inhibits the student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies.

Students wishing to take external action are advised to contact one of the following:

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 complaint. Consumers can register a complaint with the National Training Complaints Hotline by:

- Phone: 13 38 73, Monday–Friday, 8am to 6pm nationally.
- Email: ntch@education.gov.au

Australian Skills Quality Authority (ASQA):

Complainants may also complain to MIV's registering body, Australian Skills Quality Authority (ASQA).



ASQA can investigate complaints about MIV in relation to:

- The quality of our training and assessment; and/or
- Our marketing and advertising practices.

For students:

ASQA may not be able to investigate the complaint 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 relevant webpage below before making a complaint to ASQA:

Domestic students: <https://www.asqa.gov.au/complaints/make-complaint-domestic-students/before-you-make-complaint>

International students: <https://www.asqa.gov.au/complaints/make-complaint-overseas-students/before-you-submit-complaint>

For other stakeholders:

Information about the process and information you should provide is available here: <https://www.asqa.gov.au/complaints/make-complaint-other-stakeholders>

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International students may also complain to the OSO if their complaint is in relation to MIV:

- Refusing admission to a course;
- Course fees and refunds;
- Course or provider transfers;
- Course progress or attendance;
- Cancellation of enrolment;
- Accommodation or work arranged by your provider;
- Education agent giving incorrect advice;
- If you believe we have failed to take action or are taking too long to take some action. This might include (for example), failing to provide your results within the normal timeframe, or failing to provide services included in your written agreement with MIV.

The OSO may not be able to investigate your complaint if you have not already



exhausted our formal internal complaints process as above.

Please refer to the following website if you are considering making a complaint:
<http://www.ombudsman.gov.au/making-a-complaint/overseas-students#quality-of-education-provider>

Appeals

MIV will attempt to resolve the appeal informally and, if this cannot be achieved, the formal appeals process will commence.

- 1) A student's enrolment must be maintained whilst an appeal is in progress and the outcome has not yet been determined.
- 2) Students initiate the appeals process, formally, by completing the student *Complaint and Appeals Form*. The form is available on MIV's website (<http://mercury.edu.au>) or can be requested in person at reception or via email.
- 3) All appeals will be acknowledged in writing within 5 business days, and investigation into the appeal will commence upon this acknowledgement being issued.
- 4) All appeals will be investigated and resolved within 20 business days and all parties will be informed of the outcome in writing.
- 5) The outcome of the formal internal appeal and resolution will be recorded in writing and signed and dated by the Complaint and Appeal Panel chair and placed in the student file as well as recorded in the *Complaints and Appeals Register*. The student will be provided with a copy of the signed written outcome of their appeal via email.
- 6) The RTO Manager will ensure that the outcome of the appeal will be conveyed to the student through written communication within 10 working days from the date of resolution. A copy of the decision will be retained in the student folder on the Student Management System.
- 7) If the student is not satisfied with the outcome of the formal internal appeal, the student may request MIV to assist the student in an appeal to an external mediator.
- 8) Nothing in this procedure inhibits the student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies.

Students wishing to take external action are advised to contact one of the following:

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

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Australian Skills Quality Authority (ASQA):

Complainants may also complain to MIV’s registering body, Australian Skills Quality Authority (ASQA).

ASQA can investigate complaints about MIV in relation to:

- The quality of our training and assessment; and
- Our marketing and advertising practices.

For students:

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

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- Cancellation of enrolment;
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Please refer to the following website if you are considering making a complaint:
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Continuous improvement

Where the Complaint or Appeal is identified as an area for improvement, the RTO Manager will record the details in the *Continuous Improvement Register* and take action according to the quality assurance framework and MIV's *Quality Assurance Policy*.

Record keeping

All complaints and appeals forms and outcome decisions under this policy shall be maintained for a length of enrolment plus two (2) years to allow all parties of the complaint or appeal appropriate access to these records. All records and outcome letters will be saved on the Student Management System in the individual student's file.

All records relating to complaints and appeals will be treated as confidential and will be covered by MIV's Privacy and Personal Information Policy.

RELATED DOCUMENTS

- Complaint and Appeal Form