



<b>Institution</b>	Mercury Institute of Victoria
<b>Policy Name</b>	Complaint and Appeal Policy and Procedure
<b>Policy Governance</b>	Compliance Manager
<b>Reference to Standards</b>	Standards for RTO 2015 - Standard 6 Clause 6.1- 6.6 National Code 2018 - Standard 10 Complaints and appeals
<b>Date of Approval</b>	June 2020
<b>Review Date</b>	June 2021
<b>Version No.</b>	4.0

## 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.

Mercury Institute of Victoria establishes this policy and procedure to:

- Comply with the requirements of Standards for RTO 2015 – Standards 6 Clause 6.1- 6.6
- Comply with the requirements of the National Code 2018 - Standard 10 Complaints and appeals

## SCOPE

This policy applies to all Mercury Institute of Victoria students.

### 1. POLICY

Mercury Institute of Victoria 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 Mercury Institute of Victoria.



Mercury Institute of Victoria ensures:

- a) Complaints, grievances or appeals are resolved promptly, objectively with sensitivity and in complete confidentiality. When Mercury Institute of Victoria attempts to resolve difficulties experienced by Mercury Institute of Victoria 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 Mercury Institute of Victoria 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. Mercury Institute of Victoria 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 '*Complaints Lodgement Form/ Appeal Lodgement 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 Compliance Manager.
  - All campus and facilities related complaints will be investigated and handled by the Compliance Manager.
  - Academic complaints will be investigated and handled by the Compliance Manager.
  - Finance complaints will be investigated and handled by the Compliance Manager.
  - All appeals will be investigated and handled by the Complaints and Appeal Panel (CEO and Compliance Manager).
- g) The complaint and appeals process can be accessed at no additional cost.

All formal complaints and appeals and their outcomes will be recorded on the Student Management System including any forms or letters using the *Appeals Progress Form/ Complaints Progress Form*.

Complaints and appeals may be made in relation to any of Mercury Institute of Victoria'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 result/final exams result and reviews;
- Student at risk/academic progress in a course of study;
- Decision made on request for Deferment, Cancellation, and Suspension;
- Decision made on RPL/Credit Transfer Applications;
- Decision made by Mercury Institute of Victoria on request for release;
- Decisions made on Student or Staff Misconduct;
- Decisions 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;
- 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. Mercury Institute of Victoria will acknowledge receipt in writing of all complaints received within 5 business days.

Mercury Institute of Victoria will commence an investigation into the complaint from the date of receipt and will endeavour to resolve formal complaints within twenty (20) working days. Mercury Institute of Victoria 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 Mercury Institute of Victoria 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.

The Mercury Institute of Victoria Complaint and Appeal panel will acknowledge receipt in writing of all appeals received within 5 business days.

Mercury Institute of Victoria will commence an investigation into the appeal from the date of receipt and will endeavour to resolve the appeal within twenty (20) working days. Mercury Institute of Victoria 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 Mercury Institute of Victoria 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**

Mercury Institute of Victoria 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 Mercury Institute of Victoria.

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: <https://www.ombudsman.gov.au/making-a-complaint/overseas-students>

Mercury Institute of Victoria 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 Compliance 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:

**a) Australian Skills Quality Authority (ASQA):**

Complainants may also complain to Mercury Institute of Victoria's registering body, Australian Skills Quality Authority (ASQA).

ASQA can investigate complaints about Mercury Institute of Victoria in relation to:

- o the quality of our training and assessment
- o 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.

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:

<https://www.asqa.gov.au/complaints/complaints-about-training-providers>

**For other stakeholders:**

Information about the process and information you should provide is available here:

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

**b) The Overseas Student Ombudsman (OSO)**

International students may also complain to the OSO if their complaint is in relation to Mercury Institute of Victoria:

- o refusing admission to a course
- o course fees and refunds
- o course or provider transfers



- course progress or attendance
- cancellation of enrolment
- accommodation or work arranged by your provider
- incorrect advice given by an education agent.
- 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 in the normal timeframe, or failing to provide services included your written agreement with Mercury Institute of Victoria.

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:

<https://www.ombudsman.gov.au/making-a-complaint/overseas-students>

## **2. PROCEDURE**

Mercury Institute of Victoria is committed to demonstrating the effective management and resolution of concerns, complaints and appeals arisen from Academic or non-Academic issues. Mercury Institute of Victoria will collect data about the complaint or appeal, and record it in the *Complaints Register/ Appeals 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'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, Mercury Institute of Victoria's staff, or Student Support Officer/Compliance Manager. The outcome of any informal complaint will not be kept on the Student 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 *Complaints Lodgement Form/ Appeal Lodgement 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 *Complaints Lodgement Form/ Appeal Lodgement Form*.
- 2) The current *Complaint and Appeal Policy and Procedure* and *Complaints Lodgement Form/ Appeal Lodgement Form* are available on Mercury Institute of Victoria's website ([www.mercury.edu.au](http://www.mercury.edu.au)) or can be requested from Administration department at Level 1, 117 Lonsdale Street or via e-mail.
- 3) All complaints will be handled professionally and confidentially in order to achieve a satisfactory resolution. All Mercury Institute of Victoria's staff ensures they comply with the *Privacy Policy* of Mercury Institute of Victoria.
- 4) Unless otherwise decided by the Complaints and Appeal panel, the Compliance Manager will handle all formal complaints. If the formal complaint is in respect to the Compliance Manager, then the CEO will handle that complaint, if the complaint is in respect of the Compliance Manager will handle the complaint. If the complaint is in respect to the complaint and appeal panel member, then other members of complaint will handle the complaint and appeal excluding the complaint person involved.
- 5) All formal complaints should be lodged in writing (*Complaints Lodgement Form/ Appeal Lodgement Form*) by the student.
- 6) All formal complaints received will be acknowledge 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, Mercury Institute of Victoria will endeavour to resolve all complaints within 20 business days. In the event the complaint is more complex and more time is required Mercury Institute of Victoria



- will notify all parties in writing and will ensure this is resolved no later than 45 business days.
- 9) Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:
    - a) informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required
    - b) regularly updates the complainant or appellant on the progress of the matter.(Excerpt taken from Standards for RTO 2015 – Clause 6.4)
  - 10) All parties will be notified of the outcome in writing (use '*Template for Complaints Warranted Letter/ Complaints Not Warranted Letter*').
  - 11) 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.
  - 12) Where a complaint cannot be resolved through discussion and conciliation, Mercury Institute of Victoria acknowledges the need for an appropriate external and independent agent to mediate between the parties.
  - 13) 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 external action are advised to contact one of the following:

**a) Australian Skills Quality Authority (ASQA):**

Complainants may also complain to Mercury Institute of Victoria's registering body, Australian Skills Quality Authority (ASQA).

ASQA can investigate complaints about Mercury Institute of Victoria in relation to:

- o the quality of our training and assessment
- o 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.

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:

<https://www.asqa.gov.au/complaints/complaints-about-training-providers>

**For other stakeholders:**

Information about the process and information you should provide is available here:

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

**b) The Overseas Student Ombudsman (OSO)**

International students may also complain to the OSO if their complaint is in relation to Mercury Institute of Victoria:

- 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
- incorrect advice given by an education agent.
- 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 in the normal timeframe,  
or failing to provide services included your written agreement with Mercury Institute of  
Victoria.

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:

<https://www.ombudsman.gov.au/making-a-complaint/overseas-students>

**Appeals**



- 1) Mercury Institute of Victoria will attempt to resolve the appeal informally and, if this cannot be achieved, the formal appeals process will commence.
- 2) A student's enrolment must be maintained whilst an appeal is in progress and the outcome has not been determined.
- 3) A student initiates the appeals process, formally, by completing the student *Complaints Lodgement Form/ Appeal Lodgement Form*. The appeals form is available at Mercury Institute of Victoria's website ([www.mercury.edu.au](http://www.mercury.edu.au)) or can be requested from Administration department at Level 1, 117 Lonsdale Street or via e-mail.
- 4) All appeals will be acknowledged in writing within 5 business days, and investigation into the appeal will commence upon this acknowledgement being issued.
- 5) All appeals will be investigated and resolved within 20 business days and all parties will be informed in writing of the outcome (use *'Template for Appeals Successful Letter/ Appeals Unsuccessful Letter'*).
- 6) 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 Register/ Appeals Register*. The student will be provided with a copy of the signed written outcome of their appeal via email.
- 7) The Compliance Manager ensures 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.
- 8) If the student is not satisfied with the outcome of the formal internal appeal, the student may request Mercury Institute of Victoria to assist the student in an appeal to an external mediator.
- 9) Nothing in this procedure inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies.

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- 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 in the normal timeframe, or failing to provide services included your written agreement with Mercury Institute of



Victoria.

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:  
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### **Continuous improvement**

Where the Complaint or Appeal is identified as an area for improvement, the Compliance Manager will capture the details on a *Continuous Improvement Register* and take action according to the quality assurance framework and Mercury Institute of Victoria's *Quality Assurance Policy and Procedure*.

### **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 under the individual student's file.

All records relating to complaints and appeals will be treated as confidential and will be covered by Mercury Institute of Victoria's Privacy Policy.

### **Actioning the outcomes**

Where the complaint or appeal is upheld, Mercury Institute of Victoria will implement the required corrective action within 20 working days and advise the student of the outcome.

### **Further actions**

If the student remains unhappy with the Internal and External outcome, they may refer the matter to the National Training Complaints Hotline on 13 38 73.

