

## Marine Training Services

### Complaints and Appeals Policy & Procedure

#### 1. Policy

This policy/procedure supports Standards for RTO's 2015 Clause 6.1 to 6.5 in providing a process for managing and responding to allegations involving the conduct of:

- a. the RTO, its trainers, assessors or other staff
- b. a learner of the RTO.

Marine Training Services has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by our trainer/assessors

All complaints and appeals received by Marine Training Services are viewed as an opportunity for improvement.

Despite all efforts of Marine Training Services to provide satisfactory services to its students, complaints may occasionally arise that require formal resolution. The following procedures provide students the opportunity to have any issues relating to a substantiated complaint or appeal resolved and resolutions reached that attempt to satisfy all parties involved. This complaints and appeals process will be at no cost to the student.

#### 2. Procedure

##### 2.1 Informal Process

Where possible all non-formal attempts shall be made to resolve the complaint. This may include advice, discussions, and general mediation in relation to the issue. Any staff can be involved in this informal process to resolve issues but once a student has placed a formal complaint / appeal the following procedures must be followed.

##### 2.2 General Complaints

2.2.1 Any student, potential student, or third party may submit a formal complaint to Marine Training Services with the reasonable expectation the complaints will be treated with integrity and privacy. There is no cost for the complaints process unless it is referred to a third party.

2.2.2 A student wishing to submit a formal complaint or appeal can do so by completing the 'Complaints and Appeals Form' and state their case providing as many details as possible. The Complaints and Appeals Form is available on Marine Training Services web site or can be accessed by contacting Student Administration at Marine Training Services.

2.2.3 All formal complaints or appeals are submitted to the Student Administration Manager. It is their responsibility to deal with the complaint in the first instance. Complaints are to include the following information:

- Submission date of complaint
- Name of complainant;

- Nature of complaint ;
- Date of the event which lead to the complaint
- Attachments (if applicable);

2.2.4 Once the complaint is received it is to be entered into the ‘Complaints and Appeals Register’. The register is monitored by the Training Manager regularly.

The information to be entered and updated in the register is as follows:

- Submission date of complaint
- Name of complainant;
- Description of complaint / appeal
- Determined Resolution; and
- Date of Resolution.

2.2.5 Once a complaint has been logged in the ‘Complaints and Appeals Register’ the Administration Officer (Claire Cashion) shall notify the Training Manager (Vic Goy) of the complaint and provide any further documentation related to the matter.

2.2.6 The Training Manager shall then refer the matter to the appropriate staff to resolve, the decision maker will be independent of the complaint. The staff members will follow the principles of natural justice and procedural fairness to make a decision about the complaint. Allowing all parties to tell their side of the story before a decision is made.

2.2.7 A student may be assisted or accompanied by a support person regardless of the nature of the complaint throughout the process at all times.

2.2.8 Students are able to present their case in person

2.2.9 Once a decision has been reached the Training Manager shall inform all parties involved of the decision concluded in writing. Decisions are made within 10 working days, the complainant is kept informed of any decisions or outcomes concluded, or the process put in place to deal with the complaint.

2.2.10 Within the notification of the outcome of the formal complaint the students shall also be notified they have the right of appeal.

### **2.3 Assessment appeals**

2.3.1 Where a student wishes to appeal an assessment they are required to notify their assessor in the first instance. Where appropriate the assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The assessor shall complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.

2.3.2 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’.

2.3.3 Marine Training Services shall be notified and shall seek details from the assessor involved and any other relevant parties. A decision shall be made regarding the

appeal either indicating the assessment decision stands or details of a possible re-assessment by a 'third party'. The third party shall be another assessor appointed by Marine Training Services.

- 2.3.4 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 Marine Training Services if they wish to proceed with the external appeals process

## **2.4 Appealing a Decision**

All students have the right to appeal decisions made by Marine Training Services where reasonable grounds can be established. The areas in which a student may appeal a decision made by Marine Training Services may include:

- Assessments conducted
- Deferral, suspension, or cancellation decisions made in relation to the student's enrolment
- Or any other conclusion / decision that is made after a complaint has been dealt with by Marine Training Services in the first instance.

- 2.4.1 To activate the appeals process the student is to complete a 'Complaints and Appeals Form' and include a summary of the appeal. The reason the student feels the decision is unfair is to be clearly explained to help and support the process.
- 2.4.2 Training Manager shall review the assessment decision to determine the validity of the appeal and organise a meeting with all parties involved in the matter in attempt to seek resolution where appropriate.
- 2.4.3 The process for all formally lodged appeals will be resolved within 21 working days of the appeal being lodged.
- 2.4.4 Training Manager shall ensure Marine Training Services acts on any substantiated appeal and notifies the student the assessment is competent.
- 2.4.5 Where the original assessment decision is upheld the student is notified and informed of their right to appeal.

## **2.5 External Appeals**

- 2.5.1 At the completion of the internal resolution process, if a student is dissatisfied regarding the outcome of the compliant or appeal Marine Training Service has provided, they may wish to refer the matter to an external/independent/third party for mediation.
- 2.5.2 Appeals can relate to the assessment decisions or other decisions such as the decision to exclude a student from a program.
- 2.5.3 Where a decision or outcome is in favour of the student Marine Training Services shall follow the required action and recommendation from the third party mediator to satisfy the student's appeal as soon as practicable.
- 2.5.4 If the student is not satisfied with the complaints and appeal outcome, they can contact other suitable mediators.

Australian Mediation Association - Commercial and Business Mediation

<http://www.ama.asn.au/commercial-and-business-mediation/>

The State Ombudsman Offices available from the websites below:

<https://www.ombudsman.vic.gov.au>

Department of Fair Trading – for issues involving monies, service or product agreements.

Industry Associations – for judgement on course content and learning outcomes.

## **3. Related Documents or Forms**

Complaints and Appeals Form

Complains and Appeals Register