

32 Complaints & Appeals Policy & Procedure

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Legal Name:	MILCOM Communications Pty Ltd T/A MILCOM Institute	
Status:	ENDORSED	
Approved by:	Chief Operating Officer (COO)	
Owner:	National Compliance Manager	
Related legislation/applicable section of legislation:	SRTOs 2015	Standard 6 (Clauses 6.1 to 6.6)
	2018-19 Standard VET Funding Contract Skills First Program	MILCOM Institute ensures adherence to the 2018 Standard VET Funding Contract Skills First Program, CANS, Ministerial directions and all 2018 Guidelines.
	Vocational Education and Training (VET) Pre-qualified Supplier (PQS) Agreement	MILCOM Institute ensures adherence to the Vocational Education and Training (VET) Pre-qualified Supplier (PQS) Agreement Guidelines.
	VIC/QLD/NSW/SA/WA/TAS/NT/ACT	Fee for Services Guidelines
	Other applicable legislation, regulations and guidelines	<ul style="list-style-type: none"> • National Vocational Education and Training Regulator Act 2011 • Standards for NVR Registered Training Organisations 2011 • Vocational education and training (VET) legislation • Standards for VET Accredited Courses 2012 • Data Provision Requirements 2012 • VET Data Policy • Skills Australia Act 2008 • Department of Education and the Department of Employment • Training and Tertiary Education Act 2003 • Vocational and Training Act 2005 and Vocational Education and Training (Commonwealth Powers) Act 2010 - NSW • Vocational Education, Training and Employment Act & Regulation 2000 - QLD • Victorian Guidelines for VET - Providers (Victoria) • Education and Training Reform Amendment (Skills) Act 2010

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		<ul style="list-style-type: none"> • Privacy Act 1988 (Commonwealth) • Privacy and Data Protection Act 2014 • Racial Discrimination Act 1975 • Sex Discrimination Act 1984 • Disability Discrimination Act 1992 • the Further Education and Training Act 2014 (FET Act) • the Further Education and Training Regulation 2014 • Apprenticeship/ Traineeship policy and procedures which support the FET Act • the Vocational Education and Training Pre-Qualified Suppliers (VET PQS) Agreement • the User Choice 2016–17 Policy • the User Choice Pre-Qualified Supplier 2016–17 Policy. • Certificate 3 Guarantee Program Policy 2016–17 • Higher Level Skills Program Policy 2016–17
<p>Contract and Compliance requirements:</p>		<ul style="list-style-type: none"> • http://www.asqa.gov.au/users-guide-to-the-standards-for-registered-training-organisations-2015/users-guide-to-the-standards-for-registered-training-organisations-2015.html • http://www.education.vic.gov.au/training/providers/rto/Pages/serviceagree.aspx • http://www.vrqa.vic.gov.au/Pages/default.aspx?Redirect=1 • http://www.vetab.nsw.gov.au/ • www.training.qld.gov.au/registration

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1. Title and policy number

32 Complaints & Appeals Policy & Procedure

2. Purpose

This policy and procedure is to provide clear and practical guidelines to ensure that complaints and appeals lodged with MILCOM Institute can be resolved, equitably and efficiently, in accordance with the principles of natural justice. The Complaints & Appeals Policy is there to manage and respond to allegations involving the conduct of MILCOM Institute, its trainers, assessors or other staff, and student of MILCOM Institute.

This policy is to outline:

- MILCOM Institute's approach to managing dissatisfaction, formal complaints and appeals of students, clients, staff and other members of the community.
- MILCOM Institute provides a transparent approach for all complaints and appeals to be addressed in a fair, efficient and confidential manner.

This policy and procedure ensures compliance with Standard 6 of the Standards for Registered Training Organisations, 2015.

3. Scope

This policy applies to MILCOM Institute's students, staff and stakeholders.

4. Policy

MILCOM Institute acknowledges that a student, member of staff, or a member of the public, 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, without prejudice or fear of reprisal or victimization.

The person making the complaint has the right to present the complaint or appeal formally and in writing.

MILCOM Institute will manage all complaints and appeals fairly, equitably and efficiently as possible.

MILCOM Institute will encourage the parties to approach the complaint or appeal with an open mind and to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, MILCOM Institute acknowledges the need for an appropriate external and independent person to mediate between the parties. The parties will be given the opportunity to formally present their case to the independent person.

MILCOM Institute ensure that this Policy is available to all students and staff on the website

www.milcom.edu.au and is available in the Student Handbook. The information also contains details of external authorities that they may approach.

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Where complaints or appeals have been received, MILCOM Institute securely keep evidence of how the matter was dealt with and the outcome (including the timeframes). MILCOM Institute uses this information received via any complaint to review the MILCOM Institute's processes and practices to ensure the issue doesn't happen again.

MILCOM Institute deems a complaint or appeal to be dissatisfaction with the procedures, outcomes or the quality of service provided by MILCOM Institute's Trainers or MILCOM Institute. MILCOM Institute has developed a formal Complaint and Appeal policy and procedure that will be viewed as part of Continuous Improvement.

MILCOM Institute will approach all complaints and appeals with an open view and attempt to resolve issues through discussion and conciliation. Where a complaint cannot be resolved through discussion and mediation, MILCOM Institute acknowledges the need for an appropriate external and independent agent to mediate between the parties.

MILCOM Institute understands individuals' concerns regarding confidentiality and is totally committed to fair treatment respecting and upholding individuals' rights to privacy protection under the Australian Privacy Principles (APPs) contained in The Privacy Act amended 1988 (Cth). MILCOM Institute respects the privacy rights of all individuals in the workplace.

MILCOM Institute understands that despite all its efforts to provide satisfactory services to its students, complaints may occasionally arise that require formal resolution. Students have the opportunity to have any complaint or appeal resolved and resolutions reached that attempt to satisfy all parties. There is no cost to the student unless the referral is made to a third party.

Complaints and appeals may be made in relation to any of the following:

- MILCOM Institute, its trainers, assessors or other staff;
- any third party providing services on MILCOM Institute's behalf, its trainers, assessors or other staff;
- assessment/RPL outcome;
- Fees and refunds/re-crediting or
- a student of MILCOM Institute.

Complaints may be made in relation to any of MILCOM Institute's services and activities such as:

- the application and enrolment process;
- marketing information;
- the quality of training and assessment provided;
- training and assessment matters, including student progress, student support and assessment requirements;
- the way someone has been treated;
- the actions of another student.

Appeals should be made to request that a decision made by MILCOM Institute is reviewed. Decisions may have been about:

- course admissions
- refund assessments
- response to a complaint
- assessment outcomes / results
- other general decisions made by MILCOM Institute

MILCOM Institute is committed to developing a procedurally fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, MILCOM Institute ensures that complaints and appeals:

- Are responded to in a consistent and transparent manner.
- Are responded to promptly, objectively, with sensitivity and confidentiality.
- Are able to be made at no cost to the individual.
- Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.

The complaints and appeals policy and procedure and form are made available to all students and potential students by directly contacting MILCOM Institute, through the MILCOM Institute's website, and Student handbooks.

5. Complaint Process

Informal

A student with an issue, question or complaint may raise the matter with staff of MILCOM Institute and attempt an informal resolution of the complaint.

Students with an issue, question or complaint can arrange a meeting to discuss the matter with one of the following Institute staff members who are responsible to try and resolve the issue, question or complaint with the student:

- Trainer
- National Manager
- Administration Manager
- National Compliance Manager

The staff member will try and resolve the issue at the meeting or if required investigate the matter and then arrange another meeting with the learner to discuss the outcome of investigation and offer a solution if appropriate.

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Students who are not satisfied with the outcome of their discussion of the complaint are encouraged to register a formal complaint by:

- obtaining a copy of the MILCOM Complaint form which can be requested from the National Manager;
- completing the MILCOM Complaint & Appeal form;
- lodging the MILCOM Complaint & Appeal form with the National Manager /Administration Manager/National Compliance Manager.

Students having difficulty completing the MILCOM Complaint & Appeal form should ask a trainer, the National Manager /Administration Manager to assist them.

Once the MILCOM Complaint & Appeal form is lodged with the National Manager /Administration Manager/National Compliance Manager it will be dealt with as described in the formal complaint process below.

Formal

Complaints must be lodged within 2 weeks of the issue arising. The formal complaint process will commence within 5 working days of the formal lodgment of the complaint or appeal and supporting information. A maximum time of 10 working days from the commencement of the formal complaint process will be allowed for the resolution unless all parties agree in writing to extend this time. This period is called the resolution phase.

If MILCOM Institute considers that more than 60 calendar days are required to process and finalise the complaint or appeal, it will:

- inform the complainant or appellant in writing, including the reasons that more than 60 calendar days are required, and
- regularly update the complainant or appellant on the progress of the matter.

Formal complaints must be lodged using the MILCOM complaint form that can be requested from the Administration Manager.

Formal complaints must be recorded in the student's files.

During the formal complaint process:

- Students will have an opportunity to formally present their case to the National Compliance Manager, in writing or in person at no cost to the learner.
- Students may be accompanied and assisted by a support person at any meetings involving the complaint.

Only the National Manager, the National Compliance Manager or the COO/CEO can deal with complaints.

Whoever does hear the complaint must not be the subject of the complaint and cannot be involved in subsequent appeal hearing. In the event that the National Manager, the National Compliance Manager and

the COO/CEO are not eligible to hear the complaint then the complaint must be directed to an external person at no cost to the learner.

The external person to hear a learner complaint on behalf of a learner is to be engaged from the Resolution Institute (combining LEADR & IAMA) phone (02) 9251 3366 or 1800 651 650.

6. Appeals

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

- Any other conclusion/decision that is made after a complaint has been dealt with MILCOM Institute in the first instance as described in the complaints process above. This is referred to as a general appeals)
- Assessments decisions as set out below (assessment appeals).

To activate the appeals process, the student must complete a Complaints and Appeals Form that is to include a summary of the grounds the appeal is based upon. The reason the student feels the decision is unfair is to be clearly explained and help and support with this process can be gained from MILCOM Institute staff.

With regard to general appeals, *The Complaints and Appeals Committee determines the validity of the appeal and organises a meeting with all parties involved in the matter and attempts to seek resolution where appropriate.

The process for all formally lodged appeals will begin within 10 working days of the appeal being lodged.

*The Complaints and Appeals Committee ensures MILCOM Institute acts on any substantiated appeal.

* The Complaints and Appeals Committee is made up of five people; the CEO, COO, National Manager, Administration Manager and National Compliance Manager

General Appeals

Where a student has appealed a decision or outcome of a formal complaint, they are required to notify MILCOM Institute in writing within 20 working days of the grounds of their appeal. Any supporting documentation should also be attached to the appeal.

The appeal shall be lodged through the Complaints and Appeals Committee and they shall record the details of the appeal the Complaints and Appeals Register.

The Complaints and Appeals Committee will be notified and will seek details regarding the initial documentation of the complaint and make a decision based on the grounds of the appeal.

The student will be notified in writing of the outcome with reasons for the decisions, and the Complaints and Appeals Register updated. The student will 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 MILCOM Institute if they wish to proceed with the external appeals process.

Assessment Appeal

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

If this is still not to the student's satisfaction, the student may formally lodge an appeal. They will lodge this with the Complaints and Appeals Committee and the appeal will be entered in the Complaints and Appeals Register.

The National Manager/Administration Manager will be notified and will seek details from the Trainer involved and any other relevant parties. A decision will 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 will be another Trainer appointed by MILCOM Institute.

The student will be notified in writing of the outcome with reasons for the decision, and the Complaints and Appeals Register updated. The student will 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 MILCOM Institute if they wish to proceed with the external appeals process.

External Appeal

If not satisfied with the decision in stage 2, the complainant may request that the matter be further reviewed by an external dispute resolution process, by the body appointed by MILCOM Institute for that purpose.

The details of these external bodies are as follows:

LEADR Complaints, Appeals and Resolution Department

<https://www.leadriama.org/aboutleadr/compliments-suggestions-and-complaints>

Or

Overseas Students Ombudsman (For International students only) at Website: <http://www.oso.gov.au>

Further information

If a client (student or other client) is still dissatisfied with the decision of MILCOM Institute, they may wish to seek advice or make a complaint about MILCOM Institute to ASQA directly. If, after MILCOM Institute's internal complaints and appeals processes have been completed, they still believe MILCOM Institute is breaching or has breached its legal requirements, they can submit a complaint to ASQA by completing the "The Complaint about a training organisation operating under ASQA's jurisdiction" form. While ASQA will not be able to act as their advocate the lodgment of your complaint will inform ASQA's risk assessment of MILCOM Institute and a complaint audit may be conducted.

Contact details for ASQA are:

Australian Skills Quality Authority

Melbourne - Level 6, 595 Collins Street

Brisbane - Level 7, 215 Adelaide Street

Sydney - Level 10, 255 Elizabeth Street

Canberra - Ground Floor, 64 Northbourne Avenue

Perth - Level 11, 250 St Georges Terrace Adelaide - Level 5, 115 Grenfell Street Hobart - Level 11, 188 Collins

Street Telephone: 1300 701 801

Email: complaintsteam@asqa.gov.au

Website: www.asqa.gov.au

7. Feedback Process

MILCOM appreciates every feedback given and we do our best to ensure that we follow up on them. Post training there is a feedback form for students to complete and hand back to their trainers for the experience they had training with us.

Feedback forms are collated weekly by our administration team and forwarded to the National Manager for review. The National Manager then distributes this feedback appropriately. Any negative feedback is treated as per the above complaint processes. Any positive feedback forms are being passed on to the training team. In June of every year, we submit a collated document to ASQA as part of our Quality Indicators and we upload a copy of it to our website.

8. Procedure

Procedure	
(1)	If appropriate and possible, the Student should discuss the issue / complaint with the person involved to try and resolve it verbally.
(2)	If no resolution is reached the student should, if appropriate and possible, discuss the issue / complaint with his / her trainer to see if it can be resolved.
(3)	If still no resolution can be reached, or the issue is not related to a fellow student or a trainer, the student must put the following information relating to the complaint or appeal in writing using the Complaints or Appeals Form. <ul style="list-style-type: none"> • A description of the complaint or appeal; • State whether they wish to formally present their case; • Steps taken thus far to deal with issue / complaint; • What outcomes they would like to fix the problem & prevent it from happening again.
(4)	If appropriate, the person making the complaint should bring the complaint or appeal to the attention of the trainer within seven (7) days of the issue taking place.

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(5)	<p>If the person making the complaint is not a student, but a staff member or a member of the public, or if the complaint or appeal has not dealt with to the student's satisfaction within a seven (7) day period, they may bring it to the attention of the COO/CEO.</p> <p>The COO/CEO will either deal with the issue personally or arrange for it to be dealt with by a management representative. This process must commence within 48 hours from the time the COO/CEO, or their delegate, receives written notification from the person making the complaint. A response / acknowledgment must be presented within 7 days.</p> <p>The COO/CEO / or Management Representative, must review the complaint and arrange a time for all parties to formally present their side / version of events. This should be arranged at separate times, ensuring neither party faces prejudice or fear of reprisal or victimisation.</p>
(6)	<p>Once all parties have had a chance to present their information, the COO/ CEO / Management Representative will provide a written response to all parties confirming the outcome of the complaint within the 14 days' period.</p>
(7)	<p>Should the issue still not be resolved to the satisfaction of the person making the complaint, MILCOM Institute will make arrangements for an independent external person to resolve the issue. All parties will be given the opportunity to formally present their case. The time frame for this process may vary but should take no longer than 14 days.</p>
(8)	<p>If any party is still not happy with external mediation, they may take their complaint to the Australian Skills Quality Authority (ASQA) or other relevant body.</p>
(9)	<p>Where MILCOM Institute considers more than 60 calendar days are required to process and finalise the complaint or appeal, MILCOM Institute will inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required, and regularly updates the complainant or appellant on the progress of the matter.</p>
(10)	<p>All documentation relating to complaints or appeals will be securely archived either with the student file or in the MILCOM Institute's document management system for audit purposes.</p>

9. Definitions and abbreviations

Term	Meaning
Services	means training, assessment, related educational and support services and/or activities related to the recruitment of prospective students.
Standards	means the Standards for Registered Training Organisations (RTOs) 2015 from the VET Quality Framework
Complaint	<p>An informal or a formal written allegation of a breach of rules, policies or governing regulations of MILCOM Institute either by a staff member or a student.</p> <p>This might include complaint about the RTO, RTO staff, other students or third parties, assessment outcomes/decisions.</p>

Appeal	A request that an administrative decision or a complaint outcome be resubmitted for formal review or reconsideration
Appellant/ Complainant	A student (or staff member) who wishes to activate the complaints and appeals process
External Appeals Process	LEADR Complaints, Appeals and Resolution Department https://www.leadriama.org/aboutleadr/compliments-suggestions-and-complaints Or Overseas Students Ombudsman (For International students only) at Website: http://www.oso.gov.au

10. Monitoring, evaluation and review

COO must monitor, evaluate and review this policy and relevant procedures on an ongoing basis and suggest appropriate changes to the Compliance and Quality Assurance Department for approval.

11. Revision record

Date	Version Number	Revision description/ Nature of change (change/reasons for change/comments)
January 2016	1.0	Policy reviewed
May 2017	2.0	New format and policy reviewed
Jan 2018	3.0	Revised as per ASQA SRTO Users Guide Version 2 Nov 2017

12. Complaints Management Flow Chart

Frontline Complaints Handling

MILCOM Institute Staff (Student Support/ Trainers) are empowered with clear delegation to resolve less serious complaints wherever possible at first contact.

Staff log complaints details for later analysis and continuous improvement of services.

Serious complaints are referred directly to the next stage - Administration Manager/National Manager/National Compliance Manager

Internal Complaints Resolution

Senior Managers , COO and CEO review Complaints unresolved at frontline; or investigate serious complaints referred directly from frontline

External Review

Unsatisfactory complainant is further advised to refer to:

LEADR Complaints, Appeals and Resolution Department
<https://www.leadriama.org/aboutleadr/compliments-suggestions-and-complaints> Or

Overseas Students Ombudsman (For International students only)
at Website: <http://www.oso.gov.au>

13. Flowchart of Assessment Appeals Procedure

