



Managing Complaints and Appeals Policy and Procedure

Document Name	TMSS Managing Complaints and Appeals Policy and Procedure
Standards	<i>Standards for Registered Training Organisations (RTOs) 2015, Standard 6</i> <i>National Code 2018, Standard 10</i>
Institution Name	The Management School Sydney (also known as the “RTO” or “college”)
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Approval Authority	Chief Executive Officer
Related Documents	Monitoring Course Progress and Intervention P&P Staff Handbook Orientation slides Training and Assessment Strategies
Administrator	RTO Manager
Compliance and Monitoring	RTO Manager Student Services
Author	RTO Manager
Responsibility	The RTO Manager will ensure that all staff are aware of the application, scope and use of this document and that the document is reviewed annually or if there are any updates to the Standards requiring a new version. All staff will share the responsibility for the consistent use of this document pursuant to the RTO’s policies and procedures.
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Definitions	Standards: Standards for Registered Training Organisations (RTOs) 2015 National Code: National Code 2018
Contact Person for this Policy and Procedure	RTO Manager (02) 9283 2388
Publication Availability	This document is published in hard copy (available from RTO Manager), in soft copy (available from Student Services and RTO Manager) and on the college web site.

Students are entitled to fair treatment and a transparent, governed review process with regard to college services and college decisions. The college adopts the principles of natural justice in its response to complaints, appeals and grievances.

Background

The college must provide equitable access to services and outcomes and allow students to appeal, complain or raise a grievance about any aspect of the college operations or the outcomes of those services. This is to ensure that no learner is disadvantaged and that all learners have the same opportunity to be treated in a fair and transparent way. It is also to ensure operational integrity.

1. Purpose

This policy and procedure provides a process for complaints and appeals to be heard and actioned by the college (RTO), which supports Standard 6 of the Standards and Standard 10 of the National Code in providing a process for complaints and appeals to be heard and actioned. The purpose of this policy and procedure is to manage and respond to allegations involving the conduct of the college, its trainers, assessors or staff. The college also has an appeals policy in place to manage requests for a review of decisions, including assessment decisions, made by The RTO.

2. Scope

The college has implemented a transparent complaints and appeals policy that enables learners and clients to be informed of and to understand their rights and the RTO's responsibilities under the Standards and National Code. The college's complaints and appeals policy:

- ensures the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process
- is publicly available



- sets out the procedure for making a complaint or requesting an appeal
- ensures complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable, and
- provides for review by an appropriate party independent of the RTO and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.

3. Policy Statement

The college is committed to providing all its students, staff and stakeholders the best possible environment in which to study or work. The college, however, understands that there may be instances where there may be dissatisfaction and acknowledges that the cause(s) must be addressed and rectified immediately.

In such instances, the college will invite feedback from the dissatisfied party so that a resolution can be reached and gives the college an opportunity to consolidate the feedback into a review and improvement of the college's policies and practices. The college will address any and all complaints in a fair, constructive and timely manner. The complainant has the right for their complaint to be heard and for an impartial decision to be made at no cost to them. Complainants have the right to appeal a decision.

Complaints may relate to:

- a. the RTO, its trainers, assessors or other staff
- b. a third party providing services on the RTO's behalf, its trainers, assessors or other staff, or
- c. a learner of the RTO
- d. some other party

4. Implementation

4.1 Complaints Procedure

The college may receive complaints from students, staff or other stakeholders through a variety of means e.g. verbally, written documentation, electronically (email). Complaints can either be informal or formal. There is no cost for lodging a complaint. All complaints will be treated with integrity. Privacy will be maintained at all times.

- a) Once a complaint or appeal is received, the college will begin assessing it within 10 working days of its receipt. Either the person concerned (such as a trainer or assessor) or other person or the RTO Manager or their designated staff member, will identify the issue and seek to resolve the concern immediately so as to avoid any further disruption, and attempt to encourage both staff and the complainant to approach the complaint openly and honestly so as to resolve problems through fair and reasonable means. Where possible all non-formal attempts shall



be made to resolve the issue. This may include advice, discussions, and general mediation in relation to the issue.

- b) If the complaint is not able to be resolved by informal means, then the complainant is asked to complete a Complaints and Appeals Form, by contacting the college administrative staff stating their case and providing as much detail as possible, and submit this to the RTO Manager either in person or by email. Complaints are to include the following information:
- Submission date of complaint
 - Name of complainant
 - Nature of complaint
 - Date of the incident; and
 - Attachments (if applicable)
- c) Once the Complaints and Appeals Form is received the details are recorded on the Complaints and Appeals Register, which is reviewed and maintained by the RTO Manager. Information recorded on the Complaints and Appeals Register includes:
- A specific complaint number
 - Submission date of the complaint
 - Name of the complainant
 - Description of the complaint
 - Determined resolution (outcome)
 - Date of outcome
- d) The RTO Manager will investigate all complaints recorded on the Complaints Register and identify a satisfactory resolution to the complaint. The proposed resolution will be communicated to the complainant within **twenty-one (21) working days** and agreement to the proposed resolution sought. If the process is likely to take sixty (60) days or more, the college will inform the complainant or appellant in writing of this and the reasons for such a delay as well as the expected date of an outcome.
- e) No student, staff member, stakeholder or member of the public will be disenfranchised in any way during the complaint and resolution process. If a student has lodged a complaint, then the students' progress through a study program will not be disrupted whilst a complaint is being heard unless the nature of the issue itself means further progress is not possible.
- f) The college and the complainants will observe strict confidentiality during all stages of the complaints resolution process. All communications and proceedings arising from the complaints process will remain confidential. Complainants have the right to nominate third party representation (e.g. a



family member or friend, counsellor, professional representation or support person) if they require.

- g) Upon receipt of the agreement, the RTO Manager will:
- Provide the complainant with written confirmation of the resolution within **ten (10) working days**.
 - Record the action(s) taken to resolve the complaint on the Complaints Register
 - Where applicable communicate the outcome of the complaint resolution to the relevant staff member/s.
- h) If applicable, the RTO Manager will also document the process in the Continuous Improvement Register and implement the necessary corrective and preventative action if applicable and advise the complainant of the outcome.
- i) Within the notification of the outcome of the formal complaint the complainant shall also be notified that they have the right of appeal. To appeal a decision the college must receive, in writing, grounds of the appeal.
- j) Any documentation including written notes of the progress of a complaint, outcomes, actions and resolution, will be kept by the college as evidence and filed in the student's and/or staff's personal file. Any complaint received that is not from a student and/or staff, will be stored in the dedicated Complaints and Appeals folder maintained by the college.

4.2 Appealing a Decision

- a) If a student, staff or any other stakeholder is not satisfied with outcome of a complaint, they are entitled to formally appeal the outcome of the decision by completing the Complaints and Appeals Form, by contacting the college administrative staff stating their case and providing as much detail as possible, and submit this to the RTO Manager either by email or post. Appellants are to include the following information:
- Submission date of appeal
 - Name of appeal;
 - Nature of appeal;
 - Supporting documentation regarding their assessment outcome
 - Attachments (if applicable)
- b) Once the Complaints and Appeals Form is received the details are recorded on the Complaints and Appeals Register, which is reviewed and maintained by the RTO Manager. Information recorded on the Complaints and Appeals Register includes:
- A specific appeal number



- Submission date of the appeal
 - Name of the appeal
 - Description of the appeal
 - Determined resolution (outcome)
 - Date of outcome
- c) If the appeal is regarding the outcome of an assessment, the RTO Manager shall seek details from the Assessor involved and any other relevant parties if required. 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 the RTO Manager.
- d) The appellant shall be notified in writing of the outcome with reasons for the decision, and the 'Complaints and Appeals Register' updated. The appellant shall also be provided the option of activating the external appeals process if they are not satisfied with the outcome. The appellant is required to notify the RTO Manager if they wish to proceed with the external appeals process

4.3 External Appeals

- a. If an overseas student is not successful in the internal complaints handling and appeals process, The Management School Sydney will advise the overseas student within 10 working days of concluding the internal review of the overseas student's right to access the external complaints handling and appeals process provided by the Overseas Student Ombudsman (<http://www.ombudsman.gov.au/about/overseas-student-ombudsman-landing-page> - Accessed 1 Nov 2017)
- b. If a domestic student is not successful in the internal complaints handling and appeals process, the College will advise the overseas student within 10 working days of concluding the internal review of the overseas student's right to access the external complaints handling and appeals process provided by the Australian Council for Private Education and Training (ACPET). The Appellant is required to download the ACPET Complaints and Appeals form from <http://www.archive.acpet.edu.au/students/student-support/appeals> (Accessed 1 Nov 2017), fill in their details, sign and date the form and either post or scan and email back to the address on the form.
- c. Other options available to students include:
- ASQA (<http://www.asqa.gov.au/complaints/making-a-complaint.html>)
 - Department of Fair Trading (<http://www.fairtrading.nsw.gov.au>)
 - Administrative Appeals Tribunal (<http://www.aat.gov.au>)

ASQA can only deal with complaints about:



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- the information provided by an RTO about its course/s
- the delivery and assessment of training received
- the qualifications issued or to be issued.

5. Review

5.1 The RTO Manager is responsible for ensuring that this policy and procedure is continuously monitored for quality assurance and improvement purposes.

5.2 This policy will be reviewed annually by the RTO Manager after the date of approval, unless there has been a change to the Standards within this timeframe.

6. Acknowledgements

This policy was developed in reference to the Standards for Registered Training Organisations (RTOs) 2015 referenced from the www.comlaw.gov.au website, and the National Code 2018.

Date: 12 Feb 2018