

Complaints and Appeals (Students, Staff and Clients) Policy and Procedure

1 Purpose and Scope

1. Mazda Technical Training Australia Pty Ltd (MTTA) has established this policy to support the Standards for Registered Training Organisations 2015. The policy has been developed and implemented to support and provide clear instruction and guidance to MTTA staff and stakeholders on the handling of complaints and appeals from program participants.
2. This policy is designed to ensure that MTTA effectively manages complaints and appeals in accordance with the requirements of the Standards for Registered Training Organisations 2015 and relevant funding agreements and as part of best practice.
3. This policy is designed to:
 - ensure complaints from clients and appeals from decisions made by MTTA staff are handled in a fair, equitable and effective manner
 - ensure that clients have a clear understanding of the process involved in reporting a complaint and making an appeal
4. This policy applies to all clients accessing services provided by MTTA.
5. In this policy “staff” is defined to include both employees and all contractors providing services on behalf of MTTA.
6. This policy should be read in conjunction with MTTA’s:
 - Access and Equity Policy
 - Continuous Improvement Policy and Procedure
 - Student Code of Conduct Policy and Procedure
 - Student Discipline Policy and Procedure

2 Document Support Summary

Std 1, Std 2, SNR 4, CI 4.1, Std 5, CI 5.2, 5.3, Std 6, Std 8, CI 8.1, 8.2, 8.4, 8.5, 8.6.

3 Version Control

Responsible team member	RTO Manager – Mazda Technical Training Australia Pty Ltd
Contact team member	Compliance Specialist – Mazda Technical Training Australia Pty Ltd e: mttatraining@mazda.com.au p: 03 8540 1800
Superseded documents	1.8
Review date (Annually, or as needed)	10 th July 2024
File number	PP 20230710 Complaints Appeals (Student Staff and Clients)
Associated documents	

Version	Authorisation	Approved Date	Effective Date
1.9	RTO Manager – Mazda Technical Training Australia Pty Ltd	10 th July 2023	10 th July 2023

3.1 Change History

Version	Authorise by	Approved date	Effective Date	Significant changes
1	RTO General Manager – Mazda Technical Training Australia Pty Ltd	Intentionally blank	Intentionally blank	<ul style="list-style-type: none"> New Policy and Procedure
1.1	RTO General Manager – Mazda Technical Training Australia Pty Ltd	01 January 2017	01 January 2017	<ul style="list-style-type: none"> Logo GM contact number
1.2	RTO General Manager – Mazda Technical Training Australia Pty Ltd	20 th March 2017	20 th March 2017	<ul style="list-style-type: none"> Updated contact details Updated Section 5.9 - External appeal process Section 5.13 Assessment Appeals Process – Introduced duration term in Clause 1. CIR ID # 107, 137 & 157a Section 5.9.2 Replaced ACPET with Resolution Institute as the new external appeals provider
1.3	RTO Manager – Mazda Technical Training Australia Pty Ltd	14 th February 2018	14 th February 2018	<ul style="list-style-type: none"> Review Date Added National Training Complaints Hotline in section 5.10
1.4	RTO Manager – Mazda Technical Training Australia Pty Ltd	30 th November 2018	30 th November 2018	<ul style="list-style-type: none"> Review date Updated Resolution Institute screenshot for student mediation scheme
1.5	RTO Manager – Mazda Technical Training Australia Pty Ltd	30 th November 2019	30 th November 2019	<ul style="list-style-type: none"> Review date New Mazda VI
1.6	RTO Manager – Mazda Technical Training Australia Pty Ltd	13 th May 2020	13 th May 2020	<ul style="list-style-type: none"> Updated section 4.4.1 to include NSW Smart & Skilled Added NSW Smart & Skilled customer support number in section 5.10.1
1.7	RTO Manager – Mazda Technical Training Australia Pty Ltd	13 th May 2021	13 th May 2021	<ul style="list-style-type: none"> Review date
1.8	RTO Manager – Mazda Technical Training Australia Pty Ltd	13 th May 2022	13 th May 2022	<ul style="list-style-type: none"> Review date
1.9	RTO Manager – Mazda Technical Training Australia Pty Ltd	10 th July 2023	10 th July 2023	<ul style="list-style-type: none"> Review date Update to state funding contract dates 4.3.1, 4.4.1, 4.5.1 Update to 5.7.5 – storage of complaint files Update to external mediation support 5.9.1, 5.9.2 Review of contact details 5.10.1

4 Policy

4.1 Definitions

1. A complaint is any expression of dissatisfaction with an action, product or service of MTTA.
2. An appeal is where a client of MTTA, or other interested party, may dispute a decision made by MTTA. The decision made by MTTA may be an assessment decision or may be about any other aspect of its operations.

4.2 General

1. MTTA is committed to providing students, staff and stakeholders the best possible environment in which to study or work. The organisation understands that on occasion there may be instances of dissatisfaction and acknowledges that the cause(s) must be addressed and rectified promptly.
2. MTTA encourages open communication and an environment of trust.
3. All clients have the right to raise any complaints without fear of retribution.
4. MTTA recognises the right of all clients to seek the assistance of an external organisation to resolve a complaint or appeal.
5. All complaints will be treated seriously and will be responded to quickly, impartially and confidentially.
6. All formal complaints and appeals will be treated as opportunities for improvement and will be reviewed by the Leadership Team as part of the MTTA Continuous Improvement Policy and Procedure.
7. MTTA invites feedback from the dissatisfied party so that a resolution can be found and as an opportunity to consolidate the feedback into a review and improvement of the RTO's policies and practices.
8. The MTTA Complaints and Appeals Process is published on the MTTA website in accordance with the requirements of the relevant service agreement.
9. The MTTA Complaints and Appeals Policy is included in the Student Handbook and covered in the induction process for all MTTA stakeholders.

4.3 State Funding Compliance related – Victoria

1. Skills First Standard Contract 2023

4.4 State Funding Compliance related – New South Wales

1. Smart and Skilled 2023- 2024

4.5 State Funding Compliance related – Queensland

1. Skills Assured / User Choice 2023-2024

5 Processes

5.1 Rights and Responsibilities

1. When a complaint is made the complainant has the right to:
 - Discuss a problem without having to make a formal complaint (i.e. in writing)
 - Be protected against unjust treatment or victimisation
 - Be kept up to date on progress and decisions made
 - Withdraw the complaint at any time in the proceedings
 - Take their complaint to an external body.
2. When a complaint is made the complainant is responsible for:
 - Making their complaint in good faith
 - Providing all of the relevant facts
 - Co-operating with the resolution process.

5.2 Advice to Clients

1. The MTTA website provides information to clients regarding the Complaints and Appeals Process, including:
 - The MTTA process involved in submitting a complaint or appeal
 - Who to submit a complaint or appeal to
 - The Complaints and Appeals Form.

5.3 Client Complaints

1. Clients include, but are not limited to:
 - Learners participating in MTTA training services
 - Employers
 - Other MTTA stakeholders.

5.4 Informal Complaints

1. Learners should attempt to resolve issues resulting from a classroom or training incident through discussions with the person(s) concerned or with the trainer, if they feel comfortable to do so
2. If the matter remains unresolved the learner can lodge a formal complaint with the Training Coordinator
3. Complaints received via phone should be transferred to the relevant manager. If the relevant manager is not available the staff member taking the call should:
 - Take the complainant's details including their full name, contact details and a brief description of the complaint
 - Notify the complainant that the relevant manager is currently unavailable
 - Email the details to the relevant manager at the earliest opportunity
4. Under no circumstances should the staff member provide advice or a resolution to the complainant

5.5 Formal Complaints

1. A formal complaint should be made in writing by completing a Complaints and Appeals Form found on the MTTA website
2. A Complaints and Appeals Form should be forwarded to the Student Support Representative within 28 days of the incident, handed in at MTTA Head Office, Melbourne
3. In the event there is a conflict of interest with the Student Support Representative investigating the complaint, the RTO Manager will reassign the complaint to an alternative MTTA Representative
4. The details from the Complaints and Appeal Form are recorded on the Complaints and Appeals Management Form which is reviewed and maintained by the RTO Manager. Information recorded on the Complaints Record Log includes:
 - A specific complaint number
 - Submission date of the complaint
 - Name of the complainant
 - Description of the complaint
 - Date/location/delivery method on which the issue occurred
 - Determined resolution
 - Date of resolution
 - Attachments/other information as required
5. Within five working days of receipt, the Student Support Representative contact the client to acknowledge receipt of the complaint.

5.6 Investigate and review the complaint

1. The Student Support Representative will investigate all formal complaints, to determine whether the complaint will proceed and if so what actions need to be taken
2. The investigation stage may include interviews with the complainant, any witnesses, or other relevant person and a review of any documentation. The Student Support Representative may request further details from the complainant. This may be sought by written or verbal request or by a face-to-face interview with the complainant and/or respondent
 - When such clarification occurs in a face-to-face interview, the person being interviewed may have another person accompany them
 - Investigation into the matter will take place to ensure MTTA has accurate, complete and relevant information.

5.7 Recommend resolution and provide report to complainant

1. When determining a resolution, the Student Support Representative and Training Coordinator will consider the outcome of the investigation, program guidelines, relevant legislation and the impact on MTTA
2. MTTA will make every attempt to reach a satisfactory resolution to the issue within 10 workdays
3. Upon a decision being made the client will be advised in writing of the outcome of the complaint. The Student Support Representative will provide a written report to the complainant on the steps taken to address the complaint/s and will include their recommendations and the reason for their decision

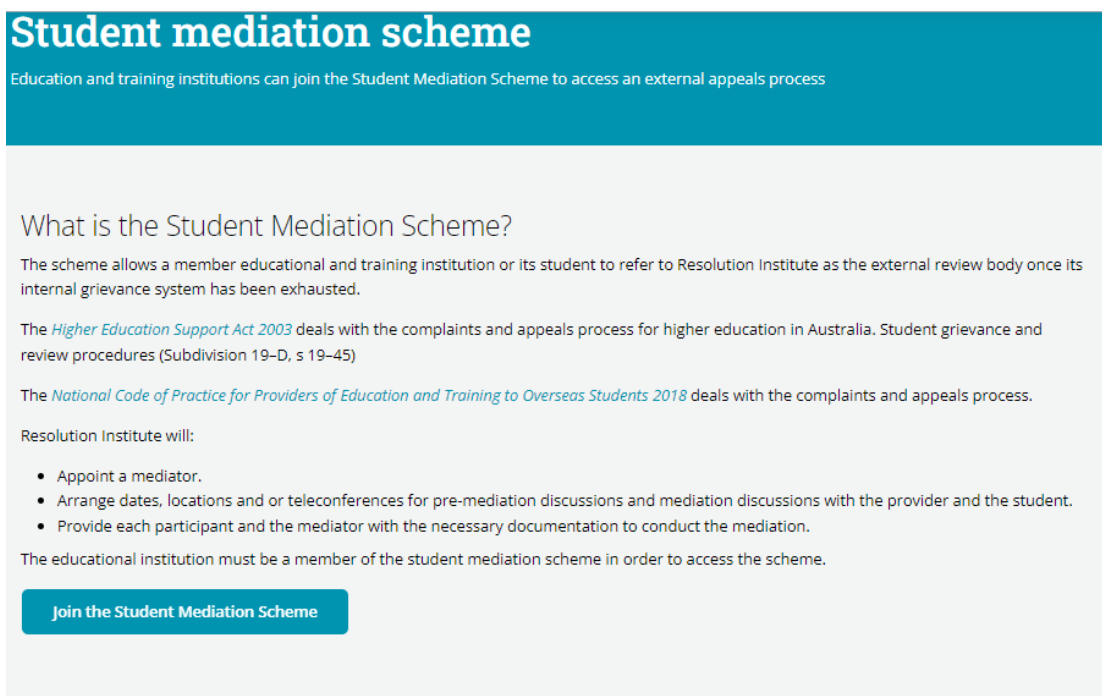
4. The report will further advise the complainant of their right to access the internal appeals process if they are not satisfied with the outcome of the formal complaint
5. The RTO Manager will create a file and store all sealed records related to the complaint, including outcomes, in a secure folder accessible by only the RTO Manager and Compliance Officer
6. The details regarding the complaint, including the outcomes, will be documented in the Complaints Record Log by the Student Support representative.

5.8 Escalate complaint – lodge appeal to RTO Manager for review

1. If the complainant is dissatisfied with the outcome, they may lodge an appeal with the RTO Manager
2. Within 24 hours of receipt, the RTO Manager will contact the appellant to acknowledge receipt of the appeal
3. An appeal may be made on one or more of the following grounds:
 - New evidence of a relevant nature is available
 - The decision was made without due consideration of the facts, evidence or circumstances
 - There was bias, prejudice or a conflict of interest by the person investigating
 - Some significant policy/procedural irregularity occurred in the investigative process
4. Appeals should be submitted to the RTO Manager in writing within seven days of the client receiving notification of the decision and must set out the grounds of the appeal and provide any supporting evidence
5. The RTO Manager will investigate all appeals. The investigation stage may include interviews with the appellant, any witnesses, or other relevant person and a review of any documentation
6. An appropriate person or committee will be appointed to consult with the complainant and other relevant parties within 10 working days
7. Where possible, such consultations should take the form of face-to-face interviews. The complainant or respondent may ask another person to accompany them to these interviews
8. Note that in the case of an assessment appeal, MTTA may appoint an independent, qualified assessor to review the assessment
9. Following the consultation, the RTO Manager will provide a written report to the complainant within 10 working days, advising the further steps taken to address the complaint including the reasons for the decision
10. The report will further advise the complainant of their right to access the external appeals process if they are not satisfied with the outcomes of their internal appeal
11. RTO Manager will create a file and store all sealed records related to the appeal, including outcomes electronically
12. All appeal details including outcomes will be documented in the Complaints Record Log.

5.9 External appeal process

1. The complainant has the option to use the external mediation service facilitated by the Resolution Institute. Contact details for the Resolution Institute National Office is as follows
 - Website: <https://www.resolution.institute>
 - Address:
Suite 602, Level 6, Tower B, Zenith Centre
821–843 Pacific Highway
Chatswood NSW 2067
 - Ph: 1800 651 650 / 02 9251 3366
 - Email: infoaus@resolution.institute
2. Students who wish to lodge an external appeal must complete the *Application for External Review* form for domestic students which is available from the Resolution Institute. This can be found at <https://resolution.institute/Web/Public-In-Dispute/What-are-the-Dispute-Resolver-schemes/Student-mediation-scheme.aspx>¹. Once on the webpage the student is to download and complete the form from “Student application for External Review” title (red arrow below) – as shown in below



Student mediation scheme

Education and training institutions can join the Student Mediation Scheme to access an external appeals process

What is the Student Mediation Scheme?

The scheme allows a member educational and training institution or its student to refer to Resolution Institute as the external review body once its internal grievance system has been exhausted.

The *Higher Education Support Act 2003* deals with the complaints and appeals process for higher education in Australia. Student grievance and review procedures (Subdivision 19–D, s 19–45)

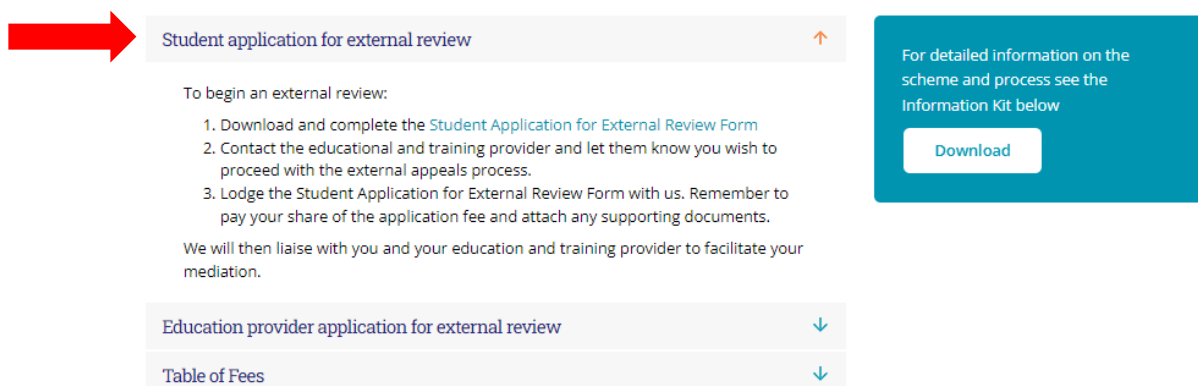
The *National Code of Practice for Providers of Education and Training to Overseas Students 2018* deals with the complaints and appeals process.

Resolution Institute will:

- Appoint a mediator.
- Arrange dates, locations and or teleconferences for pre-mediation discussions and mediation discussions with the provider and the student.
- Provide each participant and the mediator with the necessary documentation to conduct the mediation.

The educational institution must be a member of the student mediation scheme in order to access the scheme.

[Join the Student Mediation Scheme](#)



Student application for external review

To begin an external review:

1. Download and complete the [Student Application for External Review Form](#)
2. Contact the educational and training provider and let them know you wish to proceed with the external appeals process.
3. Lodge the Student Application for External Review Form with us. Remember to pay your share of the application fee and attach any supporting documents.

We will then liaise with you and your education and training provider to facilitate your mediation.

[Education provider application for external review](#)

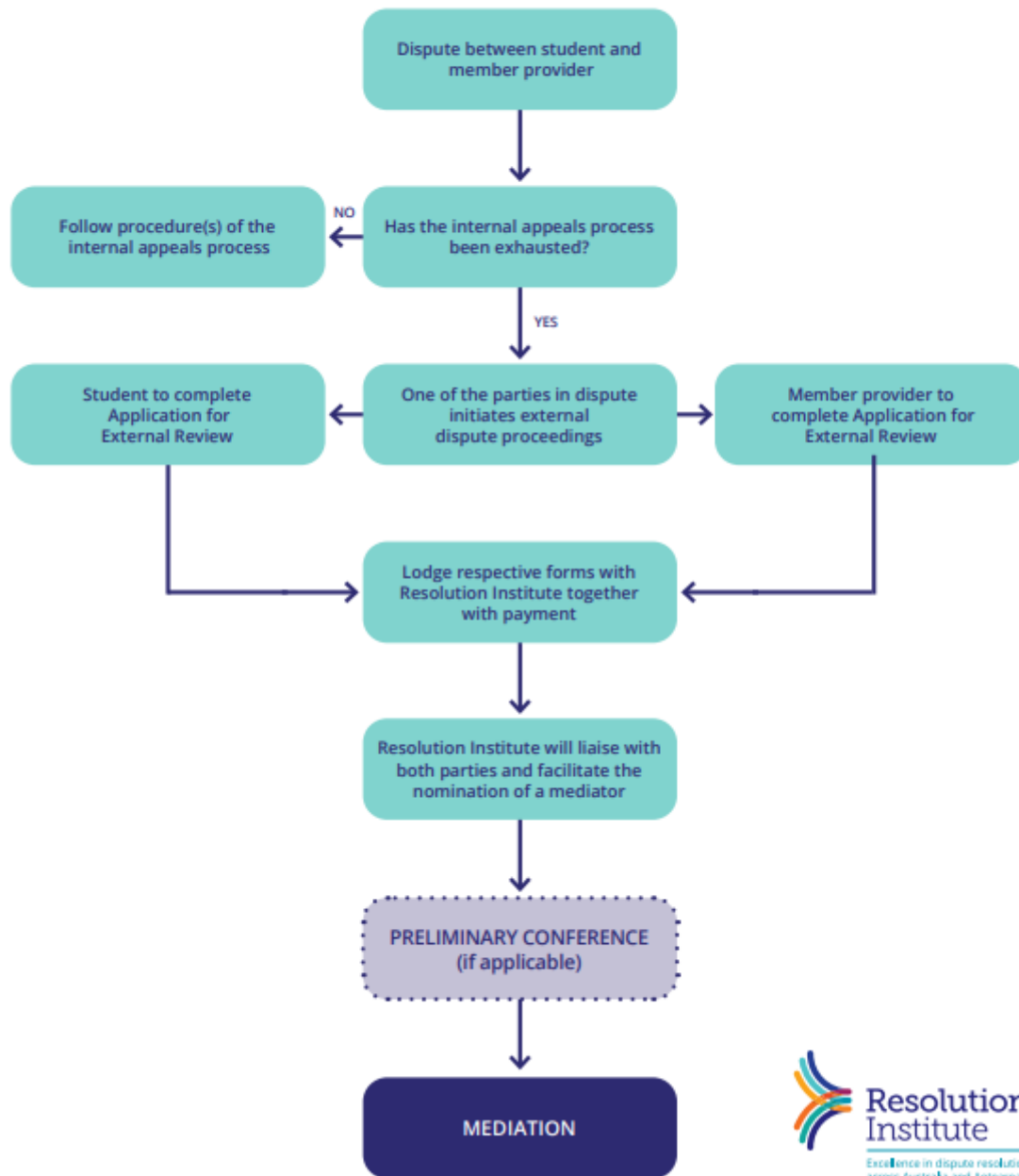
[Table of Fees](#)

For detailed information on the scheme and process see the Information Kit below

[Download](#)

¹ As viewed by MTTA on 10th July 2023.

External appeals process explained



3. The student is to follow the instructions as set out in the form. The Student also has the option to contact the Resolution Institute for guidance to fill out the form. If required, upon the student's request, MTTA will assist the student to locate the form and / or arrange for the student to contact a Resolution Institute representative
4. Once the application is made, the Resolution Institute will advise MTTA of the external review application made by the student and both the student and MTTA will be requested to provide documents in support of the application within 14 days including student records to the Resolution Institute
5. The Resolution Institute will review the appeal for resolution between the student and MTTA. If necessary, the Resolution Institute may utilise subject matter experts to assist the Resolution Institute make a determination. The determination will be communicated to all parties
6. Turnaround time for an appeal is within four (4) to six (6) weeks of lodgement
7. Contact with the mediator should be initiated by the student in all cases
8. The total cost per external mediation is borne equally by the student and MTTA. MTTA will provide the student with an indication of the external mediation costs prior to accessing the mediation service
9. The police may be contacted in cases of possible criminal behaviour
10. Each complaint, appeal and its outcome is recorded in writing and each party to the complaint is given a written statement of the appeal outcomes, including reasons for the decision
11. After receiving the report, MTTA's RTO Manager, or nominated authorised delegate, will respond to the complainant within 10 working days, and provide a written summary of the actions recommended by the external mediator to resolve the complaint.

5.10 Additional complaint avenues

1. This complaint policy does not infringe on the rights of students and stakeholders to raise their complaint through other available channels. Students and stakeholders are advised about the manner in which they can raise external complaints in the Student Handbook, Trainer Guide and at induction. For example:
 - The Australian Skills Quality Authority (ASQA):
 - Website - <https://www.asqa.gov.au/about/complaints/complaints-about-training-providers>
 - Ph - 1300 701 801
 - *For all students*
 - Department of Fair Trading / Consumer Affairs
 - NSW Fair Trading – www.fairtrading.nsw.gov.au, Ph - 13 32 20. *For NSW students.*
 - Queensland Fair Trading - www.qld.gov.au/law/fair-trading/, Ph - 13 74 68. *For Queensland students.*
 - Consumer Affairs Victoria - www.consumer.vic.gov.au/businesses/fair-trading, Ph - 1300 55 81 81. *For Victorian students.*
 - NSW Smart and Skilled customer support centre Ph - 13 28 11, or in person at a Training Services NSW centre

- Other
 - Anti-Discrimination Board of NSW - <https://antidiscrimination.nsw.gov.au/> Ph - (02) 9268 5544 or 1800 670 812. *For NSW students.*
 - Anti-Discrimination Commission Queensland - www.adcq.qld.gov.au/about-us Ph - 1300 130 670. *For Queensland students.*
 - Victorian Ombudsman – www.ombudsman.vic.gov.au Ph - 1800 806 314. *For Victorian students.*
 - Department of Queensland Training Ombudsman – www.trainingombudsman.qld.gov.au Ph – 1800 773 048 – For QLD students
 - National Training Complaints Hotline – <https://www.dewr.gov.au/national-training-complaints-hotline> Ph - 13 38 73 (Please Select Option 4)

2. This complaint policy does not infringe on the rights of students and stakeholders to seek legal advice regarding their complaint.

5.11 Responding to external complaints

1. If contacted by ASQA or any other relevant complaint body MTTA will cooperate fully in the process of handling the complaint. This will include and not be limited to providing full access to the relevant participant file (with the permission of the participant – see MTTA Privacy Policy) and the internal complaints records. All MTTA staff will be instructed to cooperate with each such instant and to give an accurate account of events as they understand them.

5.12 Circumstances in Which Complaints May Not Proceed

1. A complaint will not proceed when:
 - The matter that is being complained about relates to relevant legislation
 - The complaint has been previously dealt with
 - An external body that has jurisdiction has already investigated the complaint
 - The complaint is made anonymously
 - The complainant declines to be named
2. A complaint will not proceed if it is found to be fabricated, frivolous, vexatious or malicious. These types of complaints are characterised by:
 - Giving false or misleading information
 - Withholding relevant information or distorting the facts
 - Demonstrating no real commitment to resolving the complaint
3. A learner making these types of complaints may be subject to the MTTA Learner Discipline Policy
4. The complainant will be informed in writing why the complaint has not been investigated

5.13 Assessment Appeals Process

1. A learner has the right to appeal the outcome of an assessment within four weeks from the date on which the assessor judgment for the student was made
2. In the first instance, learners should discuss the assessment outcome with the nominated assessor, if they feel comfortable to do so
3. If a learner does not wish to speak to the assessor directly, they can appeal by completing a Complaints and Appeals Form or contacting the Student Support Representative directly
4. The Complaints and Appeals Form should be forwarded to the Student Support within 28 days of the incident

5. Within 24 hours of receipt, the Student Support Representative will contact the appellant to acknowledge receipt of the appeal
6. The Student Support Representative will investigate the appeal and assign an independent assessor to conduct a reassessment within a reasonable timeframe
7. When a reassessment is complete, the learner will be advised in writing of the outcome of the reassessment
8. The Student Support Representative will create a file and store all sealed records related to the assessment appeal, including outcomes electronically in a secure folder
9. The details of the appeal and the decision of the independent assessor will be logged in the Complaints and Appeals Register

5.14 Records of complaints and their outcomes

1. Following the complaint, appropriate actions will be taken by MTTA to prevent the problem from occurring again through the MTTA Continuous Improvement Policy and procedures
2. The complaint details and outcomes will be logged on the MTTA's Complaints Record Log for review by the Advisory Committee

5.15 Where MTTA considers more than 60 calendar days are required to process and finalise the complaint or appeal

1. The Compliance Representative informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required
2. The Compliance Representative updates the complainant or appellant on the progress of the matter in writing every week until the final resolution has been agreed upon
3. Copies of all correspondence is kept in the complainant or appellant file

5.16 Maintenance of Complaints Record Log

The Compliance Representative is to maintain the Complaints Record Log.

6 Supporting Forms and Templates

Item	Name of Form / Template	Additional Comments
1	Complaints and Appeals Form	
2	Complaints and Appeals Management Form	
3	Complaints Record Log (Complaints Register)	
4	Continuous Improvement Register	