

Complaints and Appeals Policy

MSS Training Academy is committed to providing a fair complaints and appeals process. The Complaints and Appeals Policy and Procedure is made publically available on our website and all students are given a National Participant Handbook containing this policy and procedure at enrolment.

What is a complaint?

MSS Training Academy considers a complaint to be negative feedback about; the RTO, its trainers & assessors, its management & support staff, other learners or any third party providing services on its behalf which has not been resolved locally. A complaint may be received by MSS Training Academy in any form and does not need to be formally documented by the complainant in order to be acted on. Complaints may be made by any person but are generally made by students and/or employers.

What is an appeal?

An appeal is an application by a student for reconsideration of an unfavourable decision or finding during training and/or assessment. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within 28 days of the decision or finding is informed to the student.

Early resolution or complaints and appeals

In all cases, issues that arise during training and assessment that are the source of frustration or are in dispute should be resolved at the time they occur between the persons involved.

In the event that MSS Training Academy identifies that it will take longer than 60 days to resolve a complaint or appeal, the complainant or appellant will be notified in writing and given sufficient reasoning as to why it will take longer than 60 days to resolve the dispute. During the process,

MSS Training Academy will also keep the complainant or appellant regularly updated regarding the progress of the complaint/appeal.

Relationship to continuous improvement

The complaints and appeals handling process may expose weaknesses in the training and assessment system that can flow into the continuous improvement system as opportunities for improvement. This outcome of complaints and appeals handling is very positive and should be actively applied by all persons involved to eliminate or reduce the likelihood of a reoccurrence.

Complaint and appeals handling

MSS Training Academy undertakes to apply the following principles of natural justice and procedural fairness to its complaints and appeals handling:

- Complaints or appeals are acknowledged in writing and the handling of a complaint or appeal is to commence as soon as possible but not later than 10 working days of the lodgement of the complaint or appeal and all reasonable measures are taken to finalise the process as soon as practicable.
- A written record of all complaints and appeals is to be kept and maintained securely by MSS Training Academy including all details of lodgement, response and resolution. A complainant or person lodging an appeal is to be provided an opportunity to formally present his or her case at no cost.
- Each complainant or person lodging an appeal may be accompanied and/or assisted by a support person at any relevant meeting.
- The complainant or person lodging an appeal is to be provided a written statement of the outcome, including details of the reasons for the outcome.
- The complainant or person lodging an appeal is to have the opportunity for a person or a body that is independent of MSS Training Academy to review his or her complaint or appeal when the MSS Training Academy's complaint or appeals process fails to resolve a complaint or

appeal. It is noted that a review of findings by an independent person or body will generally only relate to the appeals process and is less likely to be required in complaints handling.

- MSS Training Academy shall maintain the enrolment of the complainant or person lodging an appeal during the complaint or appeals process.
- Decisions or outcomes of the complaint or appeals process that find in the favour of the student shall be implemented immediately.
- Complaints and appeals are to be handled in the strictest of confidence. No MSS Training Academy representative is to disclose information to any person without the permission of MSS Training Academy Chief Executive Officer. A decision to release information to third parties can only be made after the complainant has given permission for this to occur.
- Complaints and appeals are to be considered on the basis of procedural fairness and lead to opportunities for improvement as well as being logged in the Complaints & Appeals Register.
- Students who are not satisfied with the complete complaint handling by MSS Training Academy may refer their complaint to the National Training Complaints Service (NTCS) for consideration. Students are to be advised that the NTCS will require the student to have exhausted all avenues through MSS Training Academy before taking this option. Please refer to the Complaint Handling Procedure for more information.
- Appeals of assessment decisions are to be determined by an approved independent body.

MSS Training Academy considers that it would be extremely unlikely that complaints and appeals are not able to be resolved quickly within MSS Training Academy's internal structures.

Complaints Procedures

Complaints Handling Procedure

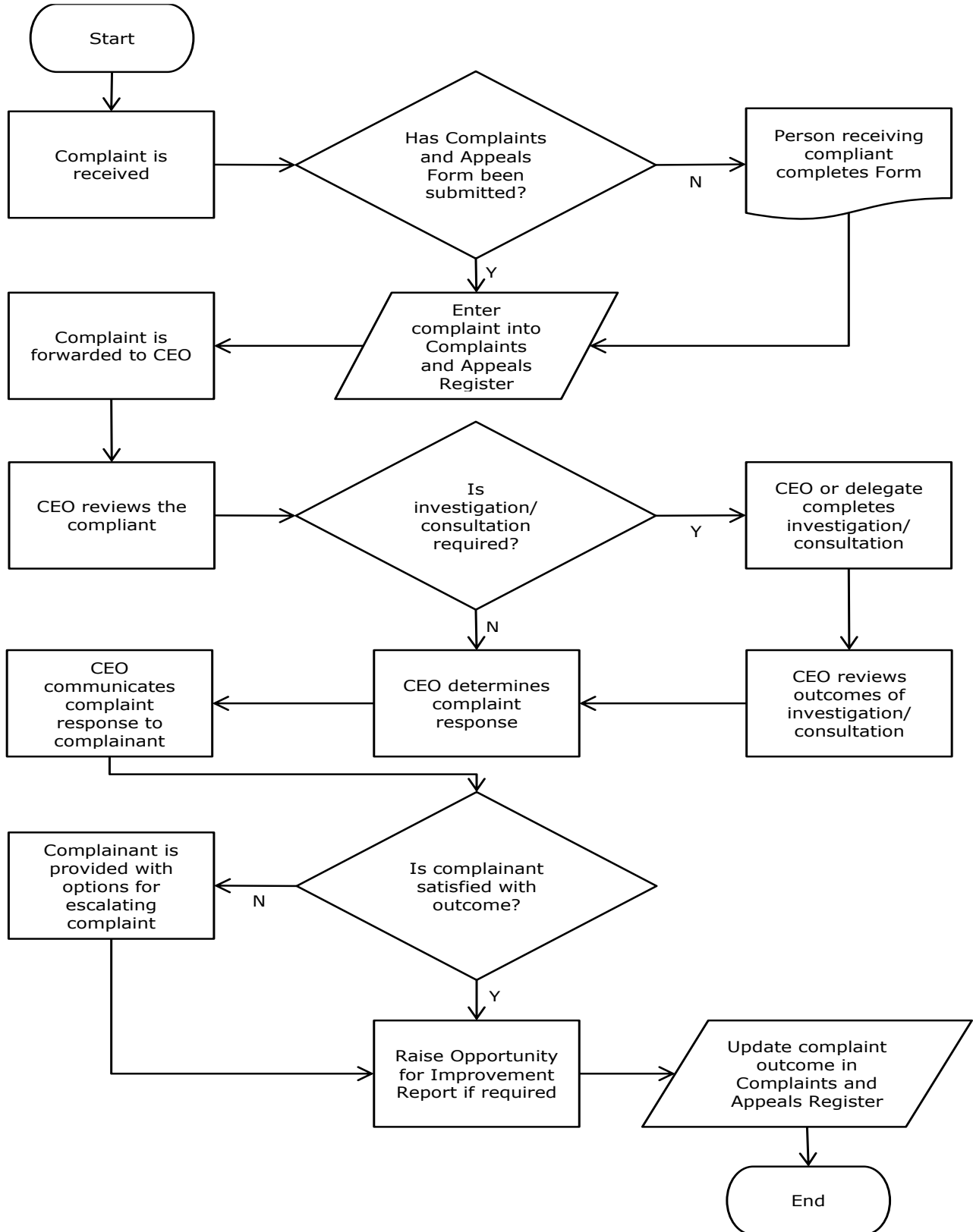
Matters that cannot be resolved at the time they occur should be referred to MSS Training Academy Chief Executive Officer for review. The following procedure is to be followed when a complaint form is received:

- A Complaints and Appeals Form is received by MSS Training Academy and is to be immediately recorded into MSS Training Academy Complaints and Appeals Register.
- Complaints which are received in other forms such as phone or email, are to be detailed on a Complaints and Appeals Form by the person receiving the complaint and then recorded in the Complaints and Appeals Register.
- The Complaints and Appeals Form is to be forwarded to the Chief Executive Officer who is to review the matter and make recommendation as to how to respond to the matter. The Chief Executive Officer may choose to consult with others within MSS Training Academy or relevant agencies external to MSS Training Academy in determining their recommendation. The Chief Executive Officer may choose to make inquiries about the matter or may task another person to research the matter against relevant policy.
- The Chief Executive Officer is to finalise his or her response to the complainant and provide the complainant a response as soon as possible but no later than 10 working days from when the complaint is received.
- The Chief Executive Officer is to communicate the response to the complainant personally either during a meeting or via the telephone. Complaint responses are not to be provided to the complainant via any third-party or via electronic communication such as e-mail. The Chief Executive Officer is to seek feedback from the complainant about their level of satisfaction with the complaint outcome. And advise the complainant of their options if they are not completely satisfied with the outcome.
- Complainant is not satisfied with the outcome of the complaint handling, the Chief Executive Officer may arrange for the complaint to be considered by an appropriate independent third-

party or the student may refer the complaint to the National Training Complaints Service (NTCS) by phoning 13 38 73.

- The response to the complainant must include information that demonstrates that the matter was thoroughly reviewed and what actions and outcomes have been identified as a result of the complaint.
- Opportunities for improvement that were identified as a result of the complaint are to be recorded in a Continuous Improvement Register and discussed in the next Monthly Management Team meeting. The Chief Executive Officer may, at his or her discretion, follow-up with the complainant after consideration by the Management Team to inform the complainant of the improvement actions identified.
- The Complaints and Appeals Register is to be kept up to date at all times to accurately reflect how the matter was responded to and the duration from the date the complaint was received to the date the complaint was resolved.

Complaints Process



Appeals Procedures

Appeals Handling Procedure

Applications by students for reconsideration of an unfavourable decision or finding are to be treated with the highest importance. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within 28 days of when the decision or finding was initially communicated to the student. The following procedure is to be followed when an application for appeal is received:

- A student appealing and assessment decisions is to be referred immediately to the Chief Executive Officer. The Chief Executive Officer is to arrange for a re-assessment of the student as soon as possible. The student is also to be offered the opportunity to undertake additional training before this re-assessment. The reassessment is to be conducted by a different than conducted the initial assessment. The student may be offered up to 3 re-assessments.
- If after the reassessment, the student remains not-yet-competent and is unsatisfied with the assessment outcome, the student is to meet with the Chief Executive Officer to discuss the assessment process and the assessment outcome.
- If after consultation with the Chief Executive Officer, the student remains unsatisfied with the assessment process, the student is to be provided the Complaints and Appeals Form and the matter is to be dealt with in accordance with the complaint handling procedure.
- If the student is seeking a refund of their tuition fees based on an unfavourable outcome, this may be considered by the Chief Executive Officer on its merits. If the Chief Executive Officer does not approve a refund and considers that MSS Training Academy has dealt with the matter appropriately and has provided the student all reasonable opportunity to demonstrate their competence, the student is to be advised of the opportunity to refer the matter to the Office of Fair Trading in relation to their dispute over the requested refund.
- Should Continuous Improvement measures be identified after the appeal process has been completed, the CEO at his or her discretion may choose to inform the applicant of the improvement actions identified

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Policy**

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Appeals Process

