



Administration

Appeals, Complaints and Grievance Policy and Procedure

Purpose

Mayfield Education's commitment to providing a safe, fair and respectful workplace/education environment and to describe processes and procedures for reporting and addressing grievances.

The purpose of this policy is to provide:

- A framework by which students can submit an appeal, or a complaint, escalate unresolved complaints or raise a formal grievance in relation to a decision or advice provided by Mayfield Education.
- A process and procedure to investigate and resolve appeals, complaints and grievances.

Mayfield Education ensures transparent, fair and timely procedures for addressing students' appeals, complaints and grievances in accordance with principles of natural justice, ensuring that all parties are treated equally and fairly regarding their individual circumstances.

Scope

This policy and procedure apply to all of Mayfield Education's students, staff and other relevant stakeholders regardless of the location (campus, clinical/workplace placement), the mode of study or their place of residence of training. All grievances shall be raised and dealt with in accordance with this policy and procedure.

This policy applies to all grievances, including but not limited to harassment, bullying and discrimination.

This policy covers issues arising from a student's involvement with Mayfield Education, except where the matter:

- Relates to decisions based solely on alleged or unsubstantiated academic or general misconduct, academic judgment, unlawful discrimination, or
- Has arisen from a student's failure to read and act upon notice or correspondence sent to their email account or their postal address.

Objective

The objective of this Policy and Procedure is to ensure that Mayfield Education has:

- Suitable and appropriate complaints and appeals processes, procedures and protocols in place.
- An appropriate policy framework to comply with the complaints and appeals (internal and external) process
- personnel that understand and know their responsibilities and obligations.

Responsibility

CEO, Finance Manager, Education Manager, managers, course coordinators, supervisors, trainers, and assessors (whoever is titled) have a responsibility to identify, prevent and address problems in the workplace and in the education environment. These responsibilities include communication and implementation of this policy and related procedures.

Definitions

Grievance is defined as:

- An issue arising from a decision, act or omission that a student considers to be unjust, discriminatory wrongful or at variance with Mayfield Education policy or procedure.
- A complaint about the behaviour of another student, group of students, staff member or group of staff; and
- Child abuse
- Any other matter within the control of Mayfield Education that is not resolved through normal communication channels.

A grievance may relate to facilities, curriculum, administrative procedures or decisions; student progress and assessment; and handling/access to personal records.

Complainant

The complainant is the staff member(s) or student(s) notifying an objection or grievance.

Procedural Fairness

Procedural fairness requires processes that provide fairness to all parties. It includes the right to be heard, the right to be treated without bias, the right to be informed of allegations being made and to be provided with the opportunity to respond to them, and the right to information regarding the status of the grievance.

Respondent

The person(s) against whom a complaint is made.

Stakeholder

An individual or group of individuals including students, staff, industry representatives, employers and other relevant participants.

General Process

Mayfield Education understands that despite all its efforts to provide satisfactory services to its students, staff and other relevant stakeholders, complaints may occasionally arise that require formal resolution. Everyone has the opportunity to have any complaint or appeal resolved and resolutions reached that attempt to satisfy all parties.

There is no cost to the complainant unless the referral is made to a third party.

Mayfield Education's internal complaints process:

- Includes a process for the student to lodge a formal complaint or appeal if a matter cannot be resolved informally
- Ensures that RTO will respond to any complaint/appeal the student makes regarding their dealings with RTO, their education agents or any related party the provider has an arrangement with to deliver the course or related services.
- Commences assessment of the complaint/appeal within 10 working days of lodgement in accordance with the RTO's complaints handling policy and process, and finalise the outcome as soon as practicable.
- Ensures the student is given an opportunity to formally present their case at minimal or no cost and be accompanied and assisted by a support person of their choice at any relevant meetings
- Conducts the assessment of the complaint or appeal in a professional, fair and transparent manner
- Ensures the student is given a written statement of the outcome of the appeal, including detailed reasons for the outcome
- Keeps a written record of the complaint/appeal, including a statement of the outcome and reasons for the outcome.

Mayfield Education 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, RTO acknowledges the need for an appropriate external and independent agent to mediate between the parties.

Mayfield Education understands individuals' concerns regarding confidentiality and is 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). RTO respects the privacy rights of all individuals in the workplace. RTO has implemented a program to ensure compliance with the APPs.

Nature of complaints

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

- RTO, its trainers, assessors or other staff;
- Any third party providing services on RTO's behalf, its trainers, assessors or other staff;
- Assessment/RPL outcome;
- Fees and refunds/re-crediting or
- A student of RTO

Complaints may also be made in relation to any of Mayfield Education'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
- Personal safety
- Customer service and administration
- Student amenities and facilities
- Discrimination
- Sexual harassment
- Other issues that may arise

Where a stakeholder is not satisfied with Mayfield Education's decision regarding their complaint, they may appeal against that decision.

Appeals should be made to request that a decision made by Mayfield Education be reviewed. Decisions may have been about:

- Course admissions.
- Refund assessments.
- Response to a complaint.
- Assessment outcomes/results; or
- Other general decisions made by Mayfield Education.

Mayfield Education investigates anonymous complaints at the discretion of the Course Coordinator or delegates, considering:

- The nature and seriousness of the complaint.
- whether there is enough information for an investigation to be conducted; and
- whether there is a statutory requirement for investigation.

Issues related to the delivery, teaching or assessment of a course are education matters. Where possible it should be resolved at the local level with emphasis on conciliation and informality. In the first instance, the complaint should be directed to the relevant unit trainer and assessor. If the matter is not resolved then it can be escalated to the course coordinator and only then to the Education Manager.

Mayfield Education 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, RTO ensures that complaints and appeals:

- Are responded to in a consistent and transparent manner.
- Are responded to promptly, objectively, with sensitivity and confidentiality.
- Can be made at no cost to the individual.
- Are used as an opportunity to identify potential causes of the complaint or appeal and to take action to prevent the issue from recurring as well as identify any areas for improvement.
- Are viewed as an opportunity to improve the organisation and how it works.
- Are responded to from a view that is client-focused and helps RTO to prevent these events from recurring.
- Ensure that complaints and appeals are resolved promptly, objectively, with sensitivity and in complete confidentiality.
- Are treated confidentially and that the views of each complainant, appellant and respondent are respected and any party to complaint or appeal is not discriminated against nor victimised.
- Are dealt with in a fair, equitable and consistent manner.

Mayfield Education will ensure that all stakeholders especially students are fully informed of their right to lodge a complaint or appeal.

The complainant will also be informed that the person(s) responsible for investigating the complaint will not be the subject of the complaint or appeal.

Communication and approach

1. Mayfield Education recognises that effective communication is of paramount importance when attempting to resolve difficulties experienced by students and is committed to a culture of openness, fairness and continuous improvement.
2. Mayfield Education acknowledges the need to provide appropriate and accessible ways for stakeholders to have their complaints heard. Where reasonable adjustments to the method of lodging or considering a complaint are needed to enable stakeholders to equitably access this process, Mayfield Education will make all reasonable efforts to ensure that such adjustments are made.
3. All parties to a complaint or grievance must respect privacy and confidentiality, except where the release of information is required by law.
4. Individuals or groups of students are encouraged to raise issues and concerns directly with the appropriate education staff member. If the issue(s) can't be resolved, it is referred to a higher authority within Mayfield Education.
5. The informal resolution of the grievance is preferred; however, where this process is not successful then an aggrieved stakeholder may initiate formal procedures as outlined in this policy and procedure.
6. All parties directly involved in a grievance must have access to all information relevant to the complaint.
7. All parties to a grievance have the right to formally present their case and if desired can be accompanied by a third-party support person at each stage of this procedure.
8. There is no cost for utilising this grievance process.
9. The student will receive a full explanation in writing for any decisions and actions taken as part of the formal grievance process by the CEO or Board Chair (if the grievance relates to the CEO).
10. Where this procedure results in a decision that supports the student, Mayfield Education will implement the decision and/or any corrective action required and advise the student of the outcome.

No disadvantage

Grievances will be treated seriously, expeditiously, sensitively, and as close as possible to their source having due regard for procedural fairness, maintaining confidentiality, privacy and the potential for victimisation.

A stakeholder making a complaint or grievance is not to be disadvantaged simply by virtue of having made the complaint unless the complaint involves unreasonable complainant conduct. In particular:

- a. The complainant must not be hindered or prevented from continuing to use Mayfield Education's facilities and attend lectures, classes, laboratories and tutorials and to submit assessment as required, simply by virtue of having made the complaint.
- b. A student who is also:
 - The subject of an action by Mayfield Education under a relevant Regulation or Policy.
 - Subject to exclusion for reasons of safety.
 - subject to cancellation of enrolment due to unpaid fees, where fees are unrelated to the substance of the complaint; or
 - The subject of any relevant court order or action precluding them from attending a campus may be excluded or prevented from attending classes on that basis, unrelated to their status as a complainant.

Timeliness

Complaints must be made within 30 calendar days of the incident or reason for the complaint. Appeals must be made within 30 calendar days of the original decision being made. Any complaint or appeal lodged outside of the stated period will not be accepted by Mayfield Education.

Mayfield Education may be unable to investigate an issue where, due to the length of time elapsed since the event, decision or action, there is insufficient information available to enable investigation of the complaint or grievance. Unlawful activities (including assault) will be reported to the Police.

The complainant/appellant will be constantly updated throughout the processing period of a complaint/appeal. The complainant or appellant is informed in writing via email if it requires more than 60 days to process and finalise the complaint or appeal. Email would state the reason why it would require more than 60 days to finalise the process.

Procedure

Prior to complaining.

1. Students wishing to raise a complaint or grievance are encouraged to seek advice from an independent person knowledgeable about the process and aware of potential outcomes, such as:
 - Trainer and assessor.
 - A course coordinator.
 - an academic staff member who is not involved in the matter in question; or
 - a staff member from a student service
2. The student and the independent person will work together to:
 - Consider whether the complaint is reasonable and the best course of action in the circumstances.
 - clarify the details of the matter, including the events that occurred, the basis for the complaint and the resolution sought; and
 - where appropriate, identify the most appropriate process under which the matter may be pursued.
3. The student may, based on this discussion:
 - Take no further action.
 - where the matter concerns the actions or decisions of another person, make an informal approach to the person concerned (the respondent), or
 - proceed directly to the complaint or grievance process.

If a student is uncomfortable with speaking directly to the person involved or the informal process does not resolve the issue to the student's satisfaction, the formal process should be followed as described below.

Formal Complaints

Any student, potential student, employee or third party may submit a formal complaint to Mayfield Education. Complainants have the right to access advice and support from independent external agencies/persons at any point in the complaint and appeals process. Use of external services will be at the complainant's cost unless authorised by the CEO.

Any person wishing to submit a formal complaint can do so by completing the Complaints and Appeals Form and stating their case, providing as many details as possible. This form can be obtained by contacting the administration staff or through the Mayfield Education's website.

Once a formal complaint is received it will be entered into the Complaints and Appeals Register and written acknowledgment will be sent to the complainant which is monitored by the Education Manager regularly. The information to be contained and updated within the register is as follows:

- The name of the complainant
- Date of the complaint
- Type of complaint
- Name of investigating officer/business unit assigned to deal with the complaint
- Response from those involved in the allegations
- Analysis of the matter
- Outcome of complaint
- Action recommended addressing systemic issues (if any)
- Time taken to investigate the complaint
- Complainant's satisfaction with the outcome.

A Complainant may be assisted or accompanied by a support person at any face-to-face meeting regardless of the nature of the issue or complaint throughout the process.

The Student Services will then refer the matter to the appropriate staff members or CEO/Education Manager to resolve or decide on the complaint within 15 working days and keep the complainant informed of any decisions or outcomes concluded, or processes in place to deal with the complaint.

Once a decision has been reached, Student Services informs all parties involved in writing. Where the complaint process is not found in favour of the complainant, the complainant will have 10 working days for the right to appeal. To appeal a decision, Mayfield Education must receive, in writing, the grounds of the appeal within 10 days of the date of the notice of the decision.

The Education Manager ensures that the RTO will act immediately on any complaint where the complaints process results in a decision that supports the student. RTO will immediately implement any decision and/or corrective and preventive action that is required and advise the student of the outcome.

Copies of all documentation, outcomes and further action required will be placed on the Complaints and Appeals Register by the Education Manager or representative.

Appealing

All stakeholders have the right to appeal decisions made by Mayfield Education where reasonable grounds can be established.

A member of the Board of Directors, Mayfield Education will convene the Grievance Appeals Committee within 10 days of receiving the written request.

The membership of the Grievance Committee will be determined by the Board of Directors, Mayfield Education; there will be a minimum of two and a maximum of four members of the Appeals Committee.

The Grievance Appeals Committee will observe the broad principles of natural justice and will make clear to all parties the processes for determining the matter.

The appellant appealing will be allowed to present a case orally or in writing; the appellant may be accompanied by a person of their choice to the Appeals Committee meeting(s).

The Appeals Committee will reach a decision based on consensus or by a decision on a majority vote; should there be no majority the Chair will have a casting vote.

The decision will be communicated to all parties directly involved in the grievance in a written report outlining the reasons for the decision within 10 business days. The report will advise of the right to access the external appeals process if a party is not satisfied with the outcome of the appeal.

The areas in which an appeal against a decision made by RTO may include:

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

Assessment Appeals

Where a student wishes to appeal an assessment, they are required to notify their course coordinator at first instance. Where appropriate the Course Coordinator will discuss this with the relevant trainer and assessor 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 the assessment was - or was not - granted.

If this is still not to the student's satisfaction, the student may formally appeal within 10 working days. They will lodge this with the Education Manager, or a nominee appointed by the Education Manager. The appeal will be entered in the Complaints and Appeals Register.

The Education Manager will seek details from the Course Coordinator the assessor 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/Assessor appointed by the Education Manager.

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

External Review Processes

An appellant who is not satisfied with the Grievance Appeal Committee's decision may write to the Board Chair, Mayfield Education giving reasons why they are not satisfied and request an external review. If the Board Chair is satisfied that the reasons given by the appellant warrant a further hearing of the grievance, the Board Chair (through the CE) must arrange for an independent external person (or organisation) to hear the appeal. The VIC Dispute Settlement Centre or the Institute of Arbitrators and Mediators (IAMA) may be used to consider external appeals. The person or organisation appointed to consider the appeal will be independent and external to Mayfield Education.

The person or organisation responsible for the external review will report to the Board Chair or CEO (as nominated), Mayfield Education on the outcome of the external review including any recommendations within 20 business days of the completion of the review.

The Board Chair or CEO; once the report has been received will provide a written report to the complainant within ten business days of the recommended actions to resolve the grievance.

An initial application fee to be paid by the complainant/appellant would be approximately \$200 in requesting an external review; Mayfield Education will meet any further reasonable costs associated with the conduct of an external appeal as described.

Further information

If a complainant/appellant is still dissatisfied with the external appeal outcome, they may wish to seek assistance from ASQA or TEQSA directly.

If, after Mayfield Education's internal complaints and appeals processes have been completed, you still believe that Mayfield Education is breaching or has breached its legal requirements, you can submit a complaint to ASQA if you are a VET student by completing "The Complaints Form" available at <https://www.asqa.gov.au/about/complaints/complaints-about-training-providers>

Or

If you are a higher education student you can submit your concern using TEQSA online form available at <https://www.teqsa.gov.au/about-us/contact-us/raising-complaint-or-concern/how-raise-concern>

Right to withdraw

Complainant/Appellant may withdraw new complaints, escalated complaints and grievances at any time during the resolution process, and the matter will be deemed to be resolved. Notwithstanding this, Mayfield Education reserves the right to continue to investigate a complaint if required to do so to satisfy other requirements or protect the organisation.

Record Keeping

A written record of all grievances handled under this procedure and their outcomes shall be maintained for a period of at least five years to allow all parties to the grievance appropriate access to these records, upon request to the CEO or Education Manager. These records will be maintained on Mayfield Education's master documents (Central Registry).

Mayfield Education Staff may also use this complaints and appeals process. Mayfield Education will use all complaints as an opportunity for continuous improvement.

This policy and procedure is compliant with VQF and National Code Standards in providing a process for complaints and appeals to be heard and actioned where necessary.

Procedure accessibility

This Policy and Procedure as well as the Complaints and Appeals form will be made available to stakeholders through publication on the Mayfield Education website (www.mayfield.edu.au) or by directly contacting the RTO Staff member.