

Relevant Standard(s):

Standards for Registered Training Organisations (RTOs) 2015 Standard 2 and 6.

Purpose

Mining Skills Australia is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (SRTOs 2015). This policy provides the framework and general principles for complaints and appeals Mining Skills Australia.

This policy is based on providing and maintaining training services that are fair and reasonable and afford a forum where issues or inadequacies can be resolved. The Mining Skills Australia process provides adequate opportunity for complaints and appeals to be forwarded to Mining Skills Australia management for resolution in a timely, confidential, and sensitive manner. Mining Skills Australia will ensure that the principles of natural justice and procedural fairness will be adhered to throughout the hearing of all complaints and appeals.

The object of this policy is to ensure that Mining Skills Australia staff always act in a professional manner. This policy provides clients with a clear process to register a complaint. It ensures all parties involved are kept informed of the resulting actions and outcomes.

Scope

Mining Skills Australia acknowledges the student's right to lodge a complaint or appeal when they are dissatisfied with the training and/or assessment services and experiences that they have been provided by Mining Skills Australia or by a third-party provider (if applicable).

Mining Skills Australia ensures that clients have access to a fair and equitable process for expressing complaints and appeals, and that Mining Skills Australia will manage the complaint by implementing principles of natural justice and procedural fairness. With this Mining Skills Australia ensures that:

- a) It has a procedure for collecting and managing complaints and appeals in a constructive, timely, confidential, and sensitive manner;
- b) These procedures are communicated to all staff, contractors, third party partners and students;
- c) Each complaint and appeal and its outcome are recorded in writing;
- d) Complainants and appellants are given written statements or communication of the appeal or complaints handling outcomes, including decisions and reasons for the decisions;
- e) Outcomes of complaints and appeals are utilised to review current practices which may potentially lead to continuous improvement initiatives in order to mitigate the likelihood of the complaints and appeals.

Policy Principles

Details concerning the scope of Mining Skills Australia Complaints and Appeals Policy are to be clearly displayed throughout the Mining Skills Australia and contained within the Student Handbook, Staff Handbook and Website. Complaints and appeals are treated seriously and dealt promptly, impartially, sensitively and in confidence.

Complaints and appeals will be resolved on an individual case basis and as the needs arise. All Mining Skills Australia students have the right to express a concern or problem and/or lodge a formal complaint if they are dissatisfied with the training and assessment services they have been provided, including through a third party (if applicable) or the behavioural conduct of another learner or Mining Skills Australia.

Mining Skills Australia supports the right of a student to lodge an appeal against any assessment decision and will not impair that right in any way. Mining Skills Australia will do everything possible to address the appeal in an unbiased and professional manner.

The handling of a complaint or appeal is to commence within 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.

All complaints and appeals are acknowledged in writing and finalised as soon as practicable. Mining Skills Australia will aim to complete the complaints process as quickly as possible and within a total of 30 calendar days. Mining Skills Australia will keep the learner informed of the progress of the complaint throughout the process by phone communication, email correspondence or face-to-face meeting.

If the complaint will take in excess of 60 calendar days to finalise, Mining Skills Australia will inform the complainant in writing providing the reasons why more than 60 calendar days are required.

All complaints will be recorded in the Mining Skills Australia Complaints and Appeals Register and on the student record in the Student Management System. These records including the outcomes will be secured and maintained by Mining Skills Australia.

No Mining Skills Australia shall disclose information to any person without the permission of the Training Manager. A decision to release information to third parties can only be made after the complainant is given permission for this to occur.

Types of Complaints

A complaint or grievance may include allegations involving the conduct of:

- a) The RTO, its trainers and assessors or other staff members;
- b) A third-party providing services on behalf of Mining Skills Australia; or
- c) A student of Mining Skills Australia.

Grounds for Appeal

Valid grounds for an appeal against an assessment decision (where the client feels the assessment decision is incorrect) could include the following:

- a) The judgment as to whether competency has been achieved and demonstrated was made incorrectly;
- b) The judgement was not made in accordance with the assessment plan;
- c) Alleged bias of the assessor;
- d) Alleged lack of competence of the assessor;
- e) Alleged wrong information from the assessor regarding the assessment process;
- f) Alleged inappropriate assessment process for the competency;
- g) Faulty or inappropriate equipment; and/or
- h) Inappropriate conditions.

Appeal Outcomes

Appeal is upheld; in this event the following options will be available:

- a) The Mining Skills Australia assessment will be re-assessed, potentially by another assessor.
- b) Appropriate recognition will be granted.
- c) A new assessment shall be conducted/arranged.
- d) Appeal is rejected/not upheld; in accordance with the Mining Skills Australia assessment policy, the client will be required to:
- e) Undertake further training or experience prior to further assessment; or
- f) Re-submit further evidence; or
- g) Submit/undertake a new assessment.

Complaints and Appeals Process

Mining Skills Australia adopts the principles of natural justice and procedural fairness at every stage of the complaints and appeals process. Mining Skills Australia handles and manages all complaints and appeals in accordance with the Complaints Handling Process and Appeals Process document.

Students are provided with a clear process to follow in order to lodge a complaint or an appeal. All parties involved will be kept informed of the resulting actions and outcomes.

If a student has a complaint, they are encouraged to speak immediately with the trainer/assessor to resolve the issue. If the complainant is not satisfied that the issue has been resolved, they will be asked to complete a Complaints Form and lodge a formal complaint.

The complaint resolution procedure is based on the understanding that no action will be taken without consulting the complainant and respondent, using a process of discussion, cooperation, and conciliation.

The rights of the complainant and respondent will be acknowledged and protected throughout the complaint resolution process, including the conduct of separate interviews initially.

In the interest of confidentiality, the number of people involved in the resolution process will be kept to a minimum. All complaints will be handled as staff-in-confidence and will not affect or bias the progress of the client in any current or future training.

Final decisions will be made by the Training Manager of Mining Skills Australia or an independent party to the complainant.

If the complaints process fails to resolve the complaint or the complainant is not satisfied with the outcome of the complaint, the matter will be referred to an independent third party for review, at the request of the complainant. The complainant will be advised of all costs incurred by the third-party review.

Mining Skills Australia reserves the right to nominate or agree to the independent party and will cooperate fully with the independent third-party review.

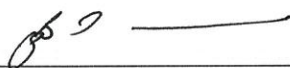
Consumer Protection Officer

At Mining Skills Australia, the Training Manager will be appointed the Consumer Protection Officer. The Consumer Protection Officer will be the primary point of contact for all complaints and appeals.

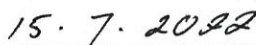
The Training Manager may delegate responsibility for the resolution of the complaint and appeal if necessary. Mining Skills Australia will ensure that its staff and those acting on its behalf in accordance with the Mining Skills Australia's Code of Conduct and Appeals Policy.

Monitoring and Improvement

All complaints and appeals will be discussed at Management Meetings and/or at Continuous Improvement Meetings to identify potential causes of complaints or appeals, to discuss appropriate corrective action to eliminate or mitigate the likelihood of re-occurrence, and to identify an opportunity for continuous improvement of the processes.



Graeme Bradshaw
Managing Director
Mining Skills Australia



Date

Version Control

DATE	SUMMARY OF MODIFICATIONS	MODIFIED BY	VERSION
18/10/2018	Policy creation	36ORTO	1.0
02/02/2019	Policy placed into MSA format	K Percival	1.01
03/03/2021	Updated document name & footer formatting	Z Nash	1.02
01/07/2022	Updated Signature Name & Foot/Header Version Number	N Pergaris	1.03
05/07/2022	Updated formatting and insert company name	Anne Thomas	1.04
06/07/2022	Fix spelling and add punctuation	A Earl	1.05
12/07/2022	Inserted date in footer	A Earl	1.06
15/07/2022	Updated footer and added policy number under the heading	T Maris	1.07

