



Complaints and Appeals Policy

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Complaints and Appeals Policy

1. Purpose

MARS has a complaints policy to manage and respond to allegations involving the conduct of:

- The MARS, its trainers, assessors, or other staff,
- A third-party providing services on the MARS's behalf, its trainers, assessors or other staff or
- A student of the MARS.

MARS has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the MARS or a third- party providing services on the MARS's behalf.

This process provides opportunity for complaints and appeals to be forwarded to Mars Institute (MARS) management in a timely and confidential manner.

The policy has been developed in accordance with Standards for RTO's Standard 6 and The National Code Standard 10.

2. Scope

Each complaint and appeal are allocated to the resolution officer per department and all appeals regarding a complaint will be allocated to the Compliance department or training manger. An Appeal is to dispute an internal decision.

The object of this policy is to ensure that Mars Institute staff act in a professional manner at all times. This policy provides learner/students with a clear process to register a complaint or appeal. It ensures all parties involved are kept informed of the resulting actions and outcomes.

3. Policy

MARS's complaints policy and appeals policy:

- Ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process (6.3 SRTO2015)
- Are publicly available (6.3 SRTO2015)
- Set out the procedure for making a complaint or requesting an appeal (6.3 SRTO2015)
- Provide for review by an appropriate party independent of the MARS 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. (6.3 SRTO2015)
- Ensure the complainant has the right to a full explanation in writing for decisions and actions taken at all stages of the grievances, complaints and appeals process;
- Ensuring that there is proper investigation of the facts;
- Ensuring that there is appropriate evidence to support a decision;
- Ensuring that parties are not victimised or discriminated against during the grievance, complaint and appeal procedure;
- Ensuring on any occasion when the grievance or complaint is to be discussed, the complainant and respondent have the right to be accompanied by a third party (family member, friend, colleague, interpreter or other non-legal support person);
- Ensuring the complainant has the right to access legal remedies outside of the MARS grievances, complaints and appeals processes;
- Informing relevant parties of any allegations made against them, as appropriate;
- Ensuring that all persons involved are informed under the procedures under which the grievance or complaint is being handled and have access to the relevant policy and procedure;
- Ensuring that all parties have a fair hearing and those who have had complaints made against them understand the case to be met and given the opportunity to reply in a way that is appropriate for the circumstances before a decision is made
- Ensuring that all relevant submissions and any mitigating factors are given due and proper consideration before any conclusions are reached or any action is taken; and
- Advising all parties that if the grievance or complaint is of such a serious nature that disciplinary action may result, then the facts revealed during an investigation into the grievance or complaint may be used in any subsequent disciplinary proceedings.
- Ensuring impartiality on the part of the investigator and/or decision maker, which means the investigator/decision maker must exclude themselves if there is any bias or conflict of interest. Being the supervisor or work associate of the respondent does not in itself give rise to a conflict of interest. The test is whether a fair-minded observer might reasonably apprehend that the decision-maker might not bring an impartial mind to the resolution of the question;
- Have a process in place for lodging a formal complaint or appeal if the matter cannot be resolved informally, which requires a written record of the complaint or appeal to be kept.



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- Each complainant or appellant has an opportunity to formally present his or her case at no cost to him or herself
- Ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable, and a written statement of the outcome including details of the reasons for the outcome are provided
- The process must commence within 10 working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable
- MARS won't accept any complaint or appeal made 6 months after the completion of study. Completion of study is defined as their COE proposed finish date or the date when MARS has cancelled their COE.
- MARS have arrangements in place to refer students to an external arbitrator or person independent of and external to MARS, to hear complaints or appeals arising from the MARS's internal complaints and appeals process or refer students to an existing arbitrator where that arbitrator is appropriate for the complaint or appeal

4. Complaints Procedure

4.1 Informal

If a learner/student has a complaint, they are encouraged to speak immediately with MARS staff to resolve the issue. If the complainant is not satisfied that the issue has been resolved, they will be asked to complete the Formal Complaints Procedure.

4.2 Formal

1. Made in writing within 20 days of the incident using the Complaint ticket available through ticketing system.
2. A student may be assisted or accompanied by a support person regardless of the nature of the Complaint/Appeal.
3. A submitted Complaints ticket will constitute a formal complaint from the participant
4. If additional documents requested from the student, he/she will need to submit additional documents within 5 days from the date requested.
5. Complaint Ticket System is designed to operate as a Complaints and Appeal Register where the record of the ticket will be created and maintained as soon as student raises complaint.
6. Admin staff shall enter details of complaint into Student Management System (SMS) once complaint resolution is achieved.
7. The Compliance department will have admin access of Complaints and Appeals Ticket System to investigate all complaints outcomes.
8. In the case of a complaint, each departments Complaint Resolution Officer will initiate a transparent, participative investigation to identify the issues. Actions which may be taken include, but are not limited to:
 - a) Discussing the facts of the complaint with the complainant.
 - b) Where appropriate and applicable, discuss the complaint with the respondent giving details of the complaint and complainant, giving cause to procedural fairness.
 - c) Where appropriate and applicable, encourage and facilitate the disputants to engage in mediation on an informal level.
 - d) Phone or face to face Interview all parties individually, including any witnesses.
 - e) Conduct interviews privately and confidentially
 - f) Where applicable, report the outcome of the meeting with the respondent to the complainant.
 - g) Seek preferred outcome from each of the parties.
9. Assessment complaints will be processed in accordance with the Complaints Procedure (Annex - A)
10. Complaints where possible are to be resolved within 10 working days of the initial application
11. A summary of the complaint will be written within the ticket after it is closed by the Complaint Resolution Officer. Refer to the [summary example document](#) for more information.
12. The Participant will be advised in writing of the outcome of their complaint in a resolution letter. (National Code Standard 10)
13. Upon finalising of the complaint, copies of all the documentation and further action required will be entered into Student Management System to maintain record securely. (6.5 SRTO2015)



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14. Complaint Resolution Officer will ensure that any documentation, policies and procedures relating to the substantiated complaint is reviewed and progressed through continuous improvement processes, as appropriate. (6.5 SRTO2015).
15. If the participant is not satisfied with the decision, they will be advised of their right to appeal the decision and the appeal process.
16. All complaints will be handled as Staff-In-Confidence and will not affect or bias the progress of the participant in any current or future training. The student enrolment must be maintained whilst the complaint is in progress.
17. Where the complaint is upheld, Mars Institute will implement the required corrective action within 28 days and advise the student of the outcome.
18. If more than 60 days is required MARS will Inform the complainant in writing, including reasons why more than 60 calendar days are required, and regularly updates the complainant on the progress of the matter. (SRTO2015)

5. Appeals

Mars Institute strives to deal with appeal issues as soon as they emerge, in order to avoid further disruption or the need for a formal complaint process.

All students have the right to appeal decisions made by MARS. The areas in which a student may appeal a decision made by the MARS may include but are not limited to:

- Complaint's outcome
- Assessments conducted
- Reported breaches of academic performance.
- Deferral, suspension, or cancellation decisions made in relation to the student's enrolment

5.1 Appeals Procedure

All appeals shall follow the below procedure:

1. Be made in writing within 20 days of notification of the assessment decision or complaint outcome using the Appeals Ticketing System.
2. A student may be assisted or accompanied by a support person regardless of the nature of the Appeal.
3. A submitted Appeal tickets will constitute a formal appeal from the participant
4. If additional evidence required from the student, he/she will need to submit additional documents in 5 days from the date requested.
5. Admin staff shall enter details of appeal into Student Management System (SMS) once appeal resolution is achieved.
6. Appeal Ticket System is designed to operate as a Complaints and Appeal Register where the record of the ticket will be made as soon as a student raises appeal.
7. The Compliance department will have Admin access of all Appeals Ticket System to manage and investigate all Appeals.
8. Appeals where possible are to be resolved within 10 working days of the initial application
9. In all cases the final conclusion will be endorsed by the Compliance department
10. The participant will be advised in writing of the outcome of their appeal. (National Code Standard 10)
11. Upon finalising of the appeal, copies of all the documentation and further action required will be entered into Student Management System to maintain record securely. (6.5 SRTO2015)
12. A summary of the appeal will be written within the ticket by the Compliance department, Training Manager or Administration Manager
13. Compliance department, training manager or administration manager will ensure that any documentation, policies and procedures relating to the substantiated complaint is reviewed and progressed through continuous improvement processes, as appropriate. (6.5 SRTO2015).
14. If the outcome is not to the satisfaction of the participant, they may seek an appointment with a CEO Delegate. If the participant is not satisfied with the decision, they will be advised of their right to access



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MARS's external arbitrator within 10 working days. The complainant can access an external appeal process at their own cost (See Appendix 1). Complainants must ensure they have accessed the internal processes first. (National Code Standard 10)

15. All Appeals will be handled as Staff-In-Confidence and will not affect or bias the progress of the participant in any current or future training. The student enrolment must be maintained whilst an appeal is in progress.
16. The Student has the right to formally present their case to MARS at no cost.
17. MARS will immediately implement any decision or recommendation in favour of the student through the internal or external appeals process. (National Code Standard 10)
18. Where the complaint or appeal is upheld, Mars Institute will implement the required corrective action within 28 days and advise the student of the outcome.
19. If more than 60 days is required MARS will inform the appellant in writing, including reasons why more than 60 calendar days are required, and regularly updates the appellant on the progress of the matter. (6.4 SRT02015)
20. Mars Institute will maintain student's enrolment during the appeal process, unless the Mars Institute fears for the safety and wellbeing of the student and/or people the student may encounter any extenuating circumstances* in which case the Mars Institute may cancel the student's enrolment. The student, however, can still appeal from his or her Australian residence or home country.

5.2 Appeal Against Assessment Outcome Decision

Assessment appeals shall follow the below procedure:

1. Where a student has already lodged an assessment query to get his/her assessment reviewed and still not satisfied with the reviewed assessment decision outcome, they can further appeal the decision formally by completing an assessment appeals form available on college website at mars.edu.au in online portal.
2. Advise the student of their right to appeal the decision referring them to the Complaints and Appeals policy and provide student with access to the Appeals Ticket System.
3. The training manager shall be notified and shall seek details from the Trainer/Assessor involved and any other relevant parties. 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 Training manager will nominate, within five working days, an independent assessor or panel to review the appeal and make a determination.

5.3 Appealing to report breach of academic performance.

Academic Performance appeals shall follow the below procedure:

1. Where a student wishes to appeal the decision of MARS to notify Department of Home Affairs (DHA) of a breach of academic requirements the student shall fill up Appeals Ticket outlining the details of their appeal. The student should have justifying circumstances as to why they have breached their requirements and must be able to provide evidence of these circumstances.
2. The Administration Manager shall be notified and shall seek details regarding the initial documentation of the breach and shall make a decision based on the grounds of the appeal. After meetings and/or interviews are held with all relevant parties the appeal outcome shall be determined.
3. Where a student has decided to access the appeals process in relation to a reportable breach, MARS will not report the breach until the appeals process has been undertaken. MARS is required to maintain all relevant responsibilities until the breach has been reported to DHA via PRISMS.

5.4 Appealing against deferrals, suspension or cancellation of enrolment decisions.

Deferrals, Suspension or Cancellation appeals shall follow the below procedure:

1. Where a student wishes to appeal a decision relating to deferral, suspension, or cancellation of their enrolment, the student shall lodge an appeal by completing an Appeals Form outlining their reasons, together with supporting evidence for the appeal.
2. The Administration Manager shall be notified and shall seek details regarding the initial documentation of the decision and shall make a decision based on the grounds of the appeal.



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3. Where a student has decided to access the appeals process in relation to deferment, suspension or cancellation of their enrolment, MARS will not update the student's course status on PRISMS until the appeals process is completed. MARS is required to maintain all relevant responsibilities until the change in enrolment status has been recorded in PRISMS.

5.5 Appealing against a complaint outcome.

Complaint appeals shall follow the below procedure:

1. Where a student wishes to appeal a decision related to a complaint outcome, the student shall lodge an appeal by completing an Appeals Form outlining their reasons, together with supporting evidence for the appeal.
2. The Compliance department shall be notified and shall seek details regarding the initial documentation of the decision, details from any other parties involved and shall make a decision based on the grounds of the appeal.

6. Administration

All complaints and appeals will be discussed at Management Review Meetings for continuous improvement of the processes. Compliance department will investigate each complaint/appeal outcome and on the basis of the complaints/appeals will advise if continuous improvement of the processes is required or not. Details concerning the scope of the Complaints and Appeals Policy are to be clearly displayed throughout the organization and on the MARS website.

Appendix 1

MARS acknowledges the need for an appropriate independent party to be appointed to review a matter where this is requested by the complainant or appellant and the internal processes have failed to resolve the matter. Costs associated with independent parties to review a matter must be covered by the complainant/appealant unless the decision to include an independent party was made by MARS. (6.3 SRTO2015)

Complainants have a number of external complaint or appeal options including:

Resolution Institute

Email: infoaus@resolution.institute

Contact Number: 1800 651 650

Website: <https://www.resolution.institute/>

Consumer Affairs Victoria

P: 1300 558 181

consumers@justice.vic.gov.au

www.consumer.vic.gov.au

Administrative Appeals Tribunal

P: 1300 366 700 <http://www.aat.gov.au>

Dispute Settlement Centre of Victoria

P: 03 9603 8370 or 1800 658 528

dscv@justice.vic.gov.au

www.justice.vic.gov.au/disputeinfo

Victorian Equal Opportunity and Human Rights Commission

P: 1300 891 848 F: 1300 891 858

information@veohrc.vic.gov.au

www.humanrightscommission.vic.gov.au

Training Complaints Hotline

If a participant is not comfortable with disclosing a complaint, then they can call the National Training Complaints Hotline on 1800 000 674 and lodge the complaint with them. They will advise the participant of what actions may be required to deal with the complaint.

<http://www.industry.gov.au/skills/nationaltrainingcomplaintshotline/Pages/default.aspx>

Australian Skills Quality Authority (ASQA)

Please note: ASQA do not investigate complaints about refunds, apprenticeships or traineeships or personal disputes between students and trainers/assessors. ASQA is not able to act as the independent third party for reviewing complaints.



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Domestic Students:

<http://www.asqa.gov.au/complaints/make-a-complaint--domestic-students/make-a-complaint--domestic-students1.html>

International Students/Overseas Students:

<http://www.asqa.gov.au/complaints/make-a-complaint--overseas-students/before-you-submit-a-complaint1.html>

Overseas Students Ombudsman

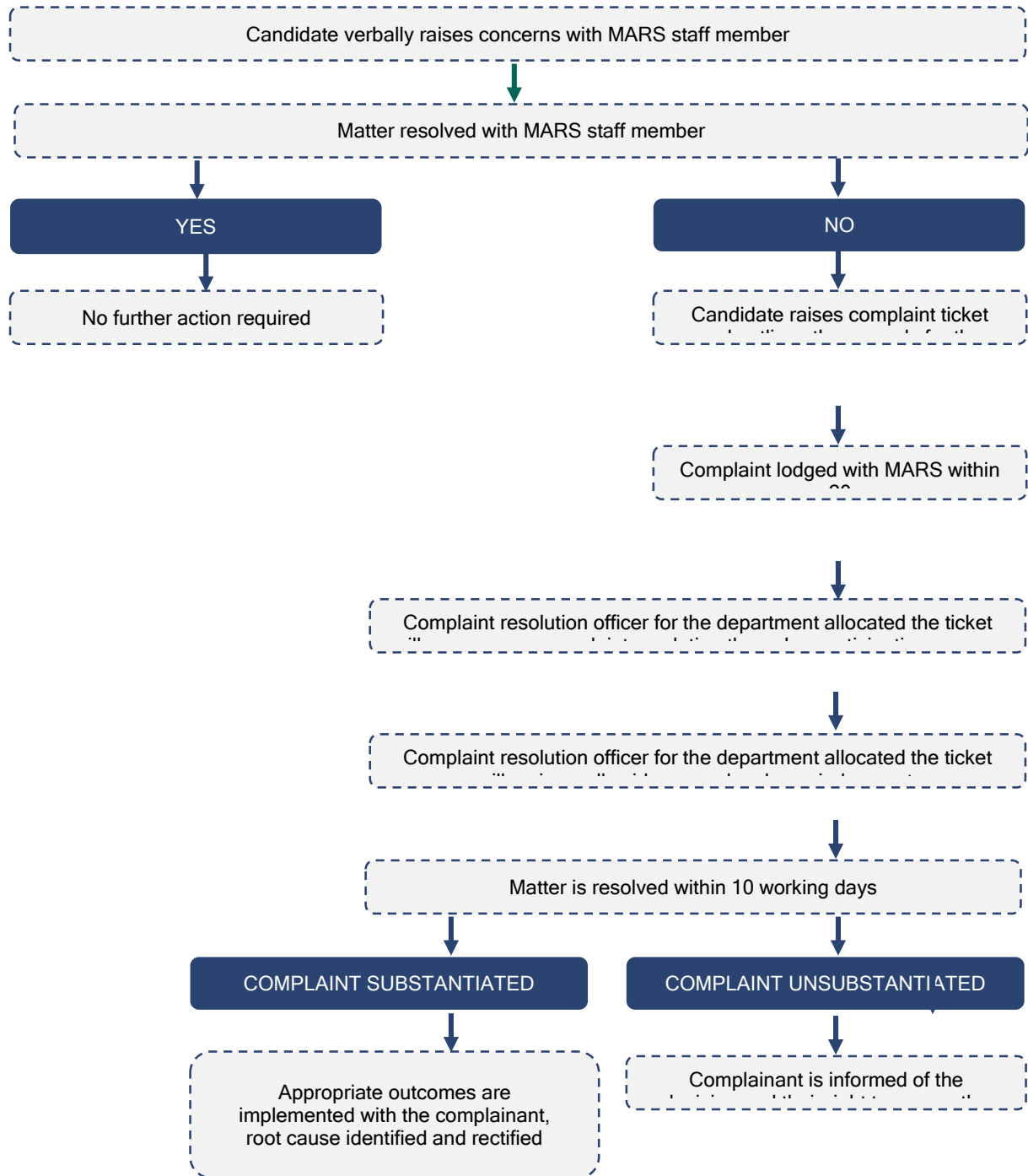
Tel: 1300 362 072

Website: www.oso.gov.au

The Overseas Students Ombudsman investigates complaints about problems that overseas students have with private education and training in Australia. The Ombudsman also provides information about best practice complaints handling to help private education providers manage internal complaints effectively. It also publishes reports on problems and broader issues in international education that we identify through investigations.

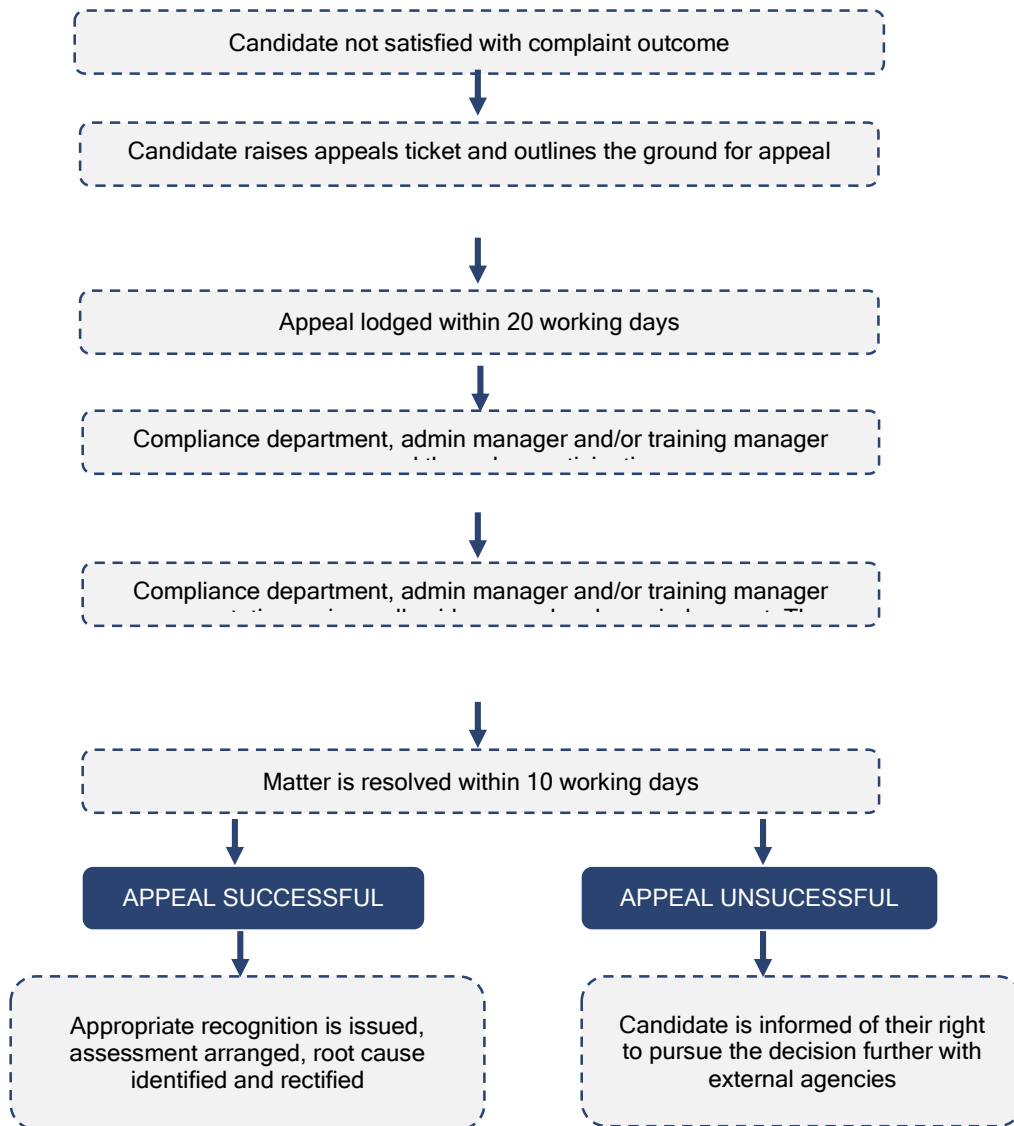


ANNEX A: Complaints Process



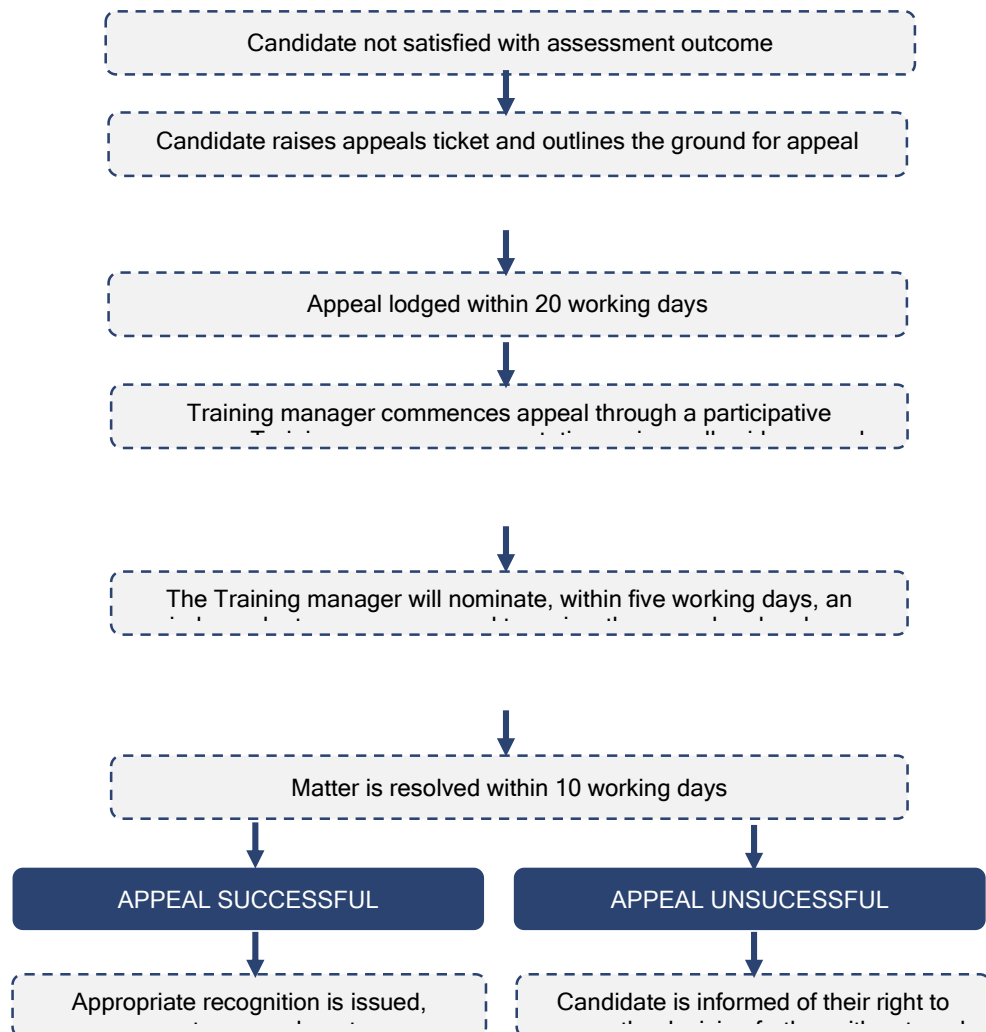


ANNEX B: Complaints Appeals Process



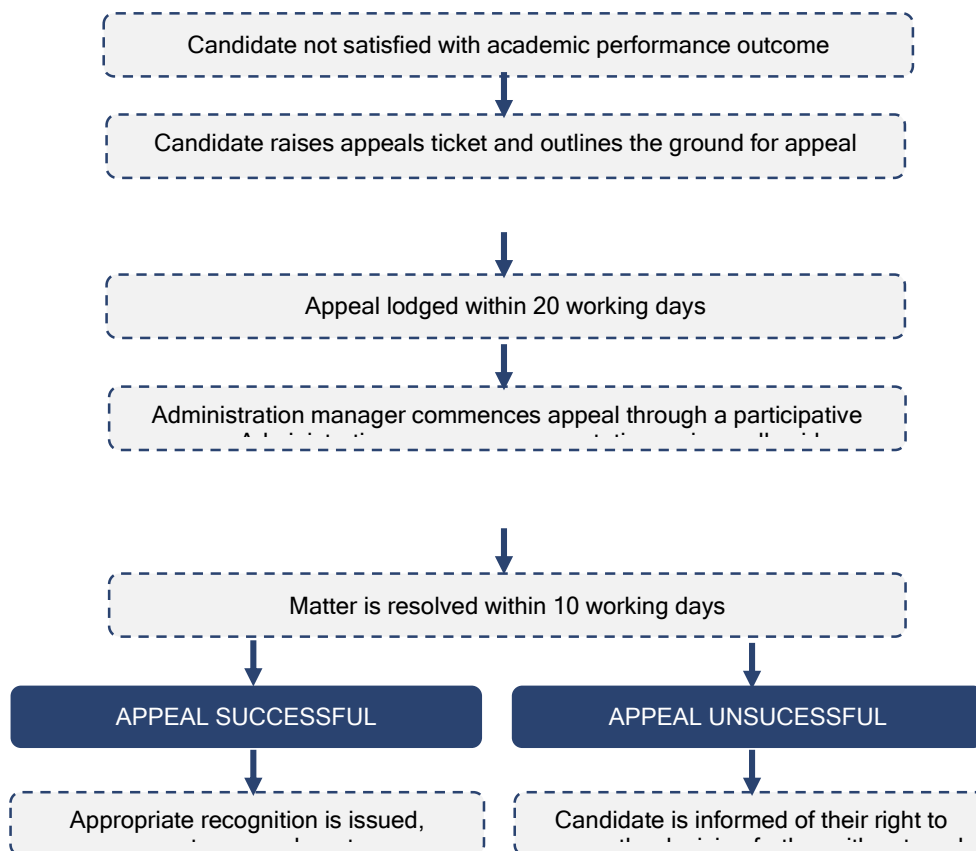


ANNEX C: Appeal Against Assessment Outcome Decision Process





ANNEX D: Appealing to report breach of academic performance process





ANNEX E: Appealing against deferments, suspension or cancellation of enrolment decisions process

