

Total Management and Training Operations Manual

Grievances and Appeals Policy	Section No	:	5.6
	Issue Date	:	23/04/2020
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1. POLICY

TMT has implemented this policy to provide information relating to grievances and appeals for all students. This policy provides guidance in obtaining timely resolutions to issues and to monitor for Continuous Improvement opportunities.

This policy also incorporates TMT procedures in dealing with grievances and appeals.

The purpose of the internal appeals process is to have unfavourable decisions heard and/or reconsidered by relevant staff within the Organisation. Should a student be dissatisfied with the outcome of the appeals process, they have the right to take their case to an external independent body.

The purpose of an external appeals process is to review the decision made by TMT to determine the fairness of the decision. TMT will give due consideration to any recommendation made as a result of the external review.

2. SCOPE

This policy applies to TMT and any Partners delivering training services under our scope.

This policy applies to all students, including short course participants or those involved in funded or fee for service courses.

The Operations Manager is responsible for the implementation of this policy and procedure. The Operations Manager is to ensure all staff are fully trained in its operation and the policy is made accessible to all.

Students accessing the TMT Grievances and Appeals Policy are assured their enrolment is maintained while the process is ongoing, and TMT will not victimise or discriminate against any complainant or respondent.

TMT will address each student grievance or appeal in a confidential, effective and timely manner.

The Standards for Registered Training Organisations (RTOs) 2015 provides appropriate mechanisms and services for learners to have complaints and appeals addressed efficiently and effectively in Standard 6.3.

TMT will ensure:

- The principles of natural justice and procedural fairness are adopted in every stage of the grievance and appeal process

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- Procedures are publicly available
- Procedures are set out for making an appeal or request
- All grievances and appeals are acknowledged in writing as soon as is practicable
- Provision is made for independent review upon request or upon failure to resolve the matter
- Informs the complainant if it is considered that more than 60 calendar days will be required to process and finalise the matter
- Provide regular updates to the complainant
- Securely maintains records of all complaints
- Identifies potential causes and takes appropriate corrective action to mitigate or eliminate likelihood of re-occurrence

3. REFERENCE DOCUMENTS

Standards for Registered Training Organisations (RTOs) 2015

4. DEFINITIONS

Nil

5. RESPONSIBILITIES

The Operations Manager shall be responsible for the implementation and monitoring of this policy.

6. PROCEDURES

The following procedure provides an efficient process, allowing for both informal and formal resolutions of conflict.

6.1 Informal

The first step of any resolution should be at a base level, between the parties involved or the parties and an appropriate mediator. If the participant is unsatisfied with the outcome, the formal process will be followed.

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6.2 Formal

Students may provide feedback to TMT via feedback forms and survey opportunities presented over the duration of their course. They may also download a Grievance and Appeals Form from our website or request one from our staff.

All academic matters should initially be discussed with the TMT staff member concerned as a satisfactory outcome might be achieved through discussion. At each stage of the grievance process the complainant has an opportunity to formally present their case.

If not resolved via discussion, grievances and appeals should be submitted in writing on the Grievance and Appeals Form in accordance with this procedure.

All grievances are registered in the TMT Compliance System. The complainant will receive written acknowledgement of their grievance or appeal upon lodgement.

The Grievance and Appeals Policy refers to TMT's activities in relation to:

- enrolment outcomes
- administrative errors
- assessment
- student academic progress
- course content
- quality of course delivery
- academic achievement in a course of study
- teaching facilities and learning resources
- misconduct
- WHS issues

The Operations Manager or a delegate will investigate the complaint within five working days, seeking further information supplied by both the student and the staff member, where appropriate. The investigation of the complaint involves reviewing documentation submitted and the grievance resolution process to-date.

Throughout the grievance process, a written explanation for decisions and actions taken as part of the process will be provided.

6.3 Internal Academic Appeals

A complainant should make an informal approach to the relevant TMT trainer to seek a review of the academic decision within seven days of receiving the decision. The TMT trainer will review the evidence and advise the student of the outcome of their decision within twenty days. The TMT trainer will log discussions and outcome on the student's file within the Student Management System.

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If the complainant is dissatisfied with the TMT trainer's decision then the student should lodge their complaint on the Grievance and Appeals Form and forward it to the attention of the Operations Manager within seven days. The Grievance and Appeals Form must detail the grounds of the complaint, the avenues of conciliation previously taken and the student's desired outcome.

The complaint will be registered within the TMT Compliance Software. The Operations Manager or a delegate will investigate the complaint seeking further information supplied by both the student and the staff member, where appropriate. The investigation of the complaint involves reviewing documentation submitted and the grievance resolution process to-date.

The student will be able to formally present their case to the Operations Manager in person if they wish, and may be accompanied by a third party to the meeting.

The Operations Manager will notify the student of the outcome in writing outlining the reasons for the decision, within twenty days or provide written notice if it is considered that a resolution / investigation will take more than sixty days.

During this process the student's enrolment will be maintained, and the student is requested to attend all training as per their enrolment during an internal appeal process.

Records of all grievances and appeals must be kept and be accessible for a period of seven years. Such records will remain confidential.

6.4 Further Appeal

If the student is dissatisfied with the outcome of their Internal Complaint / Appeal, they have the right to consult an external independent body. A National Training Complaints Hotline has now been set up which provides students, apprentices and employers with an avenue to lodge complaints and concerns about the vocational education and training system. These complaints are then directed to the organisation best placed to consider the complaint. The National Training Complaints Hotline is open between 8.00am and 6.00pm nationally, Monday to Friday.

To register a complaint, students may call **13 38 73**. Alternatively, a complaint may be emailed to NTCH@education.gov.au.

The policy and procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and procedure limits the rights of individuals to take action under Australia's consumer protection laws. Also, these procedures do not circumscribe an individual's rights to pursue other legal remedies.

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7. CONTINUOUS IMPROVEMENT

If the internal or external grievance handling or appeal process results in a decision that supports the student, TMT will implement any decision and/or corrective and preventative action required, and will advise the student of the outcome. Any corrective action arising from a student grievance will be recorded in the continuous improvement register via the TMT Compliance Software.

8. PUBLICATION

The Grievance and Appeals Policy is available to enrolled students by publication on the TMT website (www.totalmantra.com.au). These procedures are also provided and acknowledged by TMT staff by publication in the Staff Handbook and also during staff induction sessions.

9. DOCUMENTATION

TMT F5.5 Grievance and Appeals Form