



## **Complaint & Appeals Handling Policy – For Learners and Clients**

Medecs Learning is committed to providing a fair and transparent complaint handling process for our learners and clients.

### **What is a complaint?**

A complaint is generally negative feedback about services or people which has not been resolved locally.

### **What is an Appeal?**

An appeal is an application by a learner for reconsideration of an unfavourable decision or finding during their time with Medecs Learning. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within twenty-eight (28) working days of the decision or finding being informed to the learner.

It is important to note that a learner may appeal any decision made by Medecs Learning. Contrary to the popular belief that appeal relates only to assessment decisions, appeals can relate to administrative decisions that Medecs Learning may make. Examples of this include an appeal of a decision to deny a refund or to deny an application for credit transfer. As the process for handling assessment appeal compared with an appeal of an administrative decision is slightly different, this difference has been catered for within this policy with adjusted processes for both situations.

### **Who does this policy apply to?**

This policy applies to and may involve issues concerning the conduct of:

- A learner or client of Medecs Learning
- A client of Medecs Learning i.e., Employer Partner

A complaint or appeal may be made by a learner or client of our services about Medecs Learning. Throughout this policy we refer to the person making a complaint or appeal as simply the complainant.

## **Early Resolution of Complaints or 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. It is often the case that complaints or appeals can be avoided by proper communication and respect between persons involved.

## **Relationship to Continuous Improvement**

Frequently, the complaints or appeals handling process will explore weakness in the training and assessment or administrative system that can flow into the continuous improvement system as opportunities for improvement. This outcome of complaints or appeals handling is very positive and should be actively applied by all persons involved. It is for this reason that complaints or appeals received from stakeholders should be seen in a positive light and as opportunities for improvement.

## **Making a Complaint**

A complaint may be received by Medecs Learning in any form and does not need to be formally documented by the complainant to be acted on. Complaints or appeals may be made by any person.

The complaints or appeals policy is publicly available.

For all enrolled learners. To make a complaint or an appeal, you are requested to complete the digital complaint form located in your MySupport. Via Help>*lodge formal complaint form*.



If you do not have access MySupport to make a complaint, for a learner or client it is recommended to complete the Medecs Learning – Complaint Form. This form is available via our website or can be obtained from the Medecs Learning office at email request [admin@medecslearning.com](mailto:admin@medecslearning.com)

### **Making an Appeal**

An appeal may be received by Medecs Learning in writing using the specified form within twenty-eight (28) working days of the decision or finding being informed to the person.

To appeal a decision, the person is required to complete the Medecs Learning – Request for an Appeal of a Decision form. This form is available via our website. The completed Request for an Appeal form is to be submitted to Office manager:

Email: [admin@medeslearning.com](mailto:admin@medeslearning.com)

Post: P.O. Box 327, Glenorchy 7010

Hand-delivered: Suite 2, Main Building Technopark, Innovation Dve, Hobart Tasmania 7000

(Operating hours: Mon-Fri, 9am-4pm)

A written record of all complaints or appeals is to be kept by Medecs Learning including all details of lodgement, response, and resolution.

The complaint/appeal is referred to the RTO manager; whereby the RTO manager reviews and determines if investigation or consultation is required; or if the matter can be solved internally.

Complaints or appeals are to be handled in the strictest confidence. A decision to release information to third parties can only be made after the complainant has given permission for this to occur.

### **Complaint or Appeals Handling Timeframe**

- Written acknowledgement by Medecs Learning **no later than 24 hours** from the time the complaint is received. This acknowledgement is intended to provide the complainant assurance that Medecs Learning has received the complaint and will review the relevant issues and provide a response as soon as practical. The acknowledgement must inform the person that they will receive a written response.

- The handling of a complaint is to commence within **seven (7) working days** of the lodgement of the complaint and all reasonable measures are taken to finalise the process as soon as practicable.
- A written response must be provided to the complainant within **fourteen (14) working days** of the lodgement of the complaint.
- As a benchmark, Medecs Learning should attempt to resolve complaints or appeals as soon as possible. A timeframe to resolve a complaint within **thirty (30) calendar days** is considered acceptable and in the best interest of Medecs Learning and the complainant.
- A complainant should also be provided with regular updates to inform them of the process of the complaint handling. Updates should be provided to the complainant at a minimum of **two (2) weekly intervals**.
- Complaints or appeals must be resolved to an outcome within **sixty (60) calendar days** of the complaint being initially received. Where Medecs Learning Chief Executive Officer considers that more than 60 calendar days are required to process and finalise the complaint, the CEO must inform the complainant in writing, including reasons why more than 60 calendar days are required.

### **Principles of Natural Justice and Procedural Fairness**

A complainant is to be provided an opportunity to formally present his or her case at no cost. The principles of Natural Justice and Procedural Fairness must be incorporated into the complaint handling process to ensure that decision-making is fair and reasonable. Natural justice must be observed when it affects the rights, interests, or legitimate expectations of individuals. The following principles are to be applied:

- **Responding to Allegations.** Where a complaint involves one person making allegations about another person, it is a requirement for Medecs Learning to hear both sides of the matter before making any judgements about the complaint should be settled. A person who will be affected by a decision made by Medecs Learning because of a complaint has the right to be fully informed of any allegations and to be provided adequate opportunity to be heard and respond. The person has the right to:
  - Put forward arguments in their favour,
  - Show cause why a proposed action should not be taken,

- Deny allegations
- Call for evidence to disprove allegations and claims,
- Explain allegations or present an innocent explanation, and
- Provide mitigating circumstances (information aimed at reducing the severity, seriousness of something).

Medecs Learning also has an obligation to fully consider the substance of allegations and the response provided by parties before deciding. Decisions must be communicated to the complainant and relevant person's subject of allegations in writing. This is to include advising these persons of their right to seek a third-party review of decisions made by Medecs Learning.

- **Referring matters to authorities.** Where an allegation is made that involves alleged criminal or illegal activity and it is considered outside the scope and expertise of Medecs Learning to investigate the matter, then in these circumstances Medecs Learning reserve the right to report these allegations to law enforcement authorities. Persons related to the matter involving alleged criminal or illegal activity will be advised in writing if this course of action is being taken.
- **Third Party Review.** Where the person making a complaint is not satisfied with the handling of the matter by Medecs Learning, they have the opportunity for a body or person that is independent of Medecs Learning to review his or her complaint following the internal completion of complaint handling process. Before a person seeks a review by an independent third party, they are requested to first allow Medecs Learning to fully consider the nature of the complaint and to respond to the person in writing. If after this has occurred, the person is not satisfied with the outcome, they have the right then seek a review by an independent third party. To request a review by an independent third party, the complainant should inform the RTO Manager of their request who will initiate the process with the Chief Executive Officer.

In these circumstances, the Medecs Learning Chief Executive Officer will advise of an appropriate party independent of Medecs Learning to review the complaint outcome (and its subsequent handling) and provide advice to Medecs Learning regarding the recommended outcomes. The independent third-party is required to respond with their recommendations within **fourteen (14) working days** of their review being requested. This advice is to be accepted by Medecs Learning as final, advised to the person making a complaint in writing and implemented without prejudice.

Where the Medecs Learning appoints or engages an appropriate independent person to review a complaint, the Medecs Learning will meet the full cost to facilitate the independent review.

### **Unresolved Complaints or appeals**

Once the complaint handling process has concluded; where the person making a complaint remains not satisfied with the outcome of the complaint handling procedure, the person is to be advised that they have the right to refer the matter to any external authority/agency that may be relevant to their complaint.

The following external agencies are nominated in the first instance as relevant points of referral the person may consider:

- In relation to consumer related issues, the person may refer their complaint to the **Office of Fair Trading**.
- In relation to the delivery of training and assessment services, the person may refer their complaint to the **National Training Complaints or appeals Service** via the following phone number: 13 38 73 or visit the website at <https://www.education.gov.au/NTCH>
- In relation to matters relating to privacy, the person may refer their complaint to the **Office of the Australian Information Commissioner** via the following details: <https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint> or call on 1300 363 992

This guidance is also communicated to learners within the Learner Handbook and within the publicly available policies and procedures on Medecs Learning website. It is expected that the above agencies will investigate the persons concerns and contact the Medecs Learning for information. External agencies will typically request a copy of any record of how the complaint was handled from the person. Medecs Learning is to ensure that the person is provided with a written response that they may use for this purpose.



The Medecs Learning is to cooperate fully with agencies such as the National Training Complaints or appeals Service, the Office of Fair Trading or ASQA that may investigate the handling of a complaint. Medecs Learning considers that it would be extremely unlikely that a complaint is not able to be resolved quickly within Medecs Learning internal arrangements.

## **Record Management**

Records relating to complaints or appeals will present in two formats. There will be electronic records in the form of email correspondence and other documents which are communicated electronically and hard copy records which are submitted by the complainant or generated by Medecs Learning. There is also a record of the complaint maintained within the Medecs Learning MySupport system.

All records regardless of their format will be saved in a digital format into a secure folder located on the Medecs Learning file storage. Each file is to be clearly labelled with the document title or subject and the date of which the document was received or generated. This folder must only be accessible to persons authorised by the Chief Executive Officer. Records stored on the student management system are to be accessible only to administrators and managers.

To ensure records are maintained in a safe and suitable condition, the following is to apply:

- Records must be kept securely to prevent them being accessed by any non-authorised personnel.
- Records must be kept confidential to safeguard information and to protect the privacy of complainants.
- Records must be kept avoiding damage by fire, flood, termites, or any other pests.
- Electronic data storage must be safe from destruction by fire or flood and should take account of the risk of component failure of a single storage device. Electronic data is also to be backed-up off site.

A correspondence record must be made for each complainant making a complaint. All email and letter communication should be retained with the complainant correspondence record within the complaint handling file.

## **Period of retention of Complaints or appeals Records**



Medecs Learning is to retain records relating to complaints or appeals handling for a minimum of five (5) years.

### **Destruction of Complaints or appeals Records**

Medecs Learning CEO is the only person who can authorise (in writing) the destruction of complaint handling records. Records are only to be authorised for destruction after the retention period has lapsed. Documents identified for destruction are to be shredded before being recycled.

### **Complaint Handling Procedure**

Medecs Learning will apply the following procedure to its complaint handling:

- a) A complaint may be received in any form (written or verbal) although persons seeking to make a complaint are recommended to complete the complaint form which is available to them on the website. There is no time limitation on a person who is seeking to make a complaint.
- b) The complainant must be provided a written acknowledgement as soon as possible and no later than 24 hours from the time the complaint is received using the written acknowledgement email template. The acknowledgement must inform the complainant that they will receive a written response within 14 days and explain the complaints or appeals handling process and the person's rights and obligations.
- c) The complaint must be entered into the complaints or appeals, and appeals register. The complaints or appeals and appeals register identify the complainant, relation with Medecs Learning, nature of complaint, findings/outcomes, any links with the Continuous Improvement report and the dates received & closed. Prior to entering the complaint form into the register, check if the person has not already submitted a complaint if it is accurately recorded or if it has been recorded as a subsequent contact.
- d) The complaint is forwarded to the Chief Executive Office for review. The CEO will determine if the complaint requires further investigation or consultation.
- e) Where a complaint is made about or involves allegations about another person, Medecs Learning is obliged to inform this person about this complaint or allegation and provide them the opportunity to respond and present information in response to the issues raised.

- f) Where a complaint is received by Medecs Learning which involve allegations about alleged criminal conduct, Medecs Learning are to recommend the person making the complaint refer the matter to the relevant State or Territory Police Service.
- g) The RTO Manager reviews the outcomes of the investigation/consultation and determines the complaint response within an acceptable timeframe. The complaints or appeals response letter template can be used to identify the findings and outcomes to the complainant.
- h) Medecs Learning shall maintain the enrolment of the complainant during the complaint handling process.
- i) Decisions or outcomes of the complaint handling process that find in favour of the learner shall be implemented immediately.
- j) The complainant is entitled to be heard with access to all relevant information and with the right of reply ensuring natural justice and procedural fairness is applied at every stage of the complaint process.
- k) Medecs Learning must request written acknowledgement from the complainant once the complaint has been resolved.
- l) Complaint handling procedures should conclude with an analysis of the circumstances to identify any opportunities for improvement.
- m) The complaint must be accurately updated and recorded in the Complaints or appeals Register.

### Complaints or appeals/Appeals Handling Process



