



## **Complaints & Appeals Policy & Procedure for International Students**

MTA Institute of Technology Pty Ltd trading as MTA Institute is committed to providing a fair and transparent complaints and appeals process.

### **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 for reconsideration of an unfavourable decision or finding. Appeals can relate to decisions about:

- The outcomes of a complaint
- An academic decision
- A decision regarding transfer, attendance, progression, deferment, cancellation or suspension
- Decisions concerning a refund

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

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

- MTA Institute as an organisation, including its trainers, assessors or other staff;
- A third party who is providing services on behalf of MTA Institute, its trainers, assessors or other staff, including education agents or any related party that MTA Institute uses to deliver services to international students; or
- A student of MTA Institute

It is important to note that this policy has a broad application and is not simply relevant to complaints or appeals made by students. Throughout this policy we refer to the person making a complaint as simply the complainant. A person making an appeal, will be referred to as the appellants.

## **Early resolution of complaints**

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 can be avoided by proper communication and respect between persons involved.

## **Relationship to continuous improvement**

Frequently, the complaints handling process will expose weaknesses in the training and assessment or administrative systems that can be valuable opportunities for improvement. This outcome of complaints handling is very positive and will be actively applied by all persons involved. It is for this reason that complaints received from stakeholders should be seen in a positive light and as opportunities for improvement.

## **Making a complaint**

A complaint may be received by MTA Institute in any form and does not need to be formally documented by the complainant in order to be acted on.

The complainant is asked to email the details of their complaint; the actions that have been undertaken to resolve their issue; and their desired outcome to [international@mtai.edu.au](mailto:international@mtai.edu.au).

Alternatively, a hard copy of these details may be forwarded to:

The General Manager  
MTA Institute  
Building 8, 2728 Logan Road (PO Box 4530)  
EIGHT MILE PLAINS QLD 4113  
AUSTRALIA

Or the complainant may contact MTA Institute on Ph: +61 7 3722 3000.

Details of all complaints will be recorded and actioned. There is no cost to a complainant to make a complaint.

MTA Institute will acknowledge the receipt of a complaint within 3 working days. The complaint will be investigated, and a written response will be provided within 10 working days where possible, including details of the reasons for the outcome.

- Complainants will be provided with an opportunity to formally present their case to MTA Institute.
- Each complainant may be accompanied and/or assisted by a support person at any relevant meeting or discussion.
- Where a complaint is made about, or involves allegations about another person, MTA Institute 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. This may be achieved through direct meetings or via an electronic method. MTA Institute must maintain a detailed record of these meetings in the form of a record of conversation. Persons involved in a dispute or complaint are reminded to treat each other with respect and conduct themselves in a professional and courteous manner.

- Where a complaint is received by MTA Institute which involves allegations about alleged criminal conduct, MTA Institute will, or recommend to the complainant, to refer the matter to the relevant State or Territory Policy Service.
- Every effort will be made to resolve complaints within **60 calendar days** of the complaint being initially received. Where the complaint is more complex or where MTA Institute's General Manager considers that more than 60 calendar days are required to process and finalise the complaint, the General Manager will inform the complainant in writing, including reasons why more than 60 days are required, and complainants will be provided with regular updates (at least every 2 weeks) informing them of the progress.
- MTA Institute shall maintain the enrolment (if applicable) of the complainant during the complaint process. This means that complainants will continue to attend classes or participate in practical training while the complaint process (or appeal process if relevant) is being undertaken.
- Decisions or outcomes of the complaint process that are in favour of the student shall be implemented immediately.
- Complaints will be handled sensitively and treated in the strictest of confidence. No MTA Institute representative will disclose information to any person without the permission of MTA Institute's General Manager. A decision to release information to third parties will only be made after the complainant has given permission, in writing, for this to occur. MTA Institute will retain details of the complaint, actions and responses and resolutions, which will be stored securely to prevent access by unauthorised personnel.
- Complaints are to be handled to ensure the principles of natural justice and procedural fairness are applied at every stage of the complaint handling process. This means that the complainant is entitled to be heard with access to all relevant information and with the right of reply. The complainant is entitled to have their complaint heard by a person that is without bias and may not be affected by the decision. Decisions will be made on logical evidence and the decision-maker will take account of relevant considerations, act for a proper purpose and will not take into account irrelevant considerations. Further guidance on principles of natural justice and procedural fairness can be accessed at the following link: [Good Decision-Making Guide](#)

### **Informing Persons and Responding to Allegations**

Where a complaint involves one person making allegations about another person, it is a requirement for MTA Institute to hear both sides of the matter before making any judgements about how the complaint should be settled. A person who will be affected by

a decision made by MTA Institute as a result 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,
- Provide 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).

MTA Institute also has an obligation to fully consider the substance of allegations and the response provided by parties before making a decision. Decisions must be communicated to the complainant and relevant persons subject of allegations in writing, including advice that these persons have a right to seek independent review of decisions made by MTA Institute.

Where an allegation is made that involves alleged criminal or illegal activity, MTA Institute will 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.

### **Appealing a Decision**

Appeals against decisions must be made within 10 working days of notification of the initial decision.

### **Independent Review**

Where the appellant is not satisfied with a decision made by MTA Institute, they have the opportunity for a body or person that is independent of the decision to review the outcome. To request a review by an independent party, the appellant should inform the General Manager in writing of their request who will initiate the process.

Applications for appeal can be made to [international@mtai.edu.au](mailto:international@mtai.edu.au) or hard copy forwarded to the attention of the General Manager MTA Institute.

In these circumstances MTA Institute's General Manager will advise of an appropriate party independent of the decision to review the outcome and where necessary its subsequent handling. The independent party will respond with their findings within 10 working days of their review being requested. This advice will be accepted by MTA Institute as final, the appellant advised and implemented without prejudice.

Where MTA Institute appoints or engages an appropriate independent party to review an appeal, MTA Institute will meet the full cost to facilitate the independent review. Where the appellant objects to this appointment and requests to engage a person or organisation they nominate, MTA Institute may request the appellant contributes toward the cost of the review.

The outcome, including details of external agencies, will be provided in writing to the appellant within 10 working days of the finalisation of the independent party's decision.

### **Unresolved appeals**

At full conclusion of the appeal process, including referral to an independent review, where the appellant remains dissatisfied with the outcome, the appellant will be directed to the following external agencies:

- In relation to a consumer related issue, the appellant may refer their appeal to the **Office of Fair Trading**.
- In relation to the delivery of training and assessment services, the international student may refer their appeal to the Commonwealth Ombudsman – in Australia call 1300 362 072; outside Australia +61 2 6276 0111; or for further information and guidance [www.ombudsman.gov.au](http://www.ombudsman.gov.au).

It is expected that the above agencies will investigate the appellant's concerns and contact MTA Institute for information.

### **Cooperation**

Whilst MTA Institute considers it would be extremely unlikely that a complaint or appeal is not able to be resolved quickly and fairly within MTA Institute's internal arrangements, MTA Institute will cooperate fully with agencies such as the Ombudsman, the Office of Fair Trading, or the Australian Skills Quality Authority (ASQA) that may investigate the handling of a complaint or appeal.

### **Record Management of Complaint and Appeal Records**

MTA Institute will securely retain all records relating to complaints and appeals for a minimum of 5 years. This record also records identified opportunities for improvement that result from complaints and appeals handling and will only be accessible to persons authorised by the General Manager.

### **Destruction of Complaints Records**

MTA Institute's General Manager is the only person who can authorise (in writing) the destruction of complaint and appeal handling records. Records are only to be authorised for destruction after the retention period has lapsed. Documents identified for destruction will be shredded before being recycled.