

STUDENT COMPLAINTS AND APPEALS POLICY

1. Purpose and Objectives

- 1.1 This policy sets out the rights and responsibilities of Le Cordon Bleu Australia (LCBA) staff and students regarding student complaints and appeals.
- 1.2 It is designed to provide students with recourse to policy statements and to information that is accessible and transparent.
- 1.3 It clearly articulates the process designed to facilitate the lodging of an appeal or complaint; setting out the means by which complaints and appeals are dealt with fairly, efficiently and effectively.
- 1.4 It upholds the principles of natural justice: that no student will be discriminated against or treated unfairly regarding the grievance or complaint resolution process.

2. Scope

- 2.1 This policy applies to prospective, current or former students and staff of LCBA or its delivery partners.
- 2.2 Issues that give rise to student appeals and/or complaints include (but are not necessarily limited to):
 - academic decisions;
 - application and enrolment procedures;
 - conduct and performance of:
 - LCBA staff or its delivery partner academic and administrative staff,
 - persons acting on behalf of LCBA,
 - other students enrolled at LCBA;
 - alleged discrimination, harassment or vilification;
 - exclusion from events and facilities;
 - exclusion from final practical examinations;
 - alleged failure to adhere to relevant current policies and procedures;
 - financial matters, payments and/or refunds;
 - alleged academic and general misconduct;
 - alleged mismanagement;
 - services and facilities provided by or managed by LCBA;
 - academic progress and/or attendance;
 - suspension or termination of enrolment.

3. Legislative Context

- Criminal Code Act 1995 (Cth)
- Privacy Act 1988
- Higher Education Standards Framework (Threshold Standards) 2021
- National Code 2018
- Standards for Registered Training Organisations (RTOs) 2015
- [Work Health and Safety Laws](#)

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4. Policy Statement

- 4.1 LCBA is committed to creating a respectful environment within which concerns, and complaints will be treated seriously and be resolved quickly where possible and with a minimum of formal procedures.

5. Policy

- 5.1 LCBA prospective, current or former students have a legitimate right to make official appeals and complaints.
- 5.2 All students regardless of location or mode of study are entitled to access the processes and procedures detailed in this policy.
- 5.3 LCBA regards the circumstances and facts related to appeals and complaints as confidential.
- 5.4 Mediation or conciliation services may be facilitated by LCBA with a complainant and/or other parties involved in complaints or appeals cases.
- 5.5 When raising a complaint or making an appeal, complainants and/or respondents have the right to:
- be accompanied and/or assisted by a third party (such as a family member, friend, guardian, counsellor or professional support person) at any stage of the appeal or complaint process;
 - receive a written response to a formal complaint or appeal by an appropriate LCBA representative (e.g. Registrar, Program Manager, Academic Manager, Dean (or delegate) and be given adequate time to respond to any such communication (written, oral, or electronic) in connection with an appeal or complaint;
 - have a complaint or appeal treated confidentially with details only disclosed with the complainant's permission, unless the LCBA or its delivery partner has reasonable grounds for believing the use of the information submitted is a potential threat to the life or health of any person; and/or that the use or content of the information be deemed lawful under Australian law.
- 5.6 Complaints and appeals should be made within a reasonable time period from the event to which the complaint or appeal pertains. Usually, this time period is (3) calendar months from the event, unless compassionate or compelling circumstances apply.
- 5.7 Appeals and complaints will be resolved in a timely manner. The investigation into a complaint or appeal commences within ten (10) working days of receiving the complaint or appeal.
- 5.8 LCBA will only report a student visa holder for unsatisfactory course progress in PRISMS after:
- 5.8.1 the internal and external complaints processes have been completed and the breach has been upheld;
 - 5.8.2 the overseas student has chosen not to access the internal complaints and appeals within a 20-working day period;

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- 5.8.3 The overseas student has chosen not to access the external complaints and appeals process; or
- 5.8.4 The overseas student withdraws from the internal or external appeals process, by notifying the registered provider in writing.
- 5.9 The investigation is overseen by the Registrar. Where there is a conflict of interest on the part of the Registrar, the Dean or delegate is informed.
- 5.10 LCBA will advise the complainant of the progress or outcome of the complaint or appeal within twenty (20) working days from the lodgement of the complaint or appeal and update the complainant at least every 20 days thereafter.
- 5.11 Where more than 60 days are required to process and finalise the complaint or appeal, LCBA will write to the complainant with reasons why more than 60 days are required.
- 5.12 The student's enrolment is maintained while the internal complaint and appeal processes are ongoing, notwithstanding exceptional cases such as serious breaches of policy.
- 5.13 A full record in writing of all the stages of the complaints and appeals processed is maintained and kept confidential.
- 5.14 After internal appeals are exhausted, a student may, at their own cost, pursue external appeal processes.
- 5.15 The right to make a complaint or appeal according to this policy does not affect the right of complainants to take action under the Australian Consumer Law.
- 6. Unreasonable Complainant Conduct (UCC)**
- 6.1 Unreasonable complainant conduct (UCC) is any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and complainants or the complainant themselves.
- 6.2 LCBA adopts the New South Wales Ombudsman [Unreasonable Complainant Conduct Model Policy](#) and [Managing Unreasonable Complainant Conduct Practice Manual](#) as its framework for managing UCC.
- 6.3 UCC occurs when complainants behave in ways that are inappropriate and unacceptable. UCC can be divided into five categories of unreasonable conduct:
- Unreasonable persistence – continued, incessant and unrelenting conduct that has a disproportionate impact on LCBA, its staff, services, time or resources, for example not accepting reasonable decisions and explanations.
 - Unreasonable demands – demands that have a disproportionate impact on LCBA, its staff, services, time or resources, for example insisting on inappropriate outcomes.
 - Unreasonable lack of cooperation – an unwillingness and/or inability to cooperate with LCBA resulting in a disproportionate impact on LCBA, its staff, services, time or resources, for example providing excessive and disorganised information without explaining how it relates to the core issue.
 - Unreasonable arguments – arguments not based in reason or logic, for example arguments not supported by evidence and/or are based on conspiracy theories.

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- Unreasonable behaviours – behaviour that compromises the health, safety and security of LCBA staff, other students and other service users, for example acts of aggression or verbal abuse.

6.4 LCBA has a zero-tolerance policy towards any harm, abuse or threats directed towards its staff or students. Any conduct of this kind will be dealt with under the Student Code of Conduct or the Employee Handbook and in accordance with our duty of care and work health and safety responsibilities.

7. Responding to and Managing UCC

7.1 UCC incidents are generally managed by limiting or adapting the ways that LCBA interacts with and/or delivers services to complainants by restricting:

- Who they can contact
- What they can raise
- When they can have contact
- Where they can make contact
- How they can make contact

7.2 Decisions taken to restrict access to services are made only by a senior executive of LCBA, usually the Dean or delegate.

7.3 Complainants are entitled to one appeal of a decision to change/restrict access to services. This review will be conducted by a senior staff member who was not involved in the original decision to change or restrict the complainant's access. They will advise the complainant of the outcome by letter, which must be signed by the senior staff member. LCBA then considers the matter closed and if the complainant is not satisfied with the outcome of this review, they may access external appeals processes.

8. Roles and Responsibilities*

Roles	Responsibilities
Complainant	Lodges a Formal Complaint with LCBA, if attempts at the local level are not resolved to satisfaction.
Registrar	Advises the complainant of the progress or outcome of the complaint or appeal within twenty (20) working days from the lodgement of the complaint or appeal.
Complainant	Lodges a Formal Complaint with LCBA, if attempts at the local level are not resolved to satisfaction. If requesting an appeal, must provide in writing via the LCBA Online Appeals Form the grounds for an appeal. If deciding to appeal further, has the right to access the external appeals process.
Dean or delegate	Responds in writing to the complainant within ten (10) working days from receipt of the appeal submission.

*This is a condensed overview of roles and responsibilities. Further detail is in the procedure below.

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9. Definitions

‘Academic Appeal’ is an instance where a student makes a written submission disputing a decision made by or on behalf of LCBA, relating to the student’s progress within a unit, unit of competency or course.

‘Compassionate or compelling circumstances’ are usually beyond the control of the student and are considered to have an impact on the student’s ability to successfully progress through their program of study. The staff of LCBA and its delivery partners will use their professional judgement to assess each case where students make a request on the grounds of compassionate or compelling circumstances and will consider documentary evidence provided by students to support their claims. These circumstances could include:

- serious illness or injury, where a medical certificate states that the student was unable to attend classes;
- bereavement of close family members such as parents or grandparents;
- major political upheaval or natural disaster in the home country requiring emergency travel, and this has impacted on the student’s studies.

‘Complainant’ refers to the person making a complaint or appeal.

‘Complaint’ is an expression of dissatisfaction with the attitude, conduct or service of a staff member and/or the delivery of a product by either LCBA or its delivery partner institutions.

‘Natural justice’ refers to the principle of treating all students fairly and implies LCBA’s provision of unbiased support mechanisms, including a fair hearing, for students seeking to appeal a decision complaint or make a formal complaint.

‘Student’ can refer to a current, prospective or former student of Le Cordon Bleu Australia.

Other applicable definitions may be found in LCBA’s Glossary of Policy Terms on the LCBA website.

10. Related Documents

- Academic Integrity Policy
- Academic Progress Policy HE
- Academic Progress Policy VET
- Assessment Policy HE
- Assessment Policy VET
- Enrolment Policy
- Fees and Refunds Policy (Domestic Students)
- Fees and Refunds Policy (International Students)
- Student Code of Conduct
- Work-Integrated Learning Policy

11. Implementation

- 11.1 The Registrar is responsible for ensuring that future major changes to this policy will be accompanied by a completed Implementation Plan and presented with the policy to the Corporate Board.

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- 11.2 The Implementation Plan will include a Communication Strategy that identifies key stakeholders and the requirements for effectively implementing and monitoring this policy.

12. Complaints Procedure

Stage 1 - Informal

- 12.1 As the first stage of a complaint the complainant should raise the matter with the person/s concerned.
- 12.2 When raising the matter directly with the person/s concerned proves impracticable, the complainant may communicate the issue/s to the Student Services Manager, who will further facilitate communication between the relevant parties.
- 12.3 If the complaint relates to the Student Services Manager, the complainant may lodge a Formal Complaint (see Complaint Stage 2).
- 12.4 Once the issue has been communicated to all parties, the complainant has recourse to three (3) options:
- take no further action;
 - engage in further dialogue with LCBA;
 - make a formal complaint.

Stage 2 – Formal

- 12.5 A formal complaint may only be made after the Preliminary Stage is complete.
- 12.6 Formal complaints must be made in writing to Le Cordon Bleu Australia by filling in the LCBA [Online Complaint Form](#).
- 12.7 The Registrar commences the investigation process upon receipt of the complaint and has the discretion to:
- refer the matter to Dean or delegate;
 - seek further information or advice; or
 - reject the complaint based on the information provided by the complainant.
- 12.8 The complainant may be asked to produce evidence to support their claim.
- 12.9 The Registrar provides a written statement of the outcome of the complaint, including detailed reasons for the outcome, within twenty (20) working days of receipt of the complaint.
- 12.10 If more than 60 days are required to process and finalise the complaint LCBA will write to the complainant with reasons why more than 60 days are required.
- 12.11 If the complaint is regarding the Registrar, then the Dean or delegate, or another person appointed by the Dean or delegate, will apply this policy.

Stage 3 – Escalate

- 12.12 Where the outcome of a formal complaint is not satisfactory to the complainant on one of more of the grounds listed below, they may lodge an appeal to the Dean or delegate.

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- 12.13 Where a complaint involving the Registrar was reviewed by the Dean or delegate at Stage 2, the Stage 3 appeal will be considered by the Chief Executive Officer or suitable senior manager of LCBA other than the Dean or delegate.
- 12.14 The appeal must be lodged within ten (10) working days of the date of the Registrar's response to the complainant.
- 12.15 Grounds for an appeal are:
- Compassionate or compelling circumstances (supported by evidence) that impacted the complainant's ability to represent their complaint in the initial stage;
 - LCBA's policies and procedures have not been followed;
 - the facts on which the initial decision was based were fundamentally flawed, inaccurate or incomplete;
 - the penalty imposed was disproportionately severe compared with the incident or behaviour in question;
 - insufficient exercise of natural justice prevented the complainant from presenting their case without bias on the part of LCBA.
- 12.16 The complainant must address the grounds of appeal relating to their circumstances and provide this in writing to the Dean or delegate.
- 12.17 The Dean or delegate must respond to the complainant with a written statement of the outcome of the complaint, including detailed reasons for the outcome, within ten (10) working days from receipt of the appeal submission.
- 12.18 The Dean or delegate's response is final, beyond which the only course of action open to a complainant is an external appeal.

13. Academic Appeals

- 13.1 Academic Appeals may be made against academic decisions on one of the following two grounds:
- 13.1.1 the academic decision is not consistent with LCBA Policy, including the following policies:
- Academic Progress Policy HE
 - Academic Progress Policy VET
 - Assessment Policy HE
 - Assessment Policy VET
 - Academic Integrity Policy
 - Advanced Standing Policy HE
 - Credit and Recognition of Prior Learning Policy VET; and/or
- 13.1.2 substantial and relevant information is now available that supports the student's claims and this information was not available for the student to provide at the time the academic decision was made.
- 13.2 Students must lodge an appeal using the Academic Appeals form and attach supporting documents. The appeal must be lodged within 20 working days of receiving the notification of the relevant decision.

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- 13.3 The Registrar assesses whether the appeal meets the relevant criteria for consideration by the Academic Appeals Committee (AAC), and will notify the student within 10 working days of lodging the appeal that:
- 13.3.1 the appeal has been provided to the AAC for consideration; or
 - 13.3.2 the appeal is instead to be considered as a non-academic appeal (complaint); or
 - 13.3.3 the appeal is not accepted, with reasons (for example, the appeal does not contain sufficient grounds for an academic or complaint under this Policy, or the student's access to appeal processes has been restricted due to unreasonable complainant conduct).
- 13.4 Academic appeals are considered by the AAC (HE/VET), which are sub-committees of the Academic Board.
- 13.5 The AAC (HE/VET) consists of:
- Dean or delegate (Chair)
 - Registrar
 - Senior academic as nominated by the Dean or delegate.
- 13.6 The Chair may appoint a suitably competent and independent person to the AAC in addition to the other members or where a temporary or permanent vacancy arises.
- 13.7 The AAC consults other stakeholders as needed to inform its decision-making.
- 13.8 The AAC meets as required when student cases arise.
- 13.9 With regard to the decision under appeal, the AAC may make a determination to:
- 13.9.1 uphold the decision;
 - 13.9.2 uphold the decision but amend one or more of the outcomes; or
 - 13.9.3 set aside the decision and substitute a different decision.
- 13.10 The Registrar provides the complainant with a written statement of the outcome of the appeal, including detailed reasons for the outcome, within twenty (20) working days of the appeal.
- 13.11 The decision of the AAC is final. Where a student is not satisfied with the outcome of the appeal, an external appeal may be made in accordance with the procedure for *External Appeals* in this Policy.

14. External Appeals

- 14.1 Students who remain dissatisfied with the outcome of the previous stages of the complaints and appeals process as detailed in this policy, have access to external appeal processes.
- 14.2 The appeal must be lodged within ten (10) working days of the Dean or delegate's response to the complainant.
- 14.3 LCBA will not continue further consideration of matters where internal options have been exhausted or where the student has taken their grievance to an external agency.



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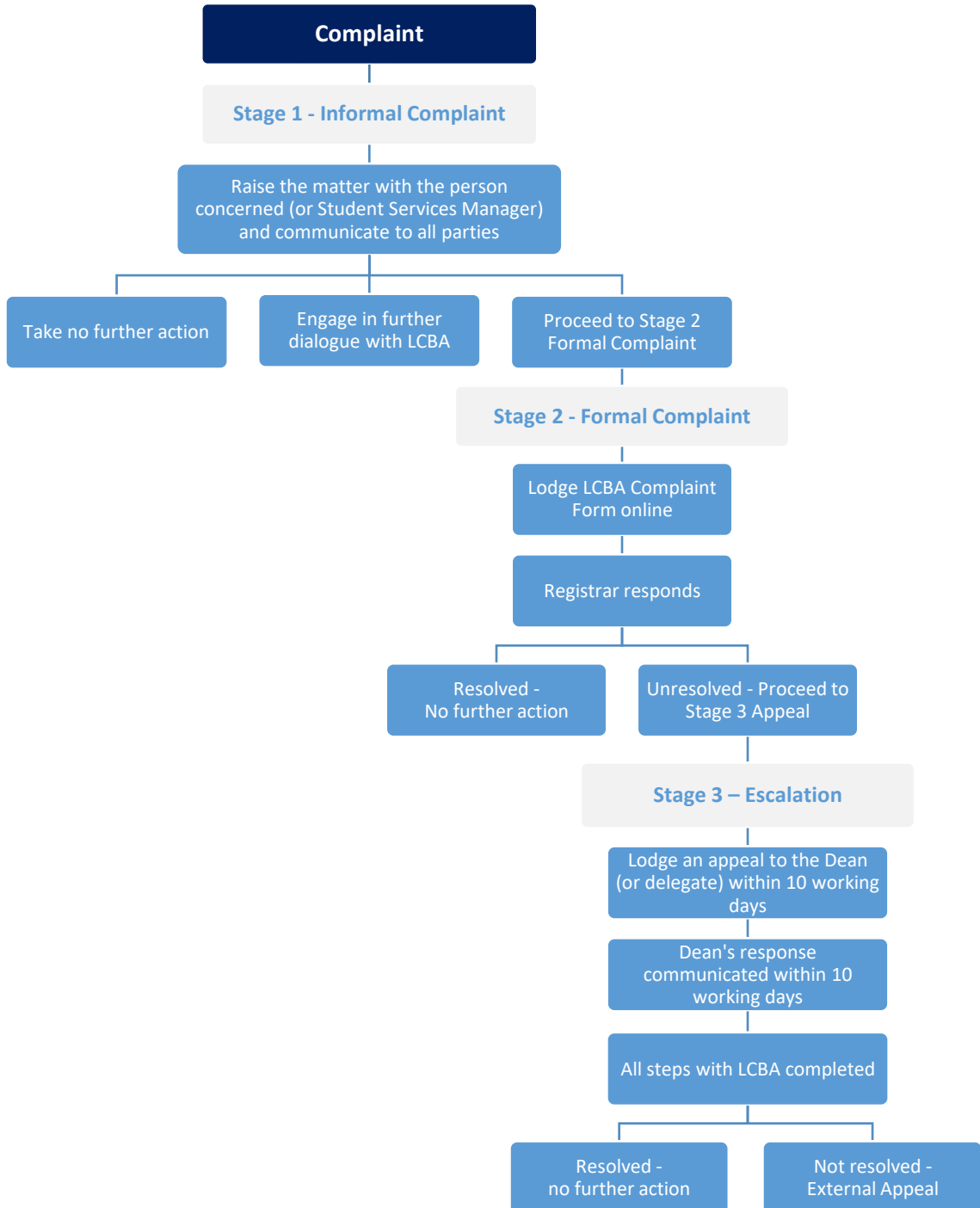
- 14.4 LCBA will promptly initiate any action required as a result of an external complaints or appeals process being upheld.
- 14.5 External appeals agencies available to complainants include:
- International Students
 - Commonwealth Ombudsman
 - Phone: 1300 362 072
 - Website: <https://www.ombudsman.gov.au/complaints>
 - All Students
 - Australian Human Rights Commission
 - Email: infoservice@humanrights.gov.au
 - Phone: 02 9284 9888
 - Website: www.humanrights.gov.au
 - Resolution Institute*
 - Email: nominations@resolution.institute
 - Phone: 02 9251 3366
 - Website: <https://www.resolution.institute>
- *LCBA will meet 50% of the costs of mediation through the Resolution Institute.
- 14.6 Any party may terminate the mediation at any time during the mediation process. LCBA will act fairly and reasonably during mediation, however, may withdraw from the process if it deems that continuing will not be productive in achieving a resolution.



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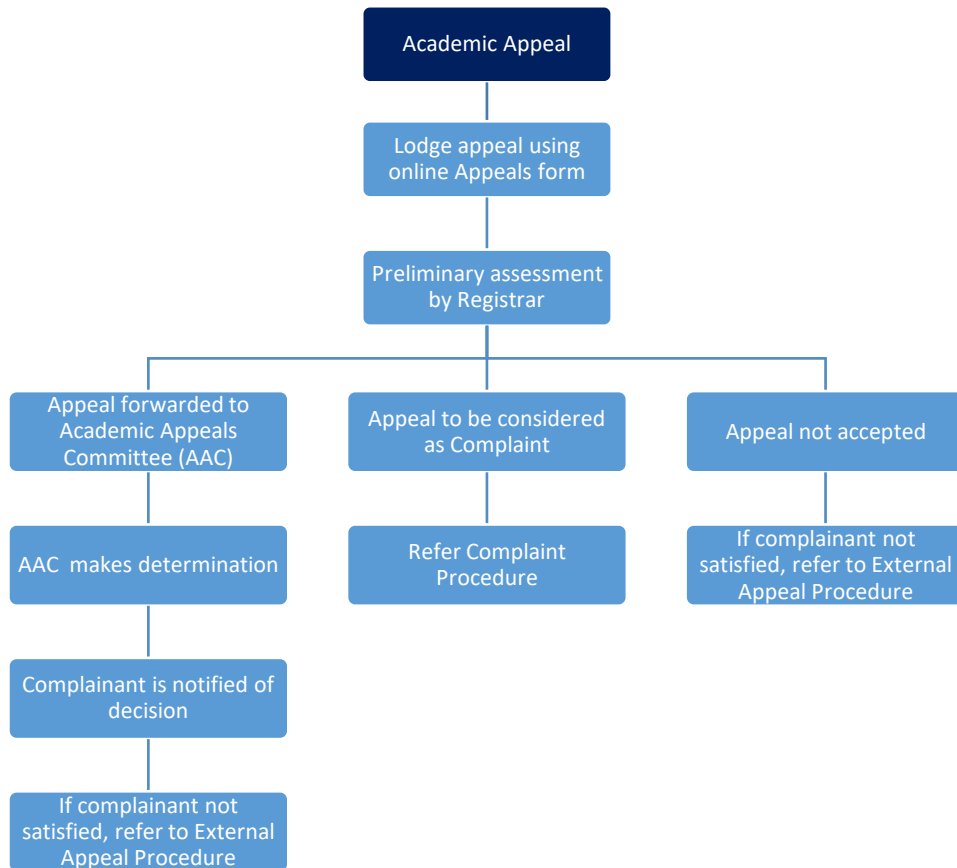
15. Process Flowchart

15.1 Complaints



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15.2 Academic Appeals



16. Summary of changes since last review

Authored by	Description
Compliance	Editorial changes to roles and regulations Inclusion of Natural Justice

17. Appendix 1 – External Reference Documents

Natural Justice

- [What's involved in making a 'fair' decision? - natural justice or procedural fairness](#)
- [Administrative Review Council Best Practice Guide 2 - Natural Justice](#)