

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):
 - 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
- HESF (Threshold Standards) 2015 - Standard 6
- National Code 2018 - Standard 11
- Standards for RTOs 2015 - Standards 7 and 8
- Work Health and Safety Act 2011

STUDENT COMPLAINTS AND APPEALS POLICY

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. Academic Registrar, Program Manager, Academic Manager, Dean) 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 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.
- 5.7 LCBA will only report a student visa holder for unsatisfactory course progress in PRISMS after the student has chosen not to access the internal complaints and appeals within the 20 working day period (comprising 10 working days for the first internal appeal and 10 working days for the second internal appeal).
- 5.8 The investigation is overseen by the Academic Registrar. Where there is a conflict of interest on the part of the Academic Registrar, the Dean is informed.
- 5.9 LCBA will advise the complainant/appellant 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/appellant at least every 20 days thereafter.

STUDENT COMPLAINTS AND APPEALS POLICY

- 5.10 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.
- 5.11 The student's enrolment is maintained while the complaint and appeal processes are ongoing, notwithstanding exceptional cases such as serious breaches of policy.
- 5.12 A full record in writing of all the stages of the complaints and appeals processed is maintained and kept confidential.
- 5.13 After internal appeals are exhausted, a student may, at their own cost, pursue external appeal processes.
- 5.14 The right to make a complaint or appeal according to this policy does not affect the right of complainants/appellants to take action under the Australian Consumer Law.

6. Roles and Responsibilities*

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

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

7. Definitions

'Appeal' is an instance where a student makes a written submission disputing a decision made by or on behalf of LCBA, including the outcome of a formal complaint.

'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.

STUDENT COMPLAINTS AND APPEALS POLICY

‘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.

8. 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

9. Implementation

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

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

10. Complaints Procedure

10.1 Complaint Stage 1 – Informal Complaint

10.1.1 As the first stage of a complaint the complainant should raise the matter with the person/s concerned.

10.1.2 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.

10.1.3 If the complaint relates to the Student Services Manager, the complainant may lodge a Formal Complaint (see Complaint Stage 2).

10.1.4 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;

STUDENT COMPLAINTS AND APPEALS POLICY

- make a formal complaint.

10.2 Complaint Stage 2 – Formal Complaint

- 10.2.1 A formal complaint may only be made after the Preliminary Stage is complete.
- 10.2.2 Formal complaints must be made in writing to Le Cordon Bleu Australia by filling in the LCBA [Online Complaint Form](#).
- 10.2.3 The Academic Registrar commences the investigation process upon receipt of the complaint and has the discretion to:
- refer the matter to Dean;
 - seek further information or advice; or
 - reject the complaint based on the information provided by the complainant.
- 10.2.4 The complainant may be asked to produce evidence to support their claim.
- 10.2.5 The Academic 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.
- 10.2.6 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.
- 10.2.7 If the complaint is regarding the Academic Registrar, then the Dean, or another person appointed by the Dean, will apply this policy.

10.3 Complaint Stage 3 – Appeal against the Outcome of a Formal Complaint

- 10.3.1 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.
- 10.3.2 Where a complaint involving the Academic Registrar was reviewed by the Dean at Stage 2, the Stage 3 appeal will be considered by the Chief Operating Officer or suitable senior manager of LCBA other than the Dean.
- 10.3.3 The appeal must be lodged within ten (10) working days of the date of the Academic Registrar's response to the complainant.
- 10.3.4 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.

STUDENT COMPLAINTS AND APPEALS POLICY

- 10.3.5 The complainant must address the grounds of appeal relating to their circumstances and provide this in writing to the Dean.
- 10.3.6 The Dean 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.
- 10.3.7 The Dean's response is final, beyond which the only course of action open to a complainant is an external appeal.

11. Appeals Procedure

11.1 Appeal - Stage 1

- 11.1.1 Where a person wishes to dispute a decision made by or on behalf of LCBA, they may lodge an appeal.
- 11.1.2 Appeals must be made in writing using the LCBA [Online Appeals Form](#).
- 11.1.3 The appeal must be lodged within ten (10) working days of receiving the decision.
- 11.1.4 The Academic Registrar commences the investigation process upon receipt of the appeal and has the discretion to:
- refer the matter to Dean;
 - seek further information or advice; or
 - reject the appeal based on the information provided by the appellant.
- 11.1.5 The appellant may be asked to produce evidence to support their claim.
- 11.1.6 The Academic Registrar provides the appellant with a written statement of the outcome of the complaint, including detailed reasons for the outcome, within twenty (20) working days of receipt of the appeal.
- 11.1.7 If more than 60 days are required to process and finalise the appeal LCBA will write to the appellant with reasons why more than 60 days are required.
- 11.1.8 If the appeal relates to a decision made by the Academic Registrar, then the Dean, or another person appointed by the Dean, will apply this policy.

11.2 Appeal Stage 2

- 11.2.1 Where the outcome of an appeal is not satisfactory to the appellant on one of more of the grounds listed below, they may lodge an appeal to the Dean by emailing Student Services.
- 11.2.2 Where a Stage 1 appeal involving the Academic Registrar was reviewed by the Dean, the Stage 2 appeal will be considered by the Chief Operating Officer or suitable senior manager of LCBA other than the Dean.
- 11.2.3 The appeal must be lodged within ten (10) working days of the date of the Academic Registrar's response to the appellant.
- 11.2.4 Grounds for an appeal are:
- Compassionate or compelling circumstances (supported by evidence) that impacted the appellant's ability to represent their appeal in the initial stage;

STUDENT COMPLAINTS AND APPEALS POLICY

- 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 appellant from presenting their case without bias on the part of LCBA.

11.2.5 The appellant must address the grounds of appeal relating to their circumstances and provide this in writing.

11.2.6 The Dean must provide the appellant 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.

11.2.7 The Dean's response is final, beyond which the only course of action open to an appellant is an external appeal.

12. External Appeals

12.1 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.

12.2 The appeal must be lodged within ten (10) working days of the Dean's response to the appellant.

12.3 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.

12.4 LCBA will promptly initiate any action required as a result of an external complaints or appeals process being upheld.

12.5 External appeals agencies available to complainants include:

International Students

Overseas Students Ombudsman

Email: ombudsman@ombudsman.gov.au

Phone: 1300 362 072

Website: www.oso.gov.au

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.

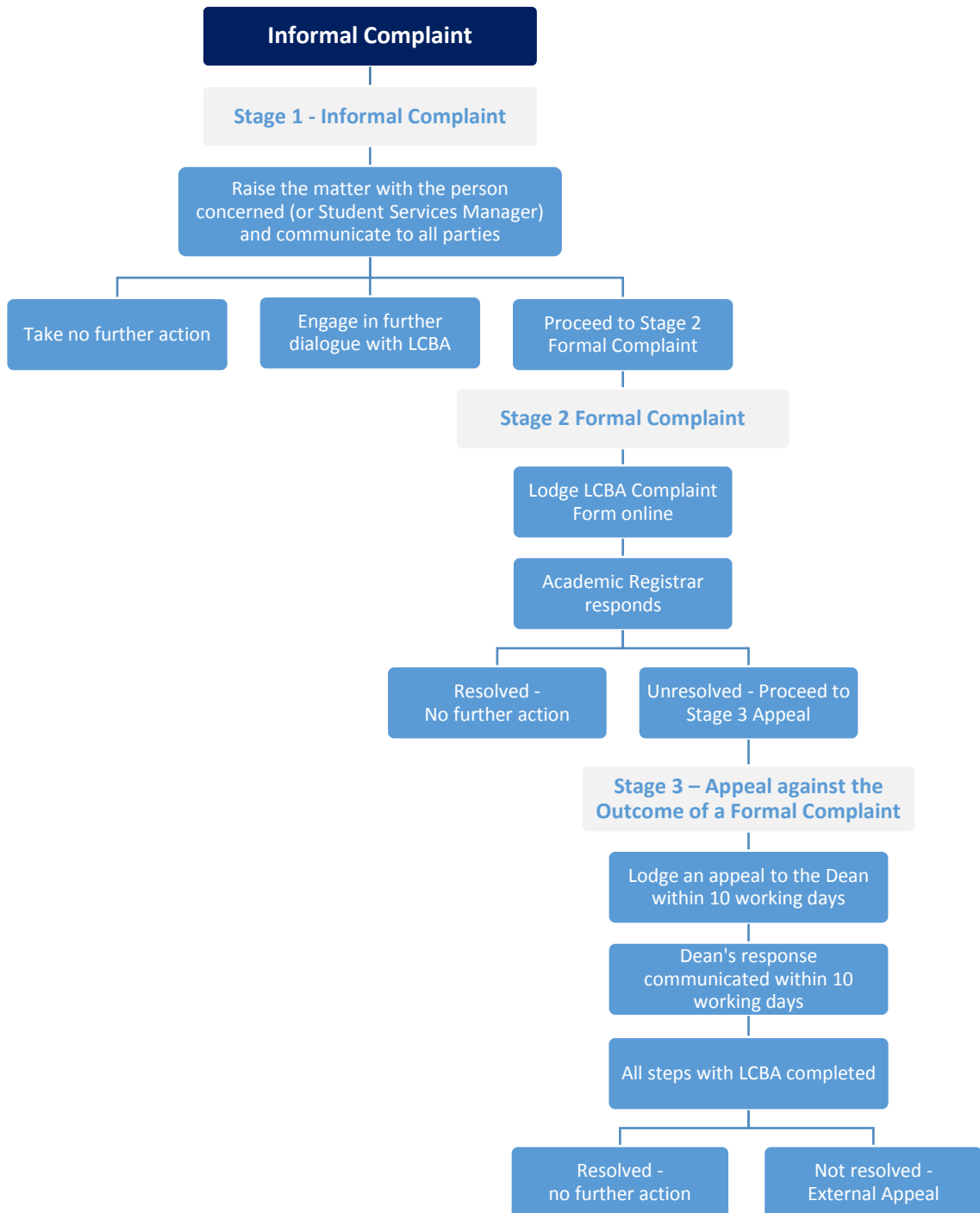


STUDENT COMPLAINTS AND APPEALS POLICY

12.6 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.

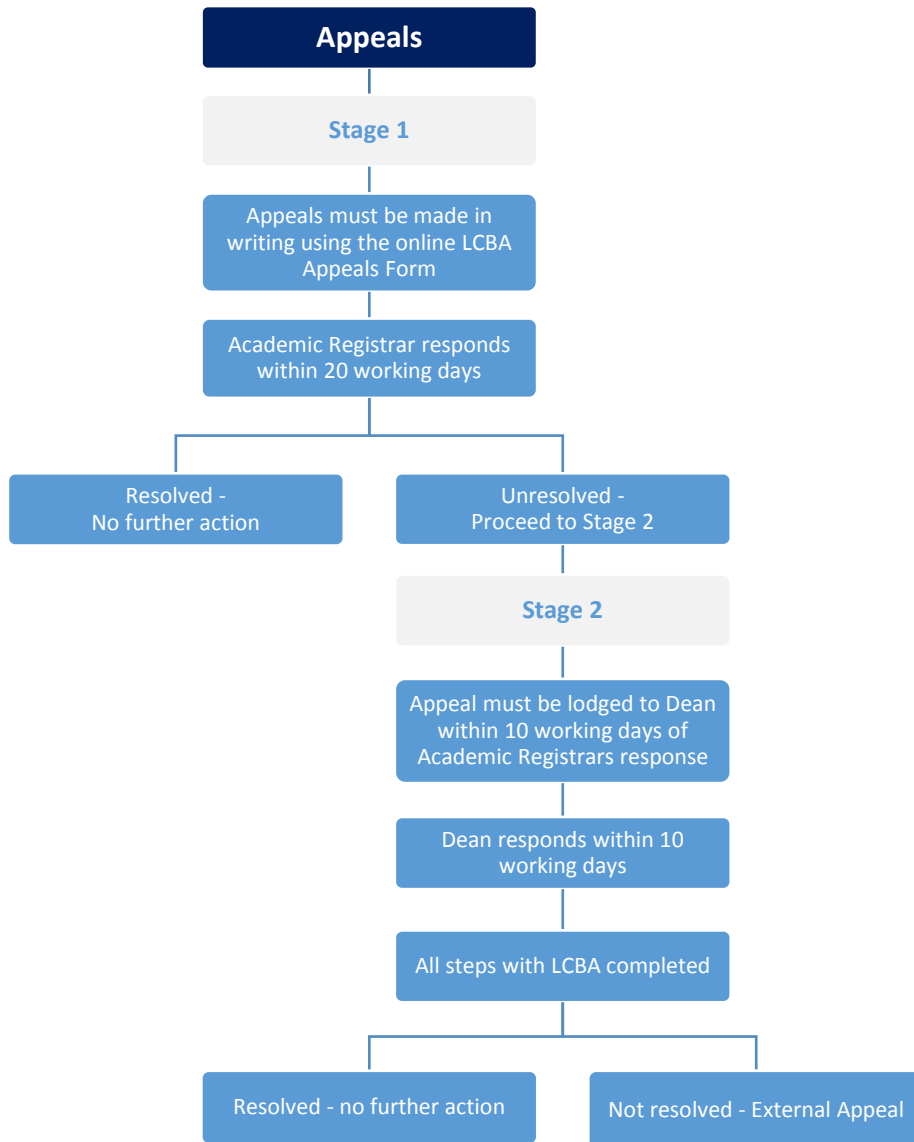
13. Process Flowchart

13.1 Complaints



STUDENT COMPLAINTS AND APPEALS POLICY

13.2 Appeals



14. Summary of changes since last review

Authored by	Description
Academic Registrar	Addition of time limit for Stage 1 Internal Appeals of 10 working days from decision being appealed Addition of time limit for Stage 3 External Appeals of 10 working days from Dean's response to second internal appeal Clarification of policy that LCBA will not report on PRISMS until after 20 working days internal appeal procedure (see 5.7) Addition of 'Student' to policy name