

P31 Complaints and Appeals Policy

1.0 Purpose

- 1.1 The purpose of this policy is to define the system available to students for dealing with student complaints and appeals.

2.0 Responsibility

- 2.1 The CEO is responsible for implementation of this procedure and ensuring that staff and students are made aware of its application.

3.0 Complaints and Appeals

A **complaint** can be made to Central Melbourne Institute (CMI) regarding the conduct of:

- CMI (as an RTO), its trainers, assessors or other CMI staff
- students of CMI
- any third parties providing services on behalf of CMI (education agents)

Complaints may be made to the Compliance Manager or any member of staff.

An **appeal** can be made to CMI to request a review of a decision, including assessment decisions. Appeals should be made to the trainer/assessor in the first instance, but can also be made to the Compliance Manager.

4.0 Requirements

- 4.1 Students who are concerned about the conduct of CMI are encouraged to attempt to resolve their concerns using this procedure.
- 4.2 The procedure will be implemented at no cost to the student.
- 4.3 CMI's complaints and appeals policy is available to all prospective students prior to making the decision to enrol. The policy is available on the Institute's website www.cmi.vic.edu.au, the student handbook, student offer letter and agreement and from CMI reception.
- 4.4 All complaints and appeals will be handled professionally and confidentially in order to achieve a satisfactory resolution that is fair and equitable to all parties.
- 4.5 Students will be provided with details of external authorities they may approach, if required.
- 4.6 At any stage in the internal complaint or appeal process students are entitled to have their own nominee included to accompany and support them.
- 4.7 Students may raise any matters of concern relating to training delivery and assessment, the quality of the teaching, student amenities, education agents behaviours, discrimination, sexual harassment and other issues that may arise.
- 4.8 For internal complaints and appeals:
 - The student will have an opportunity to formally present their case, in writing or in person at no cost to the student
 - The student may be accompanied and assisted by a support person at any relevant meetings.
 - At the conclusion of the complaint or appeal the student will be given a written statement of the outcome, including details of the reasons for the outcome and the record of the complaint and outcome will be placed in the student file.

- 4.9 A student's enrolment must be maintained whilst a complaint or appeal is in progress and the outcome has not been determined except in cases where CMI is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment.
- 4.10 In cases where CMI is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment CMI only needs to await the outcome of the internal appeals process (supporting CMI) before notifying Department of Home Affairs through PRISMS of the change to the student's enrolment (International students only).
- 4.11 The Institute will encourage the parties to approach a complaint or appeal with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint or appeal cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to review the process implemented by the Institute.
- 4.12 If there is any matter arising from a student complaint or appeal that is a systemic issue which requires improvement action this will be reported at CMI's Management meeting as part of the continuous improvement process.
- 4.13 Nothing in this procedure inhibits student's rights to pursue other legal remedies. Students are entitled to resolve any dispute by exercising their rights to other legal remedies. Students wishing to take this course of action are advised to:-
- Contact a solicitor; or-
 - Contact the Law Institute of Victoria, 470 Bourke St Melbourne 3000, Telephone 03 9602 5000 for a referral to a solicitor.

5.0 **Method**

Informal Complaint Process

- 5.1 Any student with a question or complaint may raise the matter with any staff member of CMI and attempt an informal resolution of the question or complaint.
- 5.2 Questions or complaints dealt with in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless the Institute staff member involved determines that the issue question or complaint was relevant to the wider operation of the Institute.
- 5.3 Students who are not satisfied with the outcome of the question or complaint are encouraged to register a formal complaint.

Formal Complaint Process

- 5.4 Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so. To register a formal complaint a student must complete the student complaint form and submit to reception. The Compliance Manager will contact the student to arrange a meeting. This meeting should be scheduled as soon as practicable but no later than 10 days after the complaint is lodged. At this meeting the complaint can be raised and a resolution attempted.
- 5.5 The following matters must be lodged as formal complaints within 20 working days of notification of an intention to report the student to Department of Home Affairs in order to be considered by CMI (International student's only).
- Deferral of commencement, suspension or cancelling a student enrolment
 - Non achievement of satisfactory course progress
- 5.6 Students' complaints regarding education agents behaving fraudulently will be dealt with immediately.
- 5.7 At the stage of the complaint meeting the complaint must be recorded in writing .

- 5.8 The Compliance Manager will then attempt to resolve the complaint with the student and any other parties who may be involved. The resolution phase must commence within 10 working days of the complaint being lodged in writing.
- 5.9 A maximum time of 20 working days from the commencement of the resolution phase will be allowed for the resolution unless all parties agree in writing to extend this time.
- 5.10 At the end of the resolution phase the Compliance Manager will report CMI's decision to the student. The decision and reasons for the decision will be documented by the Compliance Manager and placed in the student's file. A copy of this document will be provided to the student.
- 5.11 Following the resolution phase CMI will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint
- 5.12 If a student is dissatisfied with the outcome of the formal complaint process then they may initiate the internal appeals process by completing the appeals form.

Internal Appeal Process

- 5.13 Internal appeals may arise from a number of sources including appeals against assessment, appeals against disciplinary actions and appeals against decisions arising from complaints. The essential nature of an appeal is that it is a request by a student to reconsider a decision made by CMI.
- 5.14 A student's enrolment must be maintained whilst an appeal is in progress and the outcome has not been determined.
- 5.15 The appeals process is initiated by a student completing the student appeals form.
- 5.16 The appeal resolution phase must commence within 10 working days of the internal appeal being lodged in writing.
- 5.17 A maximum time of 20 working days from the commencement of the appeal resolution phase will be allowed for the appeal resolution unless all parties agree in writing to extend this time.
- 5.18 After a student makes an internal appeal, the registered training organisation will appoint a person or body to hear the appeal and propose a final resolution. This person or body must not be the same as any person or body that heard the original complaint
- 5.19 Students appealing an assessment or RPL outcome will be given the opportunity for reassessment by a different assessor selected by the Institute. The student is allowed three assessment attempts at no cost. The costs of reassessment attempts (including first) will be met by the Institute. The recorded outcome of the assessment appeal will be the most favourable result for the student from either the original assessment or the reassessment. If the student is unsuccessful after 3 assessment attempts they will be required to repeat the unit and pay the repeat unit fee.
- 5.20 The outcome of the internal appeal and reasons for the outcome will be recorded in writing and signed and dated by the student and the Institute and placed in the student file. A copy of this document will be provided to the student.
- 5.21 Following the internal appeals phase the Institute will implement the decision as conveyed to the student and undertakes any improvement actions arising from the complaint.
- 5.22 There are no further avenues within the Institute for complaints or appeals after the internal appeals process has been completed, however an external appeals process is available
- 5.23 If the student is not satisfied with the result or conduct of the internal complaint handling and appeals process, the student has right to access the external appeals process. The cost will be borne by the applicant.

External appeal process

5.24 The purpose of the external appeals process is to consider whether the Institute has followed its student complaint and appeals procedure, not to make a decision in place of the Institute. For example, if a student appeals against his or her subject results and goes through the Institute internal appeals process, the external appeals process (if accessed) would look at the way in which the internal appeal was conducted; it would not make a determination as to what the subject result should be.

FOR INTERNATIONAL STUDENTS

- For external complaints and appeals the independent mediator will be the third party (Overseas Students Ombudsman).
- The external appeals procedure will be determined by the independent mediator.
- Students may lodge an external complaint or appeal about a decision. Students are advised to contact the Overseas Student Ombudsman who offers a free and independent service to students wishing to lodge an external complaint or appeal against a decision made by their training provider. Further details are available at www.oso.gov.au or phone 1300 362 072.

FOR DOMESTIC STUDENTS

- Domestic students may lodge their appeal through Australian Council for Private Education and Training (ACPET) www.acpet.edu.au or phone 9412 5900 or Australian Skills Quality Authority (ASQA) www.asqa.gov.au or phone 1300 701 801.

5.25 There is no charge for lodging an appeal.

5.26 Following the receipt of the outcome of the external appeal CMI must immediately implement the decision, convey the outcome to the student, place a copy of the documentation on the student file and undertake any improvement actions arising from the complaint.

5.27 If an appeal is against CMI's decision to report the student for unsatisfactory course progress CMI must maintain the student's enrolment (i.e. not report the student for unsatisfactory progress) until the external appeals process is complete and has supported CMI's decision to report (International students only).

5.28 If an appeal is against an Institute decision to defer or suspend a student's enrolment due to misbehaviour or to cancel a student's enrolment, CMI only needs to await the outcome of the internal appeals process (supporting CMI) before notifying Department of Home Affairs through PRISMS of the change to the student's enrolment (International students only).