

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 and also to smooth the complaints handling and appeals processes.

This Complaints and Appeals Policy is in accordance with the requirements of:

- Standards for RTO 2015 (Clause 6.1, 6.2, 6.3, 6.4, 6.5, 6.6)
- The National Code 2018-Standard 10

This policy ensures that professional, timely, inexpensive and documented complaints handling and appeals processes so that grievances between overseas students and registered providers can be heard and addressed. It documents the process for the overseas student to lodge a formal complaint or appeal if a matter cannot be resolved informally.

2.0 Responsibility

Complainant refers to a person who has lodged a complaint with CMI.

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.

What can a complaint be about?

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)

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

CMI will assess the complaint or appeal within 10 working days of the overseas student lodging it, and finalise the outcome as soon as practicable.

CMI will conduct the assessment of the complaint or appeal in a professional, fair and transparent manner and will identify the potential causes of complaints, appeals, and takes appropriate corrective action.

CMI will ensure the overseas student has an opportunity to present their case at minimal or no cost, and be accompanied and assisted by a support person if necessary; and

CMI will give the overseas student a written statement of the outcome of the appeal, including the reasons for the outcome, and keep a written record of complaints or appeals on the overseas student's file.

3.0 Requirements

- 3.1 Students who are concerned about the conduct of the training provider are encouraged to attempt to resolve their concerns using this procedure.

- 3.2 The procedure will be implemented at no cost to the student.
- 3.3 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 CMI's website www.cmi.vic.edu.au and in the student handbook. Students will be provided with information about the complaints and appeals process during orientation.
- 3.4 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.
- 3.5 Students who are not satisfied with the outcome of the informal process can register a formal complaint in writing to Administration Manager. Students can also send an email alternatively to admission@cmi.vic.edu.au. Students will be provided with details of external authorities they may approach, if required
- 3.6 At any stage in the internal complaint or appeal process students are entitled to have their own nominee included to accompany and support them.
- 3.7 Students may raise any matters of concern relating to training delivery and assessment, the quality of the teaching, student amenities, discrimination, sexual harassment and other issues that may arise.
- 3.8 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.
- 3.9 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 the provider is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment.
- 3.10 In cases where the provider is intending to defer or suspend a student's enrolment due to misbehaviour or to cancel the student's enrolment the provider only needs to await the outcome of the internal appeals process (supporting the provider) before notifying Department of Home Affairs (DHA) through PRISMS of the change to the student's enrolment (International students only).
- 3.11 CMI 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 CMI.
- 3.12 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 to the RTO management meeting as part of the continuous improvement process.
- 3.13 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, Level 13, 140 William Street, Melbourne Victoria 3000, Telephone 03 9607 9550 for a referral to a solicitor. For more information refer to website [Home \(liv.asn.au\)](http://liv.asn.au)

4.0 **Method**

Informal Complaint Process

- 4.1 Students who wish to make a complaint are encouraged to initially engage in informal discussion about the matter with the CMI's staff. Any student with a complaint may first raise the issue informally with Administration Manager or Trainer or Student Support Officer and attempt an informal resolution of the complaint.
- 4.2 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 CMI staff member involved determines that the issue question or complaint was relevant to the wider operation of the Institute.
- 4.3 Students who are not satisfied with the outcome of the complaint, they will be advised to register a formal complaint.

Formal Complaint Process

- 4.4 Students who are not satisfied with the outcome of the informal process, or, who want to register a formal complaint may do so.
- 4.5 To register a formal complaint a student must complete the student complaints and Appeals form and contact CMI's Training Manager to arrange a meeting providing:
 - detailed statement of the complaint and who are involved.
 - What is the expectation of the student to settle the complaint
 - Complaint will be lodged in a complaint register.
- 4.6 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.
- 4.7 The following matters must be lodged as formal complaints within 20 working days of notification of an intention to report the student to Department Home Affairs in order to be considered by the Institute (International student's only).
 - Deferral of commencement, suspension or cancelling a student enrolment
 - Non achievement of satisfactory course progress
- 4.8 The Training Manager will attempt to resolve the complaint with the student and any other parties who may be involved during the meeting and record the complaint in writing. The resolution phase must commence within 10 working days of the complaint being lodged in writing.
- 4.9 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. This period is called the resolution phase.
- 4.10 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.
- 4.11 Students will be informed about their Right to appeal within 10 days of the complaints if dissatisfied with the outcome.
- 4.12 Following the resolution phase CMI will implement the decision as conveyed to the student and undertake any improvement actions arising from the complaint
- 4.13 If a student is dissatisfied with the outcome of the formal complaint process, then they may initiate the internal appeals process by completing the Complaints and Appeal Form from the CMI's website or from the campus.

Internal Appeal Process

- 4.14 Internal appeals may arise from a number of sources including appeals against refund decisions, assessment outcomes, 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.
- 4.15 A student's enrolment must be maintained whilst an appeal is in progress and the outcome has not been determined.
- 4.16 The appeals process is initiated by a student completing the student Complaints and Appeal Form.
- 4.17 The appeal resolution phase must commence within 10 working days of the internal appeal being lodged in writing.
- 4.18 Where an appeal relates to the following matters, the Student Appeals Form must be lodged within 20 working days (International Students) unless all parties agree in writing to extend this time:
- Notification of an intention to report the student to the Department of Home Affairs (DHA) or due to unsatisfactory Course Progress.
 - Notification of an intention to suspend or cancel a student's enrolment due to misbehaviour, or other extenuating circumstances (ref. Student Code of Behaviour and Discipline Procedures for details).
- 4.19 After a student makes an internal appeal, CMI will appoint an Investigator or convene a Student Appeal Committee to hear the appeals and propose a final resolution. This Investigator or Committee will not include any person who has heard the original complaint.
- 4.20 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
- 4.21 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 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.
- 4.22 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.
- 4.23 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.
- 4.24 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
- 4.25 There might be cases where matter is still unresolved after the implementation of above procedures and the internal appeals process exhausted, or if the student is not successful in the CMI's internal complaints and appeals process. In such cases, institute will advise the overseas student within 10 working days of concluding the internal review of the overseas student's right to access an external complaint handling and appeals process without any cost charged by CMI.

External Appeals Process

- 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.

- The external appeals procedure will be determined by the independent mediator.

Students may lodge an external complaint or appeal about a decision. For external complaints and appeals the appropriate external complaints body will be:

- state and territory offices of the Ombudsman, for public providers; or
- the Commonwealth Ombudsman

Students are advised to contact the Commonwealth 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

<https://www.ombudsman.gov.au/> or phone 1300 362 072.

- 4.26 If an appeal is against an Institute decision to report the student for unsatisfactory course progress the Institute 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 the provider's decision to report (International students only).
- 4.27 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 the Institute only needs to await the outcome of the internal appeals process (supporting the provider) before notifying DHA through PRISMS of the change to the student's enrolment (International students only).

Appeals related to Deferment, Suspension or Cancellation of Enrolment

- 4.28 In the event student has decided to access the appeals process in relation to deferment, suspension or cancellation of their enrolment, CMI will not update the student's status or report to Department of Home Affairs (DHA) via PRISMS until the appeal process is completed.

CMI will only report an overseas student for unsatisfactory course progress or attendance in PRISMS after:

- the internal and external complaints processes have been completed and the breach has been upheld;
- the overseas student has chosen not to access the internal complaints and appeals process within the 20-working day period;
- the overseas student has chosen not to access the external complaints and appeals process;
- The overseas student withdraws from the internal or external appeals process, by notifying the CMI in writing.

Note: *Please note that the following procedures do not remove your right to seek other dispute resolution services, or to seek other legal remedies, provided by external bodies, such as, the Dispute Settlement Commission of Victoria, Consumer and Business Affairs Victoria, or the Equal Opportunity Commission Victoria.