

# ABCI Complaints and appeals policy and procedure

## Purpose

This Complaints and Appeals Policy and Procedure ensures that Australian Business and Culinary Institute responds effectively and efficiently to individual cases of dissatisfaction in accordance with the requirements of the Standards for RTOs 2015 and National Code 2018, Standard 10.

## Scope

This policy and procedure applies to both enrolled and prospective Australian Business and Culinary Institute students.

## Responsibility

The Student Services Officer is responsible for the implementation of this policy and procedure and ensuring that staff and students are made aware of its application.

## Definitions

**Complainant** refers to a person who has lodged a complaint with Australian Business and Culinary Institute.

**Complaint** means a person's expression of dissatisfaction with any service provided by ABCI, including academic and non-academic matters.

**Appeal** refers to the process where a student requests for the case to be reviewed if dissatisfied with a decision made by Australian Business and Culinary Institute.

**Academic matters** include those matters which relate to student progress, assessment, course content or awards in a course of study.

**Non-academic matters** include those matters related to student enrolment, induction, or orientation process, quality of education and discrimination or harassment that the student may have experienced.

**Student(s)** refers to all persons enrolled or seeking to enrol in a unit of study/course. This includes subsidised and full fee-paying students.

**Natural Justice** means general procedural fairness in the handling of complaints and appeals that involves all the following elements:

- The right to a fair hearing
- The right to attend hearings with a friend or support person, if required

- The opportunity for all parties involved to be heard
- The respondent having full knowledge of the nature and substance of the complaint
- The Complainant not determining the outcome, but may be a party to it
- The right to independent, unbiased decision-making
- A final decision that is based solely on the relevant evidence

## Policy

Australian Business and Culinary Institute understands that on occasion, there may be instances of dissatisfaction and acknowledges that the cause(s) must be addressed and rectified promptly. This Complaints and Appeals Policy and Procedure will be provided to all staff and students as part of staff induction and student orientation programs, upon student request and will be made publicly available on Australian Business and Culinary Institute's website at <http://www.abcinstitute.edu.au>.

Australian Business and Culinary Institute will ensure that:

- It has the necessary structure in place to deal with Complaints and Appeals by forming a Complaints and Appeals Committee with authorized members from different areas.
- All prospective students will be provided with information about the Complaints and Appeals Policy and Procedure prior to enrolment
- The principles of Natural Justice shall apply to student complaints and appeals proceedings.
- Students will be provided with details of external appeal authorities they may approach, if required.
- All complaints and appeals will be handled professionally and confidentially. For internal complaints and appeals:
  - the student will have an opportunity to formally present their case, in writing or in person and 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 appeal meeting, the student will be given a written statement of the outcome, including details of the reasons for the outcome.
- The student's enrolment will be maintained while an internal complaint or appeal is in progress.
- Australian Business and Culinary 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 conciliation, the student may contact an appropriate external and independent agent to review the decision implemented by Australian Business and Culinary Institute.
- If a student complaint or appeal highlights a systemic issue requiring change, the issue will be reported at Australian Business and Culinary Institute's management meeting as part of the continuous improvement process.
- Nothing in this policy restricts the student's right to pursue other legal remedies, nor does the availability of dispute resolution processes remove the right of the student to take action under Australia's consumer protection laws.
- All complaints are managed fairly, equitably, efficiently and in a timely manner.
- The complainant and the respondent will not be discriminated against or victimised.

- The complainant and the respondent will have the opportunity to present their case at each stage of the procedure.
- The complainant and/or the respondent will have the right to have a representative present during any negotiations with Australian Business and Culinary Institute or its appointed representatives.
- The complainant and/or the respondent will have the right to appeal a decision.
- Discussions relating to complaints and appeals will be recorded in writing. Reasons and full explanation for decisions and actions taken as part of this process will be provided to the complainant and/or respondent in writing.
- Records of complaints and appeals handled under this procedure and their outcomes shall be maintained in accordance with Australian Business and Culinary Institute's Student Records Archiving Policy.
- Academic and non-academic staff will be communicated and trained to ensure that they understand this policy and procedure and its application.

## Procedure for complaints and appeals

### Informal Complaint

Students are encouraged, wherever possible, to resolve concerns or difficulties directly with the person(s) concerned or relevant Departmental Manager before it becomes a formal complaint.

The Student Services Officer and other Complaints and Appeals Committee members are available to assist students to resolve their issues at this level.

Assuming it is agreed that the complaint is dealt through this informal complaint procedure, the staff member who is consulted, shall discuss the complaint fully with the complainant and with the complainant's consent, anyone else involved, to see if it can be resolved informally. This may involve referral of the complaint to a third party.

Complaints dealt in this way do not become part of the formal complaint process and will not be documented, recorded or reported on unless the Australian Business and Culinary Institute staff involved determine that the issue in question or complaint is relevant to the wider operation of Australian Business and Culinary Institute.

### Formal Complaint

If complaints are not resolved through an informal process, students can access the formal procedure, which will take place in three stages:

#### *Stage 1: Formal Complaint*

Formal complaints should be submitted in writing to Student Services Officer. The Student Services Officer or a delegate will consider and investigate the complaint within ten (10) working days from the date submitted by the complainant.

In this process, the Student Services Officer or a nominated member from the Complaints and Appeals Committee, may seek information and clarification by written or verbal request or by face-to-face interview with the complainant and/or the respondent. When such clarification occurs in a

face-to-face interview, the complainant or respondent may ask another person to accompany him or her.

The Student Services Officer or a nominated member from the Committee will then endeavour to resolve the complaint and will provide a written report to the complainant on the steps taken to address the complaint, including the reasons for the decision. The complainant will be notified of their decision in writing within ten (10) working days.

If a complaint investigation time exceeds the above timeframe, the Student Services Officer or nominated member from the Committee will notify the complainant in writing the reason and the new timeframe.

The complainant will be advised of their right to access an Internal Appeals process (Stage 2) if they are not satisfied with the outcome of the complaint in Stage 1.

*Stage 2: Internal Appeals (continuing from formal complaint or outcome from alternate process)*

Where the complainant is not satisfied with the outcome of the formal complaint in Stage 1, or for an individual who is not satisfied with an outcome of an alternate process, they may lodge an appeal in writing within ten (10) working days of receiving notification of the outcome of their respective matter/formal complaint.

An Internal Appeal Process is initiated when the Student Appeal Form is lodged to Student Services by the respective individual, referred to as the Applicant.

Within ten (10) working days of receiving the Student Appeal Form, the Complaints and Appeals Committee will convene an investigator or Student Appeal Committee to hear the appeal and propose a final resolution. The Applicant's appeal will be deliberated by an independent and impartial officer/committee of Australian Business and Culinary Institute, referred to as the Reviewer. Where the Committee has been convened as the Reviewer; if a member of the Committee has been involved in the complaint process, they will not be included in the Appeal Committee to ensure fair process. The Reviewer will conduct all necessary consultations with the Applicant and other relevant persons and determine the outcome of the appeal. The complainant or respondent may ask another person to accompany him/her at any meeting with the Reviewer.

The Reviewer may:

1. uphold and confirm the decision
2. vary the decision; or
3. set the decision aside and substitute a new decision.

The Reviewer will advise the Applicant in writing of the outcome of the appeal, including the reasons for the decision, within ten (10) working days.

The Applicant will be advised of their right to have the decision reviewed by an independent external body (Stage 3) if they are not satisfied with the outcome.

### *Stage 3: External Mediation*

If the Applicant is dissatisfied with the outcome of the Internal Appeal on Stage 2, they may refer the decision for review by an external dispute resolution process facilitated by the Resolution Institute (RI) or Ombudsman within twenty (20) days of the decision being made.

### For International Students

International students are advised to contact the Ombudsman office in their respective state.

- The Ombudsman or Dispute Assessment Officer will consider a students' appeal and make a decision. The students will be provided with a written copy of the outcome.
- Please note that these complaints and appeal procedures do not restrict a student's right to pursue other legal remedies through the Australian legal system.
- Following receipt of the outcome of the external appeal, Australian Business and Culinary Institute will immediately implement the decision and convey the outcome to the student.

If an appeal is against Australian Business and Culinary Institute's decision to defer, suspend or cancel an international student's enrolment due to misbehaviour, Australian Business and Culinary Institute only needs to await the outcome of the internal appeals process (supporting Australian Business and Culinary Institute) before implementing its decision to change the student's enrolment status.

Please note that the availability of Australian Business and Culinary Institute's Complaints and Appeals process does not remove the student's right to take action under Australia's consumer protection laws.

### Record keeping

Records of complaints and appeals handled under this procedure and their outcomes shall be maintained in accordance with Australian Business and Culinary Institute's Student Records Archiving Policy.

### Associated documents

- Student complaint form
- Student internal appeals form

## Flowchart of the student complaint and appeal procedure

### Informal complaint process

You can discuss the issue with your trainer, campus manager, student services officer or a Complaints and appeals Committee member.



### Formal complaint process

If you are not satisfied with the informal complaint process, you can put your case in writing to the student services officer. You should use the Student complaints form to lodge your formal complaint. This can be obtained from student services at reception or on ABCI's website at <https://www.abcinstitute.edu.au/>

The student services officer or nominated member from the Complaints and appeals Committee will investigate the complaint. A decision will be made within 10 working days and you will be notified in writing.



### Internal appeal process

If you are still not satisfied with the decision or complaints resolution, a written appeal can be lodged using the student appeal form available from student services at reception or on ABCI's website at <https://www.abcinstitute.edu.au/>

ABCI will appoint a student appeal committee or investigator to hear the appeal within 10 days of you lodging your appeal in writing. A meeting will be convened so that you can discuss your concerns with the committee or investigator. You will be advised in writing of the outcome within 10 working days of the meeting.



### External appeal

If you are not satisfied with the outcome of the internal appeal, you can lodge a written appeal with an independent external agency for mediation within 20 working days of receiving the outcome of the internal appeal.

International students can make an external appeal with the Ombudsman. You can find out more about how the Ombudsman can help by following this link <https://www.ombudsman.gov.au/complaints/international-student-complaints>

If you need help with your external appeal, you can contact the student services officer.

## Revision history

Revision	Date	Description of modifications
1.0	Oct 2018	Original
1.1	Oct 2020	Minor update, header and footer changed
2.0	Nov 2020	Overall review and editing update
3	Oct 2023	Overall review and editing update