

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 LCBA students with recourse to policy statements and information that is accessible and transparent.
- 1.3 It clearly articulates the process designed to facilitate the lodging of a complaint or appeal; 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 complaints and/or appeals 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 where concerns and complaints will be treated seriously and resolved quickly where possible.

5. Policy

- 5.1 LCBA prospective, current or former students have a legitimate right to make official complaints and appeals.
- 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 complaint and appeals as confidential.
- 5.4 Mediation or conciliation services may be facilitated by LCBA with a complainant and/or other parties involved in the 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 ((Legal and Compliance Manager, CEO or delegate)) and be given adequate time to respond to any 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 LCBA or its Co-Delivery Partner (CDPs) 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 from the event to which the complaint or appeal pertains. For complaints, the period is usually three (3) calendar months from the event, unless compassionate or compelling circumstances apply. For appeals, this time frame is within twenty (20) working days of notification of the decision.
- 5.7 LCBA will only report a student's visa holder for unsatisfactory course progress in PRISMS after:
- 5.7.1 the internal and external complaints processes have been completed and the breach has been upheld;
 - 5.7.2 the overseas student has chosen not to access the internal complaints and appeals within a twenty (20) working day period;
 - 5.7.3 the overseas student has chosen not to access the external complaints and appeals process; or

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- 5.7.4 the overseas student withdraws from the internal or external appeals process, by notifying the registered provider in writing.
- 5.8 The investigation is overseen by the Compliance team. Where there is a conflict of interest on the part of the Compliance team, the Registrar or Head of School are informed.
- 5.9 The LCBA Compliance team 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.
- 5.10 Where more than 60 calendar days are required to process and finalise the complaint or appeal, the Legal and Compliance Manager, after consultation with the CEO, will write to the complainant with reasons why more than 60 calendar days are required and will update the complainant at least every twenty (20) working days thereafter until the matter is resolved.
- 5.11 The student's enrolment is maintained, and student is expected to attend class as normal while the internal 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 by the Compliance team.
- 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 to take action under the Australian Consumer Law.
- 5.15 When a complaint or appeal is lodged, the Compliance team records the details on the LCBA Complaints and Appeals Register and keeps a record of the discussions and decisions throughout the process. The Register is stored on the LCBA Compliance SharePoint with restricted access. As required, Compliance provides a redacted summary of complaints and appeals to the LCBA Audit and Risk committee.

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 LCBA, its 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.

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- 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 on reason or logic, for example arguments not supported by evidence and/or are based on conspiracy theories.
- 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 LCBA’s 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 complainant 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 the Compliance team and the CEO.

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 is not involved in the original decision to change or restrict the complainant’s access. The Compliance Team 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 the external appeals processes.

8. Roles and Responsibilities*

Roles	Responsibilities
Compliance Team	<p>Commences the investigation process upon receipt of a complaint or appeal</p> <p>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.</p> <p>Responds in writing to the complainant within twenty (20) working days from receipt of the appeal submission.</p>

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Roles	Responsibilities
	<p>Assesses whether the appeal meets the relevant criteria for consideration by the Academic Appeals Committee (AAC)</p> <p>Consult with the CEO and provide a response to the complainant with a written statement of the outcome of the complaint, including detailed reasons for the outcome, within 20 working days from receipt of the appeal submission.</p>
Complainant	<p>Raises the informal complaint with the person concerned.</p> <p>Raises the informal complaint with Student Services Manager.</p> <p>Lodges a Formal Complaint with LCBA via the online Complaints Form, if attempts at the local level are not resolved to satisfaction.</p> <p>If requesting an appeal, provides it in writing to LCBA via the Online Appeals Form within 20 working days of receiving the notification of the decision.</p> <p>If deciding to appeal further beyond LCBA, has the right to access the external appeals process.</p>
Registrar	<p>Lead the investigation if the complaint is about the Compliance team</p> <p>Chairs the Academic Appeals Committee (AAC)</p>
Head of School	Participate in the Academic Appeals Committee (AAC)
Chief Executive Officer (CEO)	Final internal arbitrator of complaints who provides an impartial review/decision to ensure fair and thorough resolution

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

9. Definitions

‘Appeal’ is an instance where a student makes a written submission disputing a decision made by or on behalf of LCBA.

‘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;
- 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 by a student or person about a matter, which can then involve a procession for resolution requiring review, investigation, and/or action.

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‘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. Complaints Procedure

Stage 1 – Informal Complaint

- 11.1 At the first stage of a complaint, the complainant should raise the matter with the person/s concerned.
- 11.2 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.
- 11.3 If the complaint relates to the Student Services Manager, the complainant may lodge a Formal Complaint (see Formal Complaint Stage 2).
- 11.4 Once the issue has been communicated to all parties involved in the matter, the complainant has recourse to three (3) options:
 - take no further action;
 - engage in further discussion/conversation with LCBA;
 - make a formal complaint.

Stage 2 – Formal Complaint

- 11.5 A formal complaint should only be made after the Informal Stage is completed.
- 11.6 Formal complaints must be made in writing to LCBA by filling in the online [Complaint Form](#). Complainants will receive an automated confirmation of their form submission via the email provided. Any supporting documentation for the complaint should be sent to Compliance via australia-compliance@cordobleu.edu
- 11.7 The Compliance team commences the investigation process upon receipt of the complaint and has the discretion to:

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- consult with the Registrar, Head of School, CEO or other relevant party; or
- refer the matter to the relevant party (or delegate);
- seek further information or advice from all parties involved; or
- reject the complaint based on the information provided by the complainant.

11.8 The complainant may be asked to produce additional evidence to support their claim.

11.9 The Compliance team 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.

11.10 If more than 60 calendar days are required to process and finalise the complaint, the Compliance team will write to the complainant with reasons why more than 60 calendar days are required, and update the complainant every twenty (20) working days until the matter is resolved.

11.11 If the complaint is regarding the Compliance team, then the Registrar, or another person appointed by the Registrar, will resume the investigation by applying to this policy.

Stage 3 – Escalate

11.12 Where a complainant is not satisfied with the outcome of a formal complaint, appeal may be made in accordance with the procedure for appeals in this Policy.

12. Appeals Procedure

12.1 Grounds for an appeal are (but not limited to):

- compassionate or compelling circumstances (supported by evidence) that impacted the complainant's ability to represent their complaint in the initial stage;
- The decision is not consistent with LCBA's policies and procedures;
- 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;
- 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 decision was made;
- insufficient exercise of natural justice prevented the complainant from presenting their case without bias on the part of LCBA.

12.2 Students must lodge an appeal using the online [Appeals form](#) and provide supporting documents. The appeal must be lodged within twenty (20) working days of receiving the notification of the relevant decision.

12.3 Where a complaint involving the Compliance team was reviewed at Stage 2 by the Registrar (or delegate), the appeal will be considered by a suitable LCBA senior manager other than the Registrar (or delegate) (who may consult with the CEO).

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- 12.4 The Compliance team reviews the appeal and assesses whether it meets the relevant criteria for consideration by the Academic Appeals Committee (AAC), and will notify the student that:
- the appeal is considered as a non-academic appeal and has been referred to the Registrar; or
 - the appeal has been provided to the AAC for consideration; or
 - the appeal is not accepted, with reasons (for example, the appeal does not contain sufficient grounds for a complaint or appeal under this Policy, or the student's access to appeal processes has been restricted due to unreasonable complainant conduct).
- 12.5 For non-academic matters
- 12.5.1 The appeal will be referred to the Registrar (or delegate).
- 12.5.2 The Registrar (or delegate) will consult with the CEO, and the Compliance team must respond to the complainant with a written statement of the outcome of the complaint, including detailed reasons for the outcome, within twenty (20) working days from receipt of the appeal submission.
- 12.6 For academic matters
- 12.6.1 Academic appeals are considered by the AAC (HE/VET), which are sub-committees of the Academic Board. The AAC (HE/VET) consists of:
- Registrar (Chair)
 - Head of School
 - Senior academic as nominated by the Head of School.
- 12.6.2 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, or when there is a conflict of interest.
- 12.6.3 The AAC meets as required when student cases arise, and consults other stakeholders as needed to inform its decision-making.
- 12.6.4 With regard to the decision under appeal, the AAC may make a determination to:
- uphold the decision;
 - uphold the decision but amend one or more of the outcomes; or
 - set aside the decision and substitute a different decision.
- 12.6.5 The decision of the AAC is final.
- 12.6.6 The Chair of the AAC works with the Compliance team to provide 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.
- 12.7 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.

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13. External Appeals Procedure

- 13.1 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.
- 13.2 The external appeal must be lodged within 20 working days from the Compliance team's (or delegate's) response to the complainant.
- 13.3 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.
- 13.4 LCBA will promptly initiate any action required as a result of an external complaint or appeal process being upheld.
- 13.5 External appeal 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>

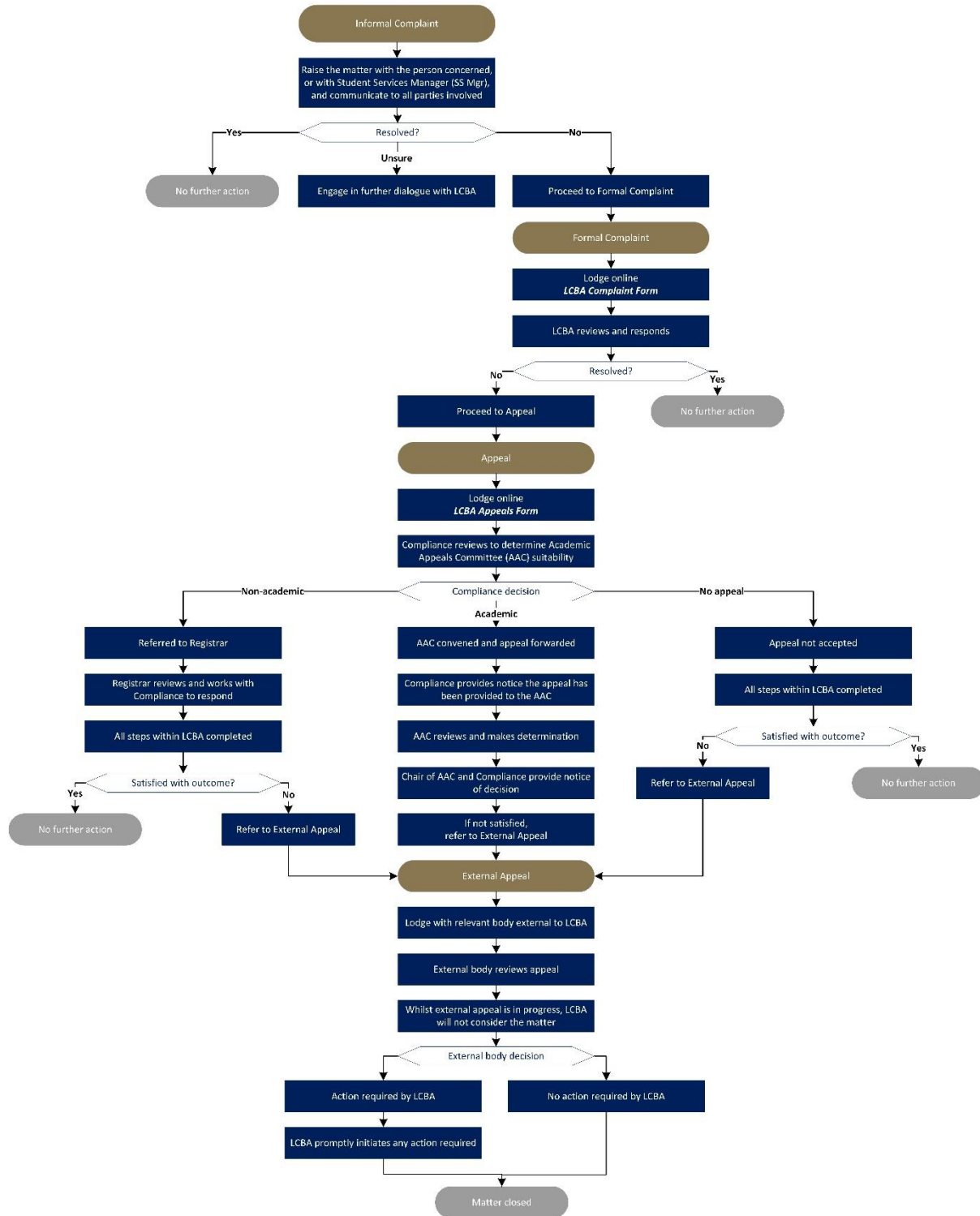
*LCBA will meet 50% of the costs of mediation through the Resolution Institute.

- 13.6 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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14. Process Flowchart



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15. Summary of changes since last review

Authored by	Description
Legal and Compliance Manager, Academic Services Unit Manager	Removal of Dean and updates to Registrar, Head of School, CEO, Compliance and other roles. Change of submission and response times for all parties to 20 working days. Addition of general appeals to the appeals online form. Update to complaints and appeals workflow.