

## **POLICY & PROCEDURE: COMPLAINTS AND APPEAL**

The purpose of this policy is to provide Complaints, Grievances and Appeals guidelines for all domestic and international students who are currently enrolled or previously studied at the Le Culinaire Hospitality Institute. All students that have a complaint, grievance or wish to appeal an academic decision should consult this policy and procedure before initiating their actions.

### **Policy**

The policy aims to ensure that the College responds to all complaints, grievances and appeals in an effective, timely, fair, and equitable manner. The policy relates to domestic and international students and applies to both academic and non-academic matters.

Feedback from students regarding the College, courses, staff, and other services is always encouraged and this feedback is not considered as a grievance, until and unless this is stated as such and specific actions or outcomes are requested. A written record of all grievances handled under this procedure and their outcomes shall be maintained for a period of at least 5 years to allow all parties to the grievance appropriate access to these records, upon written request to the CEO. A grievance can be defined as a person's expression of dissatisfaction with any aspect of the College's services and activities. In relation to non-academic grievances, the term "student" or "complainant" applies to both current students at the College and persons seeking to enrol with the College. Students who have ceased to study with the College will be given a further 12 months after they have ceased their enrolment to use this Complaints, Grievance and Appeals Policy and Procedures.

Le Culinaire Hospitality Institute will ensure that any grievances are resolved promptly, objectively and with sensitivity. All complaints, grievances, appeals and outcomes are treated as confidential (unless they involve breaches of the law) and records will be dealt with in accordance with the College Policy and Procedures on Privacy and Access to Information.

The College will ensure that the views of each complainant and respondent are respected and that any party to a grievance is not discriminated against nor victimised. Each complaint, grievance or appeal and outcome is recorded in writing. A written explanation for decisions and actions taken during the process will be given to all parties.

Where the internal or external grievance handling or appeal process results in a decision that supports the complainant, the College will immediately implement any decision and/or corrective and preventative action required and advise the complainant of the outcome in writing. There is no cost to students in utilising the Complaints, Grievance and Appeals process.

## Types of Complaints

### Non-academic matters

Complaints and appeals about non-academic matters primarily fall into the following categories.

Complaints about:

- Student services (including facilities)
- Non-academic education-related matters
- Administrative decisions (e.g. enrolment, mid-course fee increases)
- Le Culinaire Hospitality Institute staff
- People external to Le Culinaire Hospitality Institute that students interact with as part of an approved external program of study (e.g. excursions or field trips)
- Visitors to Le Culinaire Hospitality Institute
- Other students.

A complaint may arise from a matter/incident that occurs on or off-campus.

All Non – academic Matters are to be referred to the PEO by email:

[peo@leculinaire.edu.au](mailto:peo@leculinaire.edu.au) or contact: 02 9211 3945

### Academic matters

Appeals about academic matters fall into the following categories:

- **Academic integrity Appeal** a decision regarding a breach of Academic Integrity.

When a student attempts to cheat, plagiarise, or otherwise act dishonestly in undertaking an assessment task (or assisting other students to do so); or engaging in any other improper academic conduct as deemed by the Academic Manager they will be penalised for breaching academic integrity (Academic Dishonesty).

- **Assessment tasks Appeal** a grade for an assessment task or final grade for a subject. Appeals can only be made on the grounds of procedural or factual errors including the application of special consideration.

For further details on Assessment tasks refer to the below policies:

- Assessment Policy

## Procedure

### Before an Issue becomes a Formal Grievance

Students are encouraged, wherever possible, to resolve concerns or difficulties informally with the person(s) concerned. There are support staff available to assist in the resolution of issues at this level:

- The student should contact the class trainer who will endeavour to resolve the problem in the first instance without the need for a formal complaint.
- If the complaint is of a general nature, the student may fill out the 'Complaints and Appeals form' and submit it to Student Services Officer or seek an appointment with the Academic Manager
- If the problem is of a personal nature that may need professional help, the trainer or the Academic Manager will help the student to find an appropriate professional person in their local area.

### Stage 1 - Formal Grievance or Complaint

If the grievance, complaint, or appeal is not able to be resolved through informal discussion with the parties involved, then a formal complaint should be made. The person making the complaint or appeal should follow this process:

#### **1. Students should complete the 'Complaints and Appeals form'.**

The form is available:

- a. From the '[Forms and Policies](https://leculinaire.edu.au/forms-and-policies)' in the [https:// http://leculinaire.edu.au/](https://leculinaire.edu.au/), or
- b. By contacting Student Support on [studentservices@leculinaire.edu.au](mailto:studentservices@leculinaire.edu.au)

#### **2. Lodging the complaint or appeal:**

- a. Students should complete the Form and email to [studentservices@leculinaire.edu.au](mailto:studentservices@leculinaire.edu.au)

or

**Post:** 424 Harris Street ULTIMO 2007 – ATT: Student Services

- b. The Form should be accompanied with all supporting documentation and evidence which supports the claim

Receipt of the complaint will be acknowledged within 5 working days. The formal grievance handling process will commence within 10 days of the receipt of the formal complaint, and all reasonable measures will be taken to finalise the process as soon as practicable.

The Academic Manager will then, if necessary, seek to clarify the outcome that the complainant hopes to achieve. Such clarification may be sought by written or verbal request or by a face-to-face interview with the complainant. When such clarification occurs in a face-to-face interview the complainant or respondent may ask another person to accompany them.

The Academic Manager will then endeavour to resolve the grievance and provide a written report to the complainant on the steps taken to address the grievance, including the reasons for the decision, within 10 working days. The report will also advise the complainant of their right to access the internal appeals process if they are not satisfied with the outcome of their formal grievance. At all meetings the minutes are taken, and outcomes recorded.

All parties will receive a written copy of the minutes, where necessary.

### **Stage 2 – Internal Appeal**

If the complainant is dissatisfied with the outcome of their formal grievance or complaint, they may lodge an appeal with the Academic Manager within 10 working days of receiving notification of the outcome of their formal grievance. The appeal should present relevant information not considered during the original complaint.

Appeals must be submitted in writing marked to the attention of **the Academic Manager as follows:**

Post: Academic Manager or Email: [studentservices@leculinaire.edu.au](mailto:studentservices@leculinaire.edu.au)  
Le Culinaire Hospitality Institute  
424 Harris Street  
Ultimo  
2007

The Academic Manager will consult with the complainant and other relevant parties within 10 working days of the appeal being lodged. Each case can be heard by the Academic Manager, independent person, or a panel and always with two persons present.

Where possible such consultations should take the form of face-to-face interviews.

The internal appeal process will include the following:

- Ensure the complainant has an opportunity to present their case at no cost, and the ability be accompanied and assisted by a support person at any relevant meetings;
- Conduct the assessment of the complaint or appeal in a professional, fair, and transparent manner; and
- Following the consultation, the Head of Education will provide a written report within 10 working days to the complainant advising the reasons for the decision including further steps taken to address the grievance. The report will also advise the complainant of their right to access the external appeals process if they are not satisfied with the outcome of their internal appeal.

### **Timeframe**

Le Culinaire Hospitality Institute will attempt to resolve complaints / appeals as soon as possible. A timeframe to resolve a complaint /appeal within thirty (30) days is considered acceptable and in the best interest of Le Culinaire Hospitality Institute and the person making a complaint or seeking an appeal.

A person making a complaint or seeking an appeal will be provided with regular updates to inform them of the progress of the complaint / appeal handling. Updates will be provided to the person making a complaint or seeking an appeal at a minimum of two (2) weekly intervals.

### **Stage 3 – External Appeal - review by an external and independent person or body with appropriate expertise**

Le Culinaire Hospitality Institute provides the opportunity for the person making a complaint or seeking an appeal who is not satisfied with the outcome of the internal complaints grievances and appeals handling process to seek a review by an external and independent person or body with appropriate expertise.

To request such a review, the complainant or the person making an appeal should inform the Academic Manger, who will initiate the process with the Chief Executive Officer.

Where Le Culinaire Hospitality Institute appoints or engages an external and independent person or body with appropriate expertise to review a complaint / appeal, Le Culinaire Hospitality Institute will meet the full cost to facilitate the independent review.

In these circumstances the Le Culinaire Hospitality Institute, Chief Executive Officer will advise of an appropriate party independent of Le Culinaire Hospitality Institute to review the complaint, and its subsequent handling, and to provide advice to Le Culinaire Hospitality Institute regarding the recommended outcomes.

The independent third-party is required to respond in writing with their recommendations within fourteen (14) working days of the review being requested.

Advice received from the independent person/body will be accepted by Le Culinaire Hospitality Institute as final and will be implemented promptly and without prejudice. The person making a complaint or seeking an appeal will receive written notice of the decision including reasons for the decision.

The written notice will also include information on other agencies the person may contact if they are unsatisfied with the outcome of the independent review.

Where a complaint is received by Le Culinaire Hospitality Institute and the Chief Executive Officer feels that they may be biased or there is a perception of bias, then the complaint will be referred directly to an independent third-party for consideration and response as outlined above.

### **Opportunity for review by an external agency**

Where the person making a complaint, or seeking an appeal is not satisfied with the handling of the matter by Le Culinaire Hospitality Institute, they have the opportunity for an agency that is external to Le Culinaire Hospitality Institute to review his or her complaint or appeal following the completion of the complaint, grievance, and appeal process.

Students who are not satisfied with the process applied by Le Culinaire Hospitality Institute may refer their grievance to the following external agencies:

National Training Complaints Hotline 13 38 73

In addition, there are several professional associations that can assist students with an external appeals process. [ACPET](#) has suggested the (WEBSITE) [Resolution Institute](#), the national association of dispute resolvers with their **Head Office** details as follows:

**Address:** Suite 602, Level 6 Tower B, Zenith Centre 821–843 Pacific Highway, Chatswood NSW 2067

Phone: (+61 2) 9251 3366

Free call: 1800 651 650

Email: [infoaus@resolution.institute](mailto:infoaus@resolution.institute)

At any time during the grievance or appeals process, the student may have a support person with them for all documentation regarding Grievance and Appeals please see Administration.

- The Office of Fair Trading – [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)
- National Training Complaints Hotline – [www.dese.gov.au/national-training-complaints-hotline](http://www.dese.gov.au/national-training-complaints-hotline)
- International students can appeal to the Overseas Ombudsman Office – [www.ombudsman.gov.au](http://www.ombudsman.gov.au)
- Complainants may lodge an external appeal to the Australian Skills Quality Authority – [www.asqa.gov.au](http://www.asqa.gov.au)

Grievances and Appeals process or if they are unsure whether ASQA can help with the complaint, they can call the ASQA Info line on 1300 701 801 or email [enquiries@asqa.gov.au](mailto:enquiries@asqa.gov.au) for further information.

**NOTE:** There is no charge for reconsideration or review of decisions, other than review by the Administrative Appeals Tribunal (AAT) - [www.aat.gov.au](http://www.aat.gov.au)

- Representatives of state or territory government departments
- Commonwealth and State or Territory offices of the Ombudsman
- The Anti-Discrimination Board

## Appeals against an Assessment Decision

Students can appeal against an assessment result. It is important that the appeal is settled as quickly as possible.

### This may include:

Resubmission or a second assessment

In the first instance, the trainer will consult with the Academic Manager and depending on the circumstances, will provide an opportunity to re-sit the practical assessment or resubmit written assessments. It will then be re-marked. The request and reasons will be recorded in writing.

Marking by a second assessor

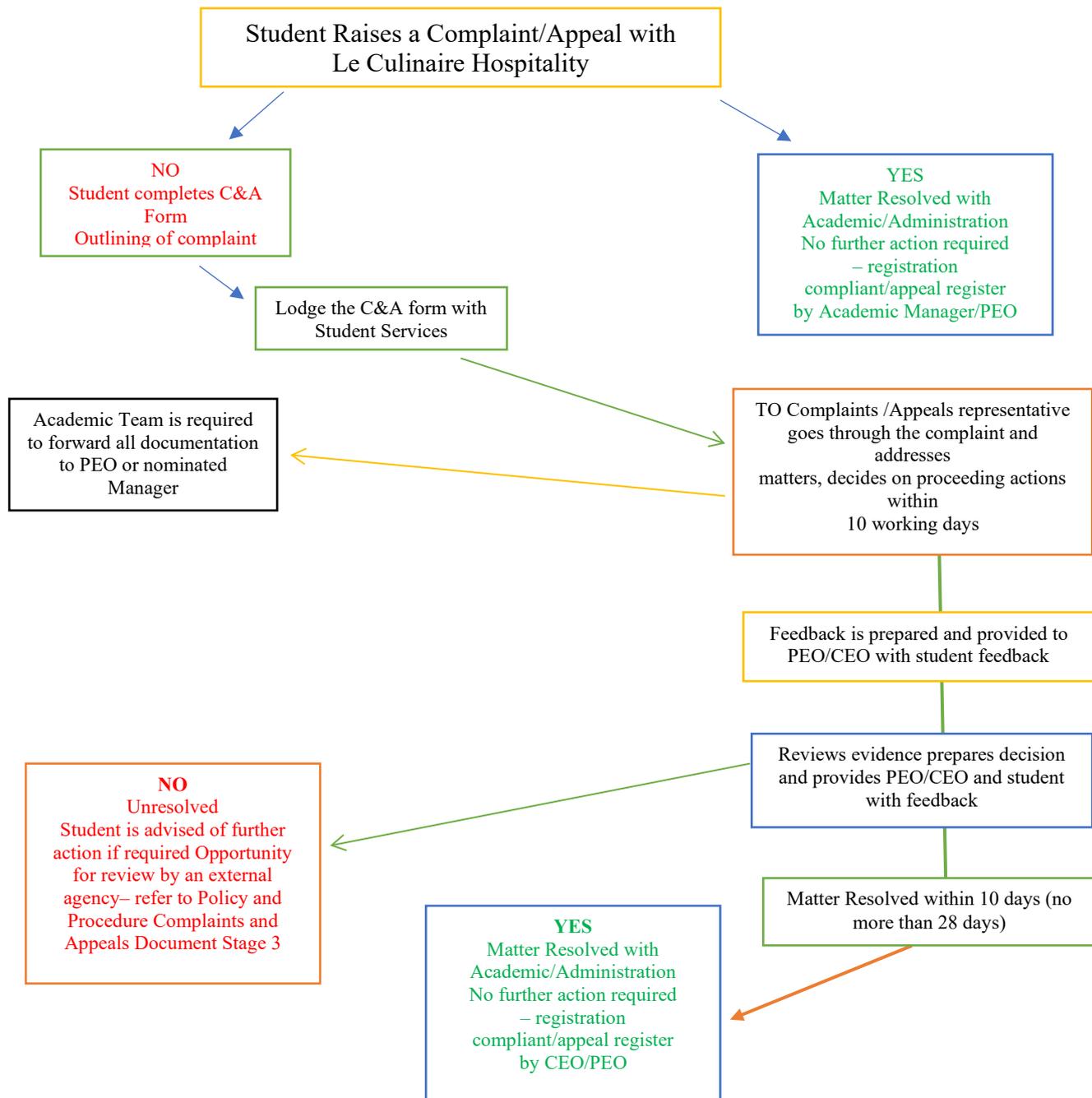
The trainer should immediately inform the Academic Manager if a re-sit or re-submission is recommended or if the student has a grievance, disagreement, or dispute about the results. The appeal will be discussed with the student and trainer and recorded in writing, considered by the Academic Manager and if appropriate, arrangements will be made for re- assessment by another assessor.

### A written assessment appeals

If the student is still not satisfied with the re-submission process and second marking the student must put their appeal in writing as per the Complaints and Appeal Policy.

The Steps under Stage 2 – 'Internal Appeal' of the Complaints and Appeal Policy will then be followed.

### COMPLAINTS AND APPEALS PROCESS (ACADEMIC / NON-ACADEMIC)



**Version Control**

<b>Version</b>	<b>Date</b>	<b>Prepared By</b>	<b>Comments</b>
Version -1.0	February 2019	Emily Azzi	Created document
Version 1.1	February 2022	Julie Halkidis	Updated, external agency contact list
Version 1.2	November 2022	PEO	Update, Types of Complaints, Process Chart