

# Complaints and Appeals Policy and Procedure

## 1. Introduction

The Cairns Business College Pty Ltd trading as Cairns Business College and CBC Institute (CBC) ***Complaints and Appeals Policy and Procedure*** is designed to ensure fairness, equity, reasonableness, and transparency in the response to and management of student complaints and appeals.

### a) Purpose

The purpose of this Policy and Procedure is to set out CBC's approach to managing student complaints and appeals. Our aim is to ensure fairness, equity, reasonableness, and transparency and to drive compliance with the requirements of relevant mandated regulatory obligations.

### b) Scope

This Policy and Procedure applies to potential students, students, students and staff at CBC. It includes complaints and appeals for both academic and non-academic matters.

### c) Principles

- We will treat student complaints and appeals in a fair, equitable, reasonable, and transparent manner which accords with the principles of natural justice.
- Information regarding the student complaints and appeals process is provided to students prior to, and after, commencement of classes and is communicated to all students, and in particular international students, in their pre-arrival information and orientation program.
- The intention of this Policy and Procedure is to resolve student complaints and appeals promptly, objectively, and sensitively.
- At all times this Policy and Procedure emphasises a student's rights to confidentiality in accordance with our Privacy Policy and Procedure.

## 2. Policy Statements

### a) Fairness, Equity, Reasonableness and Transparency

The process is structured to ensure that it is:

- fair to all complainants, appellants, and respondents:
  - making provision for the submission and consideration of all relevant evidence and for the open and honest presentation of the perspectives of all parties to the process;
  - aiming to deliver consistent outcomes, protecting all parties from discrimination and victimisation;
  - protecting privacy and confidentiality subject to relevant legal and regulatory requirements;
  - acting with impartiality..

- equitable:
  - assisting all students to easily and straightforwardly make complaints and lodge appeals, with no financial cost imposed;
  - providing accurate, clear, and comprehensive information to all students about the details of the process and how to access it; and
  - informing students that they can seek independent professional advice at any time and have a third party communicate on their behalf.
- reasonable:
  - aiming to resolve complaints and appeals as promptly, objectively, sensitively, and in as simple a manner as is consistent with the nature of the case and the interests of those involved; and
  - arriving at conclusions based on sound reasoning and all relevant evidence.
- transparent:
  - making clear the nature of the process to all involved such as the steps that will be taken;
  - how evidence will be considered;
  - what the rights of complainants, appellants, and respondents are and who will decide the outcome; and
  - providing regular updates on progress to those involved.

## **b) Information and Communication**

The proactive communication of accurate, clear and comprehensive information regarding the details of the student complaints and appeals process reflects the values underpinning the process and aligns with the requirements of mandated standards, including those relating to education providers enrolling international students. Key elements in this proactive communication are:

- having accurate, clear and comprehensive information on the website and in a location where it can be easily found and accessed;
- having the Complaints and Appeals Policy and Procedure on the website and in other suitable locations where it can be easily found and accessed;
- providing accurate, clear and comprehensive information in materials students receive before commencement, and subsequently in course and unit materials;
- providing accurate, clear and comprehensive information in pre-arrival information and at student orientation, ensuring that international students have the information explained to them;
- alerting students by email if there are changes made to the process

## **c) Matters for Complaints and Appeals**

A complaint can be made, or an appeal lodged by a student who is enrolled with CBC, or by someone seeking to enrol at CBC, in relation to their dissatisfaction with some aspect of the CBC's services or actions, including but not limited to:

- the recruitment, enrolment or orientation process;
- information provided, or claims made, by CBC;
- the quality of education provided;

- the quality of support services provided;
- the curriculum;
- assessment methods and outcomes;
- handling of personal information and access to personal records;
- the way a person has been treated;
- the conduct of staff;
- the conduct of students;
- the conduct of an education agent engaged by the institution; and
- the conduct of an external service provider engaged by the institution

#### **d) Legislative and Regulatory Compliance**

The management of student complaints and appeals will be compliant with education provider obligations under the Standards for Registered Training organisations (RTOs) 2015 and Standard 10 of the National Code of Practice for Education and Training to Overseas Students (2018).

#### **e) Improvement and Review**

In dealing with student complaints and appeals, CBC may uncover systemic, as well as particular, issues which it must address as a preventive measure. Staff and members of decision-making bodies involved in the process should be both attentive and reflective in their consideration of evidence provided, statements made, and perspectives offered; looking beyond the particulars of a case to more general implications. This ensures that the proper handling of complaints and appeals is a component in CBC's commitment to continuous improvement in its operations and provision of services and in building a culture that supports this.

More broadly, the approach to managing student complaints and appeals is regularly reviewed, including through the use of external experts and utilising any feedback from those who have been involved in the process. Deficiencies identified in such reviews are expeditiously remedied and opportunities for improvement are pursued where feasible.

### **3. Procedure**

#### **a) Making a Complaint**

i. Complaints should be made within twelve (12) months of the event triggering the complaint unless exceptional circumstances prevented the complainant from taking earlier action.

ii. Complaints cannot be made under this Policy and Procedure about:

- public interest disclosures made by the institution;
- the content of CBC's formally approved policies and procedures;
- actions taken by the institution to comply with legislation; and
- matters the complainant or the respondent have already referred to the Queensland Ombudsman.

iii. Where a complaint is found to be frivolous or vexatious, it may be considered to be a breach of the Student Code of Conduct and dealt with accordingly.

iv. Nothing in this Policy and Procedure limits the rights of students of, or persons seeking to enrol with, CBC to take action under Australia's Consumer Protection laws; nor replaces nor modifies responsibilities or requirements

arising under statute or law; nor limit any right to pursue other legal remedies.

## **b) Informal Resolution**

A complaint regarding an academic or non-academic matter may sometimes be resolved informally to the complainant's satisfaction without making a formal complaint. CBC encourages this approach, since an informal resolution is likely to be less disruptive for all concerned than a formal process.

Informal resolution strategies may include seeking to conciliate, mediate, discuss or negotiate a complaint with the respondent by:

- writing, either by letter or email, to the respondent detailing concerns and asking for the desired resolution;
- requesting that a relevant staff member raise the substance of their complaint directly with the respondent; or
- requesting a face-to-face conciliation or mediation session.

There is no requirement that an informal resolution be pursued prior to making a formal complaint or that informal resolution be continued once commenced.

## **c) Formal Complaint**

ii. Where a complaint is unable to be resolved informally or the complainant does not wish to participate in, or continue with, the informal resolution process, the complainant may submit their formal complaint in writing (including by email). The formal complaint should contain detailed information covering:

- the nature of the complaint;
- the name of the respondent (if an individual person is the cause of the complaint);
- the timelines for events pertinent to the complaint;
- action taken to date to resolve the complaint;
- evidence available to support the complaint; and
- the outcome the complainant is seeking.

iii. CBC will acknowledge receipt of the formal complaint within five (5) business days and commence its review of the matter within ten (10) business days of receipt of the formal complaint. The complainant will be kept informed of progress at regular intervals.

iv. The complainant will be advised in writing of the outcome within five (5) business days of a decision being reached.

v. Outcomes of Stage One may include but are not limited to:

- correcting an error in relation to the complainant;
- rejecting the complaint as unsubstantiated, frivolous or vexatious;
- recommending that CBC commit to the review and improvement of existing services or processes;
- CBC making a formal apology to the student; or
- referring the complaint for investigation under another process.

vi. The advice in writing of the outcome of Stage One will describe:

- the process followed in investigating the complaint;

- the reasons for deciding on the particular outcome;
  - advice on further options for pursuing the complaint; and
  - support services available to the complainant.
- vii. Following notification of the Stage One outcome the complainant may:
- choose not to seek a review of the outcome;
  - submit a formal application to appeal the decision; or
  - if avenues for appeal within CBC are exhausted, make a complaint with an external agency.

#### **d) Stage Three: External Review**

- i. If a student is not satisfied with CBC's final decision and has exhausted all processes for resolving a complaint, the student may refer the matter to an external agency in accordance with that agency's procedures.
- ii. For domestic students, the avenues for further appeal are the [Queensland Ombudsman](#) and the [Australian Skills Quality Authority](#).
- iii. International students have an additional avenue of complaint. They may make a complaint via the Overseas Students Ombudsman if they are unhappy with the outcomes of CBC's internal complaints and appeals process. This service is free. The following extracts are from the Ombudsman's website found at: <https://www.ombudsman.gov.au/How-we-can-help/overseas-students>.

##### ***What does the Overseas Students Ombudsman do?***

*The Overseas Students Ombudsman investigates complaints about problems that international students have with **private** schools, college and universities (education providers) in Australia.*

*If you are not satisfied with a decision or action taken by your private registered education provider, you should ask about their internal complaints and appeals process. If you complain to your provider, but you are not satisfied with the result, you can complain to the Ombudsman.*

##### ***What can the Ombudsman do to fix my problem?***

*If we find that your education provider has made a mistake or acted unfairly, we can, for example, ask them to:*

- *Apologise*
- *Change or reconsider a decision*
- *Provide better information*
- *Improve a policy or procedure*
- *Provide a refund*
- *Take some other action.*

##### ***Making a complaint to the Overseas Students Ombudsman***

*The Ombudsman's office is open from 9 am to 5 pm (AEST) Monday to Friday.*

*Telephone: 1300 362 072*

*Website: <http://www.ombudsman.gov.au/making-a-complaint/overseas-students>*

- v. Any recommendations arising from an external appeal will be implemented as soon as possible. Any matters considered as urgent will be implemented within five (5) business days. Any systemic changes, such as changes to policies will commence within thirty (30) days, noting that full implementation will be in accordance with normal approval procedures for such changes.

## **4. Record Keeping and Confidentiality**

- i. Staff involved in handling student complaints and appeals ensure that: all documentation provided during the process; communications between CBC, complainants, respondents and other parties; the notes of meetings with complainants, respondents and other parties; notes of meetings of staff involved in making decisions about particular cases; and notes explaining the rationale for particular decisions by CBC are kept securely and maintained for at least five (5) years to allow parties to complaints and appeals appropriate access.
- ii. All records relating to complaints and appeals will be treated as confidential and will be maintained in accordance with CBC's Privacy Policy and Procedure. Staff involved in handling student complaints and appeals will receive the ongoing training necessary to enable them to carry out their roles effectively and consistently with this Policy and Procedure, and, in particular, to honour the values stated in the Policy and Procedure Principles.

## 5. Responsibilities

### a) The Chief Executive Officer

The Chief Executive Officer is responsible for:

- the effective implementation of this Policy and ensuring that the requirements regarding the communication and dissemination of information about the management of study complaints and appeals are met;
- ensuring the regular review of CBC's approach to managing student complaints and appeals.

### b) RTO Manager

The RTO Manager is responsible for:

- the effective implementation of this Policy and Procedure

### c) Staff

Staff involved in the management of student complaints and appeals are responsible for ensuring adherence to this Policy and Procedure, in particular seeking advice when necessary and maintaining required confidentiality.

### d) Students

Students are responsible for refraining from making frivolous or vexatious complaints and, when party to a particular complaint or appeal process, adhering to the requirements of this Policy and Procedure.

## 6. Relevant Documents

- Education Services for Overseas Students (ESOS) Act 2000
- Standards for Registered training Organisations (2015)
- National Code of Practice for Providers of Education and Training to Overseas Students 2018
- The Privacy Act 1988 (Cth)

## 7. Definitions

- **Appeal** is a written application by a complainant to have a decision affecting the complainant investigated.
- **Complaint** in the context of this policy and procedure is a generic term including any expression of dissatisfaction with some aspect of a student's experience with CBC (including with agents or other related parties who represent or act on behalf of the provider).
- **External Review** is an application to an external agency by a complainant seeking an appraisal of the fairness and appropriateness of the complaints of appeals process undertaken by CBC .
- **Frivolous Complaint** is a complaint that is groundless or trivial.
- **Mediation and Conciliation** refers to informal discussions and negotiations involving the complainant and respondent(s) to reach a mutually acceptable resolution of a complaint by agreement rather than by an imposed decision.
- **Vexatious Complaint** is a complaint made maliciously with the intent to annoy or embarrass the respondent or made with another ulterior purpose.

Revision History				
Version	Author	Change Summary	Date Approved	Date Effective
1.0	CBC	Initial Draft	04/01/2019	
2.0	RTO Manager	Inclusion of recent regulatory changes	12/05/2023	12/05/2023