



## Complaints and Appeals Policy and Procedures

Holmes Institute Pty Ltd (HI) has established a fair, objective and accessible dispute resolution procedure that attempts to resolve grievances effectively, locally and with a spirit of conciliation.

### Principles

- The complaints procedure is based on the principles of Natural Justice. Consequently, anonymous complaints will not be accepted.
- Grievances will be resolved as swiftly as possible at no cost to the student.
  - If more than 60 days are required to finalise a complaint or appeal, the complainant/appellant will be notified in writing including reasons why more than 60 calendar days are required.
- Students are entitled to have a support person with them during the complaints and appeals process.
- The aim of the HI complaints process is to prevent unnecessary delay, whilst ensuring a full and fair assessment of the circumstances of any individual complaint.
- Grievances provide an important source of feedback on HI's performance. As such, HI will monitor the registration of complaints and the progress made towards resolution. Complaints and Appeals are also reviewed annually to identify any trends or issues that can be resolved at institutional level.
- All complaints are treated confidentially and privacy will be maintained as required by the law.
- Students have a right to complain to relevant external bodies at any point during HI's complaints and appeals process, however students are encouraged to exhaust internal processes before seeking external recourse.

### Lodging a complaint

- Any student who feels they have been treated unfairly or unhappy with an HI service can lodge a grievance.
- The following steps should be taken:
  - In the first instance, the student should have an informal discussion with the party involved, where possible. If the student is uncomfortable or unable to do so, they are encouraged to informally raise the matter with the head of the particular department or the Campus Director. Where the matter is of an academic nature, students are encouraged to speak to the relevant Program Manager.

- Prior to initiating the formal complaint and appeal process, the student and staff involved are encouraged to informally find solutions to issues raised. It is expected that many concerns will be resolved in the first instance.
- A meeting with the student is organised and the FPC (First Point of Contact) will discuss the student's query and document the meeting if required. Details of the meeting will be entered in the student's efile and relevant notes added to the student management system.
- The table below provides some guidance as to where queries should be addressed in the first instance.

<b>Informal Resolution Process</b>	
<b>Type of enquiry/complaint</b>	<b>FPC (first point of contact)</b>
Query about results	Teacher
Fee refund request	Administration Manager
Complaints against academic staff	Program Manager
Complaints against administration staff	Program Manager
Complaint about another student	Program Manager

- The first point of contact will make every effort to resolve the student's query and will communicate the outcome to the student by email or verbally depending on the nature of the outcome.

### **When a complaint becomes a Formal Complaint**

- If the issue raised by the student cannot be resolved informally, the student is invited to put in a written complaint using HI's grievance form.
- In the grievance form, the complaint should be comprehensively documented including the following details:
  - the learner's name and contact details,
  - any relevant documentation, and dates, locations, and witnesses as appropriate,
  - any previous efforts to resolve the matter.
- A written complaint is deemed to be a formal complaint and must be submitted to HI for consideration and processing.
- Once HI receives a formal complaint, it will acknowledge the complaint in writing. The Complaint will then be reviewed by the Campus Director within seven days of receipt. The Campus Director must also record details of the Complaint in HI's Complaints and Appeals Register.
- The student may be invited to provide further information or discuss the matter with the reviewer.
- Generally, a decision will be made and conveyed to the student within 10 days of the formal complaint being acknowledged. Where resolution takes longer than the 10 days the student will be informed of the complaint's progress in the complaints process.

- Once the matter is resolved all parties will be notified of the resolution and outcomes of the complaint in writing. The correspondence will also outline avenues of appeal in the event the student is dissatisfied with the outcome.
- The complaint and outcome will be added into HI's Complaints and Appeals Register and documentation filed in the student's file.

## **What is an appeal?**

An appeal is a process where a student disputes a decision made/ intending to be made by Holmes. This includes a decision made in regards to a complaint or where a penalty is to be imposed e.g. for failure to make satisfactory academic progress, failure to pay fees or for an act of misconduct.

## **Lodging an appeal**

- If a student disagrees with a decision made by Holmes (or intending to be made based on a Holmes communication), they can submit a notice of appeal for a review of the decision.

## **Grounds of appeal**

An appeal of a decision may be made on one or more of the following grounds:

- that new evidence of a relevant nature is available
- that the decision was made without due consideration of relevant facts, evidence or circumstances
- that there was bias, prejudice or a conflict of interest by the investigative or hearing body, or
- that some significant policy/procedural irregularity occurred in the investigative or hearing process.

To lodge a valid appeal, the student must have a valid enrolment. Where a student does not have a valid enrolment or where fees remain outstanding following a breach letter being sent to the student, Holmes reserves the right to summarily dismiss any other appeal from such a student, i.e. other than the first appeal against a cancellation. This clause prevents vexatious appeals made by students intending to maintain their enrolment where fees remains unpaid.

*Students may not Appeal against Academic Results based on:*

- the course structure and assessment methods;
- student workload or the amount of work the student has done;
- financial implications of not passing the course;
- grades received by the student in other courses;
- the need for additional marks to enable a pass/better grade.

Where an appeal does not meet the abovementioned grounds, this may lead to the appeal being summarily dismissed.

- All notices of appeal must be submitted in writing to the Directors, 185 Spring Street, Melbourne and must be made within 20 working days of the initial decision being made.
- The appeal must set out the grounds of appeal and provide evidence supporting the grounds of appeal or any new information not previously provided in support of the complaint. It should also specify the outcome sought. There is no cost incurred for the appellant during the appeals process and parties will not be discriminated or victimised during the complaint/appeal process.
- Upon receiving a notice of appeal HI will acknowledge the student's appeal in writing and record details of the Appeal in the Complaints and Appeals Register.
- Every attempt will be made to resolve the dispute within 10 working days of the date of the notice of appeal. Where there are delays to this timeframe, the student will be kept informed as to the progress of the matter.
- All appeals are reviewed by the Board of Directors or their delegate.
- No member of the appeal process will have been previously associated with the complaint.
- Once a decision is made on the appeal, the student will be provided with a written statement outlining the outcome of the appeal and giving reasons for the decision. The student will also be advised that they can access external complaints and appeals processes for review of the decision should they see it fit.
- If the student is not satisfied with the outcome of the appeal s/he may lodge an external appeal or complaint with a relevant third party organisation. Refer to Appendix A for a list of useful contacts.

### **Record Management**

- Any determination made in relation to a formal complaint or an appeal will be documented in the Complaints and Appeals Register.
- Complaints and Appeals records will be maintained for five years for audit purposes.

## Appendix A: External contacts

Provided below is a list of contacts that students may approach for external resolution of complaints and/or appeals regarding their study at HI. The list is not exhaustive. Before contacting these groups, students should ensure they have exhausted internal avenues within Holmes Institute.

- Overseas Students Ombudsman (international students) - <http://www.ombudsman.gov.au/How-we-can-help/overseas-students> or phone 1300 362 072 for more information.
- Domestic students may request mediation through Resolution Institute <https://www.resolution.institute/>
- TEQSA (Higher Education students) - <https://www.teqsa.gov.au/complaints>
- ASQA (VET students) - <https://www.asqa.gov.au/complaints>