

Complaints and Appeals

Policy & Procedure

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1. PURPOSE

The purpose of this policy is to ensure that complaints and appeals at the JMC ACADEMY (JMC) are recorded, acknowledged, and dealt with fairly, efficiently, and effectively.

2. SCOPE

This policy applies to all JMC's students (including potential students), and to all the team members involved in managing or responding to complaints and appeals.

The *Complaints and Appeals Policy*, and its associated procedures, cover any aspect of a student's experience at JMC. It covers, but is not limited to, student complaints and appeals about their experience, dissatisfaction, or concern with:

- Non-Academic matters, including:
 - The application and enrolment processes;
 - Personal information held by JMC;
 - Interactions with JMC team members or other students;
 - Dealing with JMC's international education agents;
 - Matters regarding decisions concerning international students;
 - Bullying, discrimination, harassment, or sexual misconduct;
 - The administration by JMC of the VET Student Loan scheme.
- Academic matters, including:
 - The provision and quality of JMC courses offered;
 - Administration matters, financial decisions, and student support;
 - Assessment and progression;
 - Dealing with any JMC related party where an arrangement exists to deliver the course or related services.

If a complaint or appeal has been dealt with formally under another policy, it cannot also be dealt with under this policy.

This policy and the associated procedures are not intended to limit the rights of individuals to take action under the relevant State or Commonwealth Law or an individual's rights to pursue other legal remedies.

3. DEFINITIONS

All definitions are located in the *JMC Glossary*.

4. POLICY

This policy and its procedures are underpinned by principles of mutual respect and procedural fairness and in accordance with any legislative or regulatory requirements including the ESOS Act, Standards for RTOs 2015 and the VET Student Loans Act 2016.

This policy includes:

- Complaints both informal and formal;
- Appeals- both Internal and External.

The internal and external aspects of the complaints and appeals policy ensures that students have access to a clear and fair process for lodging, discussing, managing, and resolving complaints and appeals.

AT JMC:

- Information about JMC's complaints and appeals procedures are made available to all students prior and subsequent to enrolment through our website and in handbooks;

- Neither the student making the complaint or appeal nor the person(s) against which the complaint or appeal is being made will be victimised or discriminated against at any stage of the resolution process, for:
 - seeking review or reconsideration of a decision; or
 - using JMC's processes or procedures about dealing with grievances; or
 - making an application for re-crediting of the student's HELP balance under Division 2 or 3 of Part 6 of the Act.
- All complaints and appeals will be handled professionally and with confidentiality, striving for a resolution that is satisfactory, fair and equitable to all parties;
- The process commences within ten (10) working days of the formal lodgement of the complaint or appeal and supporting information and all reasonable measures are taken to finalise the process as soon as practicable;
- Students are given an opportunity to formally present their case at no cost and may be accompanied and assisted by a support person at any relevant meetings;
- The resolution process for student complaints is a tiered system including external mediation, encouraging students to initially resolve their matter immediately with the person or persons involved. Should that approach be unsuccessful or unsafe then the student can initiate the formal resolution process. The Student Complaints and Appeals Procedure outlines the steps in the process;
- The formal resolution process is conducted objectively, confidentially, free from bias and with the aim of achieving a good outcome in a timely manner;
- Students are given a written statement of the outcome of the internal appeal, including detailed reasons for the outcome, and advised of their right to an independent complaints and appeals process;
- A written record of the complaint or appeal, including a statement of the outcome and reasons for the outcome is kept. Access to documents retained in this register are able to be accessed by persons associated with the complaint or appeal;
- The Student Complaints and Appeals Procedure is undertaken by JMC with no cost to the student;
- There is a consistent response to complaints and appeals;
- Student complaints and appeals are an opportunity to improve JMC systems and processes;
- The complaints and appeals handling system is student focussed and aims to prevent similar matters from recurring.

5. PROCEDURE

The following procedures provide students the opportunity to have grievances resolved and resolutions reached in a timely manner at no cost.

Informal process

Where possible, informal attempts shall be made to resolve the grievance. This may include advice, discussions, and general mediation in relation to the issue and the student's grievance. This informal method allows all parties to explore the options and to make their own decisions about how to best resolve a complaint or an appeal. Questions, complaints, or appeals dealt with in this way do not become part of the formal complaint or appeal process and will not be documented, recorded, or reported on the JMC member involved determines that the issue – question, complaint, or appeal – was relevant to the wider operation of JMC as it identifies potential areas of risk or improvement, in which case the Campus Manager would be advised.

Any staff can be involved in this informal process to resolve issues but once a student has placed a formal complaint / appeal the following procedures must be followed.

5.1 General complaints

Students can initiate the formal complaint process when or if the student:

- was unable to informally resolve the matter, and/or
- felt the matter was too serious and needed to be treated with more formality, and/or
- was not satisfied with the outcome of the informal resolution process.

The formal complaint must be submitted by the student in writing using the Application to Lodge a Formal Complaint Form to the relevant Campus Manager within ten (10) business days after the latest relevant action or notification of a decision regarding the matter. Applications received later than the prescribed time will only be considered at the discretion of JMC.

- All formal complaints are submitted in writing to the Campus Manager within ten (10) business days after the latest relevant action or notification of a decision regarding the matter. Applications received later than the prescribed time will only be considered at the discretion of JMC. In the event that a complaint is against the Campus Manager, the Application should be forwarded to the CEO. It is the Campus Manager's responsibility to deal with the complaint in the first instance. A Complaints & Appeal Lodgement Form is available from the Campus Manager which can be used to lodge the complaint. Support with filling in this form can be gained from the Campus Manager, Head of Department or the Head of Student Services and Admin.

Complaints are to include the following information:

- Submission date of complaint;
 - Name of complainant;
 - Nature of complaint;
 - Date of the event which lead to the complaint;
 - Attachments (if applicable).
- Once a complaint is received it is to be entered into the 'Complaints and Appeals Register' which is monitored by the Campus Manager regularly. The information to be contained and updated within the register is as follows:
 - Submission date of complaint;
 - Name of complainant;
 - Description of complaint / appeal;
 - Determined Resolution; and
 - Date of Resolution.
 - A complainant may be assisted or accompanied by a support person regardless of the nature of the grievance or complaint;
 - The enrolment must be maintained whilst a student is accessing JMC's Complaints & Appeals process;
 - Once a complaint has been filed and logged in the 'Complaints and Appeals Register', the Campus Manager shall notify the relevant Manager (e.g., Head of Department or Head of Student Services and Admin) of the complaint and request or provide any further documentation related to the matter for their consideration;
 - The Campus Manager shall then refer the matter to the appropriate staff or appoint a small committee to resolve, or make a decision on the complaint at hand within ten (10) working days;
 - The complainant may elect or be asked to present their case in person to the staff/committee asked to resolve the matter;
 - If the complainant elects or is asked to present their case in person, they may be assisted or accompanied by a support person;
 - The complainant will be kept informed of the processes in place to deal with the complaint;
 - Once a decision has been made, the complainant will be given written advice about the outcome, including details of the reasons for the outcome;

- If an outcome favours the complainant, JMC will immediately implement any decision and/or corrective and preventative action required and advises the complainant of the outcome;
- Copies of all documentation and further action required will be placed into the 'Complaints and Appeals Register' by the Campus Manager;
- Access to this folder is able to be accessed by persons associated with the complaint but is otherwise regarded as confidential and private;
- If a complainant is unhappy with the outcome, they will be advised of their right to appeal or access an independent complaints and appeals body such as The Overseas Students Ombudsman or ASQA.

5.2 Internal appeals

All students have the right to appeal decisions made by JMC.

The areas in which a student may appeal a decision made by JMC may include, but are not limited to:

- Assessments conducted;
- Reported breaches of academic performance;
- Deferral, suspension, or cancellation decisions made in relation to the student's enrolment;
- Or any other conclusion that is made after a complaint has been dealt with by the JMC in the first instance.
- To activate the appeals process, the student must complete and submit an Appeal Application which is to include a summary of the grounds the appeal is based upon. The reason the student feels the decision is unfair is to be clearly explained. Support with this process can be gained from the Campus Manager, Head of Department or Head of Student Services and Admin;
- As the Campus Manager will have the original complaint, the appeal shall be referred to the CEO.
The Campus Manager shall organise a meeting with all parties involved in the matter in order to seek a resolution where appropriate. At the meeting, the student may be assisted or accompanied by a support person of their choice;
- The process for all formally lodged appeals will begin within ten (10) working days of the appeal being lodged;
- There is no cost to the appellant for lodging an appeal;
- The student has the right to formally present their case and, in this regard, may be accompanied by a support person;
- Where an appeal has been lodged, it will be defined into one of the following categories and the appropriate procedures followed:
 - *General Appeals (see 5.1 of this document)*
 - *Assessment Appeals (see 5.4 of this document)*
 - *Appealing decisions to report breach of Visa requirements (see 5.5 of this document)*
 - *Appealing deferrals, suspension, or cancellation of enrolment decisions (see 5.6 of this document)*
 - *External Complaints and Appeals (see 5.7 of this document)*

5.3 General appeals

A formal appeal can be made for one or more of the following reasons:

- The student believes that the decision contravenes a relevant published rule or policy,
- The student can provide new evidence that potentially could change the outcome,
- The student believes the procedure was unfair.
- The appeal shall be lodged through the Campus Manager, who will ensure the details of the appeal are added to the 'Complaints and Appeals Register' and to the student's file.
In an appeal, the student will need to:
 - Explain what rule or policy was not adhered to with specific references,

- Explain why the decision, condition or penalty imposed was inappropriate,
- Describe and/or provide the new evidence and/or,
- Write about how they think the procedure was unfair
- Detail the outcome sought.
- The CEO shall be notified and shall seek details regarding the initial documentation of the complaint and shall make a decision based on the grounds of the appeal;
- For all appeals, the process is concluded by students receiving written notice of the outcome and the reasons for the outcome. The 'Complaints and Appeals Register' will be updated accordingly;
- Whilst an appeal is in progress the student's enrolment shall be maintained;
- If an outcome favours the student, JMC will immediately implement any decision and/or corrective and preventative action required and advises the student of the outcome;
- Copies of all documentation and further action required will be placed into the 'Complaints and Appeals Register' by the Campus Manager;
- Access to this folder is able to be accessed by persons associated with the appeal but is otherwise regarded as confidential and private.
- The student will be advised that if they are dissatisfied with the decision, then they can proceed to an external resolution service.

5.4 Assessment appeals

- Where a student wishes to appeal an assessment, they are required to notify their Assessor in the first instance;
- Where appropriate, the Assessor may decide to re-assess or remark the assessment of the student to ensure a fair and equitable decision is gained. The Assessor shall complete a written report regarding the re-assessment / remarking outlining the reasons why re-assessment/re-marking was or was not granted;
- If this is still not to the student's satisfaction, the student shall formally complete an Appeal Application Form.
They can obtain this form from the Campus Manager and once completed, shall lodge this with the Campus Manager and the appeal shall be entered into the 'Complaints and Appeals Register' and the student's file;
- The relevant Head of Department shall be notified and shall seek details from the Assessor involved and any other relevant parties. A decision shall be made regarding the appeal either indicating the assessment decision stands or details of a possible re-assessment by a 'third (3rd) party'. The third (3rd) party shall be another Assessor appointed by the JMC;
- For all appeals, the process is concluded by students receiving written notice of the outcome and the reasons for the outcome. The 'Complaints and Appeals Register' will be updated accordingly;
- Whilst an appeal is in progress, the student's enrolment shall be maintained;
- If an outcome favours the student, JMC will immediately implement any decision and/or corrective and preventative action required and advises the student of the outcome.
- The student will be advised that if they are dissatisfied with the decision, then they can proceed to an external resolution service.

5.5 Appealing decisions to report breach of Visa requirements

- Where an international student wishes to appeal the decision of the JMC to notify DET of a breach of visa requirements, the student shall formally complete an Appeal Application Form within twenty (20) working days. They can obtain this form from the Campus Manager and once completed, shall lodge this with the Campus Manager and the appeal shall be entered into the 'Complaints and Appeals Register' and the student's file;

- The student should have compassionate or compelling circumstances as to why they have breached their requirements and must be able to provide evidence of these circumstances;
- The appeal shall be lodged with the Campus Manager within twenty (20) working days of the date of the notice of intention to report and the appeal shall be entered into the 'Complaints and Appeals Register';
- The CEO shall be notified and shall seek details regarding the initial documentation of the breach and shall make a decision based on the grounds of the appeal. After meetings and/or interviews are held with all relevant parties the appeal outcome shall be determined;
- Where a student has decided to access the appeals process in relation to a reportable breach, the JMC will not report the breach until the appeals process has been undertaken. The JMC is required to maintain all relevant responsibilities until the breach has been reported to DIBP via PRISMS;
- For ALL appeals, the process is concluded by students receiving written notice of the outcome and the reasons for the outcome. The 'Complaints and Appeals Register' will be updated accordingly;
- Whilst an appeal is in progress the student's enrolment shall be maintained;
- If an outcome favours the student, JMC will immediately implement any decision and/or corrective and preventative action required and advises the student of the outcome;
- If an outcome is to uphold the decision taken by JMC to report the student. JMC will provide the student a period of ten (10) working days to lodge the external appeal and submit evidence to JMC of such appeal. If no such evidence is received JMC will report student to DET via PRISMS immediately. This cancellation may affect the student visa.
- The student will be advised that if they are dissatisfied with the decision, then they can proceed to an external resolution service.

5.6 Appealing deferrals, suspension, or cancellation of enrolment decisions

- Where a student wishes to appeal a decision relating to deferment, suspension, or cancellation of their enrolment, the student shall formally complete an Appeal Application Form outlining their reasons, together with supporting evidence for the appeal. They can obtain this form from the Campus Manager and once completed, shall lodge this with the Campus Manager and the appeal shall be entered into the 'Complaints and Appeals Register' and the student's file.

Domestic students

- As detailed in the Deferral, **Suspension and Cancellation of a domestic student's Enrolment - Policy and Procedure**, where a student has decided to access the appeals process in relation to deferment, suspension, or cancellation of their enrolment, they must do so within 28 days of receiving the notification from JMC;
- The appeal must be submitted in writing to the Campus Administration using the Application to lodge an Appeal Form. Appeals submitted after that date will not be considered unless consideration under special circumstances has been approved by JMC;
- It is at the discretion of JMC to admit late appeals applications. Where a student does not initiate appeal process, and the period of time to do so has passed, the decision of the termination or suspension of student's enrolment will be reinforced and implemented. In situation where a student is not satisfied with the outcome of the internal appeal process, they have the right to access external appeal process/mediation within ten (10) working days from the date they received the written notification of the internal appeal decision;

- The student's enrolment is not cancelled until the appeals process (internal and external) has been completed.
- Domestic students have the right to appeal any decision of cancellation of an enrolment with exception of the situation when a student failed to return from the scheduled break and remained uncontactable unless consideration under special circumstances has been approved by JMC. JMC considers this as cancellation of an enrolment initiated by the student.

International students only:

- Where a student has decided to access the appeals process in relation to deferment, suspension, or cancellation of their enrolment, they must do so within 20 working days of receiving the notification from JMC. JMC will not update the student's status via PRISMS until the appeals process is completed. JMC is required to maintain all relevant responsibilities until the change in enrolment status has been reported to DoHA via PRISMS.
- For all appeals, the process is concluded by students receiving written notice of the outcome and the reasons for the outcome. The 'complaints and appeals register' will be updated accordingly;
- Whilst an appeal is in progress the student's enrolment shall be maintained;
- If an outcome favours the student, JMC will immediately implement any decision and/or corrective and preventative action required and advises the student of the outcome;
- If an outcome is to uphold the decision taken by JMC to report the student. JMC will provide the student a period of ten (10) working days to lodge the external appeal and submit evidence to JMC of such appeal.
International students only: If no such evidence is received, JMC will report student to DET via PRISMS immediately. This cancellation may affect the student visa;
- The student will be advised that if they are dissatisfied with the decision, then they can proceed to an external resolution service.

The enrolment of both domestic and international students may be suspended summarily if the extenuating circumstances to student welfare exists which includes:

- has engaged or threatens to engage in behaviour that is reasonably believed to endanger the student or others; or
- is at risk of committing or has committed a criminal offence.

5.7 External complaints and appeals

If any complaint or appeal remains unresolved after the above procedures have been implemented and the internal appeals process exhausted, the student will be advised of their right to seek assistance from an external third-party mediator. JMC will participate fully in this process and will meet all reasonable costs incurred. A student's enrolment shall be maintained until the external appeals process is finalised.

Students will be referred to the:

Resolution Institute

The Resolution Institute is an independent national association of dispute resolution.

Suite 602, Level 6, Tower B,	PO Box 440,	Phone: (+61 2) 9251 3366
Zenith Centre	Chatswood	Free call: 1800 651 650
821-843 Pacific Highway	NSW 2057	Email: infoaus@resolution.institute
Chatswood NSW 2067		Website: www.resolution.institute

For International students

An international student may also lodge a complaint about the decision to the Overseas Student Ombudsman. The Overseas Student Ombudsman offers free and independent advice to international students who may have a complaint about their private education or training provider; however, the Ombudsman does not handle complaints about the quality of the education provider.

Overseas Student Ombudsman
GPO Box 442 Canberra ACT 2601
PO Box 440, Chatswood NSW 2057

Phone: 1300 362 072
www.oso.gov.au

In addition, all students may also contact ASQA to lodge an external appeal or complaint about the decision or quality of service of JMC.

See: <http://www.asqa.gov.au/complaints/make-a-complaint---domestic-students/make-a-complaint---domestic-students1.html>

If the external complaints process results in a decision or recommendation in favour of the student, JMC will immediately implement the decision or recommendation and/or take the preventive or corrective action required by the decision and advise the student of that action.

6. RELATED DOCUMENTS

- 6.1. JMC Glossary
- 6.2. Student Handbook
- 6.3. Student Code of Conduct
- 6.4. Student Terms and Conditions
- 6.5. Applications Enrolment and Selection Policy and Procedure
- 6.6. Academic Progression Policy and Procedure
- 6.7. Assessment Management

7. RELEVANT LEGISLATION

- 7.1. Standards for Registered Training Organisation (RTOs) 2015:
Standard 2.1, 2.2 (b): Standard 5.2: Standard 6
- 7.2. Education Services for Overseas Students (ESOS) Act 2000 (Cth)
- 7.3. ESOS National Code, Standard 10
- 7.4. VET Student Loans ACT 2016, Section 6, 43, 48
- 7.5. VET Student Loans rules, Section 88

8. POSITIONS RESPONSIBLE

- 8.1. Campus Manager
- 8.2. Head/s of Department
- 8.3. Head of Student Services & Admin
- 8.4. Chief Financial Officer
- 8.5. Chief Executive Officer

9. APPROVAL INFORMATION

Approval Authority	Quality Education and Risk Committee (QERC)
Health Check approval authority	JMC CEO
Review date	01/12/2024

Version	Approved by	Approval date	Effective date	Modifications	Status
6.0	QERC	02/02/2022	03/02/2022	New template	
7.0	QERC	11/05/2022	12/05/2022	VSL amendments	Current