

Student Complaints and Appeals Policy and Procedure



1. Scope

This Policy and Procedure is applicable to prospective and current students of Holmes Institute (Holmes).

2. Purpose

This Policy and Procedure is in place to ensure that Holmes has a fair, objective and accessible dispute resolution guideline to resolve grievances, complaints and appeals effectively, efficiently and with a spirit of conciliation.

3. Definitions

- 3.1 **Appeal** means an application to have an outcome from an earlier Holmes' decision or investigation overturned or varied. The appeal will result in a final decision made by Holmes.
- 3.2 **Appellant** means the student making the appeal under this Policy.
- 3.3 **Complaint** refers to an expression of dissatisfaction about a Holmes service, staff member or student that requires review, investigation and/or action, and that is drawn to the attention of Holmes.
- 3.4 **Complainant** means a student who makes a complaint under this Policy.
- 3.5 **Grievance** is another word for complaint and refers to a matter which is dealt with informally. If a grievance escalates to the point where formal processes are implemented it becomes a complaint.
- 3.6 **Natural justice** is the principal that complaints and appeals are treated without bias and a decision is made based on relevant evidence.

4. Policy Principles

- 4.1 Any student who feels they have been treated unfairly by a Holmes staff member, student or is unhappy with a Holmes service can express a grievance or lodge a complaint.
- 4.2 Any student may express grievance and lodge complaints and appeals about an education agent or any third party that Holmes engages.
- 4.3 Any student who is unhappy with the outcome of a complaint or a decision made by Holmes can lodge an appeal.
- 4.4 The complaints and appeal process is based on the principles of natural justice.
- 4.5 Anonymous complaints and appeals will not be accepted. Each complaint and appeal must address a specific issue, or set of issues, in regard to a specific student.

- 4.6 Complaints and appeals will incur no cost to the student.
- 4.7 Complaints and appeals are handled promptly, fairly and objectively with sensitivity and in confidence.
- 4.8 Complaints and appeals are handled with an open mind, without prejudice arising from any past history with the student.
- 4.9 Holmes will take steps to avoid any conflicts of interest. When a grievance or complaint is about a staff member, the grievance or complaint will be investigated by a different staff member. Staff members handling grievances or complaints will report any conflict of interest and recuse themselves from investigations and decisions regarding that grievance or complaint.
- 4.10 Holmes views complaints and appeals as an opportunity to improve its operations. When a decision results in favour of the student, the student will be informed in writing and Holmes' corrective plan will be implemented.
- 4.11 If more than 20 working days are required to finalise a complaint or appeal, the complainant/appellant will be notified in writing including reasons why more than 20 working days are required.
- 4.12 Students are entitled to have a support person or advocate with them during the complaints and appeals process.
- 4.13 The aim of the Holmes complaints and appeals process is to prevent unnecessary delay, whilst ensuring a full and fair assessment of the circumstances of any individual complaint.
- 4.14 Grievances provide an important source of feedback on Holmes' performance. As such, Holmes will monitor the registration of complaints and the progress made towards resolution. Complaints and Appeals are also reviewed regularly to identify any trends or issues that can be resolved at institutional level.
- 4.15 All grievances, complaints and appeals are treated confidentially and privacy will be maintained as required by the law.
- 4.16 All appeals are to be adjudicated by the relevant Holmes Appeals Board which is under the monitoring of the Complaints and Appeals Committee that is a delegated governance authority of the Senior Management Group.
- 4.17 No member of the appeal process will have previously been involved in investigating or adjudicating the previous complaint or making the previous decision.
- 4.18 Students have a right to escalate an issue to an external dispute resolution service (See Section 7), if all avenues for appeal at Holmes are exhausted.

5. Procedure Principles

Grievance

- 5.1 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 Campus Director. Where the matter is of an academic nature, students are encouraged to speak to the relevant lecturer, teacher or Course Convenor.

5.2 The following steps should be taken:

- a. 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.
- b. A meeting with the student is organised and the FPC (First Point of Contact) will discuss the student's query and document the meeting in the student's file and relevant notes added to the student management system.

5.3 The table below provides a guidance as to where queries should be addressed in the first instance.

Informal Resolution Process	
Type of Enquiry/Complaint	FPC (First Point of Contact)
Query about results	Teacher/Lecturer
Fee refund request (including refund and/or HELP balance re-crediting for FEE-HELP eligible students)	Campus Director
Complaints against academic staff	Course Convenor
Complaints against administration staff	Campus Director
Complaint about another student	Campus Director

5.4 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.

Complaint

5.5 If the issue raised by the student cannot be resolved informally, the student is invited to put in a written complaint using Holmes' Complaint Form. The Complaint Form can be accessed on Blackboard or Student Services in each campus.

5.6 In the Complaint Form, the complaint should be comprehensively documented including the following details:

- a. The student's name and contact details;
- b. Any relevant documentation, dates, locations, and witnesses as appropriate; and
- c. Any previous efforts to resolve the matter.

5.7 The written complaint is deemed to be a formal complaint and must be submitted to

Holmes' Campus Director for consideration and processing. It may be emailed to studentservices@holmes.edu.au

- 5.8 A formal complaint can be made at any time after the occurrence of the event or matter being complained about.
- 5.9 Complainants should be aware that the longer the period of time between the event being complained about and the receipt of the complaint, the more difficult it is to investigate a complaint and successfully resolve the issue. Complainants, therefore, are encouraged to lodge complaints promptly.
- 5.10 Once Holmes receives a formal complaint, it will commence the internal review within 10 working days. The Campus Director will record details of the complaint in Holmes' Complaints and Appeals Register. The Register is centrally managed and reviewed by the Head Office.
- 5.11 The student may be invited to provide further information or discuss the matter with the reviewer.
- 5.12 Generally, a decision will be made within 20 working days of the formal complaint being received. Where resolution takes longer than the 20 working days the student will be informed in writing of the complaint's progress.
- 5.13 Within 10 days of a decision being made 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.
- 5.14 The complaint and outcome will be added into Holmes' Complaints and Appeals Register and documentation filed in the student's file.

Appeal

- 5.15 An appeal is a process where a student disputes a decision 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.
- 5.16 Where a student wishes to appeal a decision, they must submit a completed and signed Appeal Form and submit the form to Studentservices@holmes.edu.au with the supporting documents. The Appeal Form can be accessed on Blackboard and Student Services in each campus.
- 5.17 If the student is appealing a decision relating to Academic Integrity Misconduct, they must submit a completed Academic Integrity Appeal Form and relevant supporting documentation to AcademicMisconductAppeal@Holmes.edu.au This form is also available on Blackboard. This form should not be sent to Student Services.
- 5.18 All notices of appeal must be submitted within 20 working days of the initial decision being made. This time restriction may be waived at the discretion of the Appeals Board where there are compelling or compassionate circumstances.

- 5.19 The appeal must set out the grounds of appeal and provide evidence supporting the grounds of appeal. It should also specify the outcome sought.
- 5.20 The appellant is encouraged to submit all the evidence in supporting the appeal. The Appeals Board will not consider any new evidence or information that was not presented in the original appeal request.
- 5.21 An appeal of a decision may be made on one or more of the following grounds:
- a. That relevant evidence is received by the Appeals Board by the time an appeal decision is made;
 - b. That the decision was made without due consideration of relevant facts, evidence or circumstances;
 - c. That there was bias, prejudice or a conflict of interest by the investigative or hearing body or person; or
 - d. That some significant policy/procedural irregularity occurred in the investigative or hearing process.
- 5.22 Students may not appeal against academic results based on:
- a. The course structure and assessment methods;
 - b. Student workload or the amount of work the student has done;
 - c. Financial implications of not passing the course;
 - d. Grades received by the student in other courses; or
 - e. The need for additional marks to enable a pass/better grade.
- 5.23 Where an appeal does not meet the abovementioned grounds, this may lead to the appeal being summarily dismissed.
- 5.24 The Student will be provided with an opportunity to formally present his or her case at minimal or no cost (written or in-person). Parties will not be discriminated or victimised during the complaint/appeal process.
- 5.25 Within 10 days of a notice of appeal being received, Holmes will commence an internal review.
- 5.26 Holmes will finalise the outcome as soon as practicable. Every attempt will be made to resolve the dispute within 20 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.
- 5.27 Within 10 days of a decision being 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. Details of the external complaints handling bodies will be provided to the student. Refer to Clause 7 below.
- 5.28 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 (Clause 7).

6 Record Management

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

7 External Appeals

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

Provider	Service	Contact
Commonwealth Ombudsman (For overseas students)	The Commonwealth Ombudsman receives complaints from intending, current or former overseas students at private higher education providers.	https://www.ombudsman.gov.au/complaints/international-student-complaints Call: 1300 362 072
Resolution Institute (For matters not covered by the Commonwealth Ombudsman and Domestic students)	The Resolution Institute is a private higher education dispute resolution service available for matters not within the jurisdiction of the Commonwealth Ombudsman. Holmes Institute is a member with the Resolution Institute.	https://www.resolution.institute Call: 02 9251 3366
The Australian Human Rights Commission (For all students)	The AHRC is an independent statutory organisation that investigate and conciliate discrimination and human rights complaints such as discrimination, sexual harassment, victimisation, vilification. The complaint process is free.	https://humanrights.gov.au/complaints#main-content Call: 1300 656 419
The Australian Competition & Consumer Commission (ACCC)	The ACCC investigates complaints that are in breach of the <i>Competition and Consumer Act 2010</i> .	https://www.accc.gov.au/

(For all students)		
Office of the Australian Information Commissioner (For all students)	If student think their personal information have been mishandled, they can lodge a complaint with the Office of the Australian Information Commissioner for free.	https://www.oaic.gov.au/privacy/privacy-complaints/ Call: 1300 363 992

Version Control and Accountable Officers

It is the joint responsibility of the Implementation Officer and Responsible Officer to ensure compliance with this policy.

Responsible Officer	Chief Operating Officer
Implementation Officers	Campus Directors in liaison with Chief Operating Officer
Review Date	October 2026
Approved by	
Governing Council	
Associated Documents	
Aboriginal and Torres Strait Islander Peoples Education Policy Admission Requirements Policy and Procedures Advanced Standing Policy and Procedures – Higher Education Assessment Policy and Procedures – Higher Education Academic Conduct and Integrity Policy and Procedures Complaints and Appeals Form Completion Within Expected Duration of Study Policy and Procedures Diversity and Equity Policy FEE-HELP Application Policy and Procedure – Higher Education Monitoring Course Progress Policy and Procedures – Higher Education Privacy Policy and Procedure Procedure Manual Re-crediting HELP Balance Policy - Eligible FEE-HELP Higher Education Students Refund Policy – International Students Refund Policy - Eligible FEE-HELP Higher Education Students Sexual Assault and Sexual Harassment Prevention Policy and Procedures Student Charter and Conduct Policy – Higher Education	

Student Deferral, Suspension, Cancellation Policy and Procedures Student Handbooks Student Transfer and Release Policy and Procedures Tuition Protection Policy and Procedure			
Version	Brief Description of the changes	Date Approved	Effective Date
2.3		2019	
3	Clarified that complaints and appeals: <ul style="list-style-type: none"> • Can be lodged by prospective students and former students as well as enrolled students; • Will be normally resolved within 20 working days; • Can be lodged in relation to education agents and other third parties; and • Can be heard by external bodies if Holmes' complaints and appeals process is exhausted. 	22 May 2020	22 May 2020
3.1	More external complaints agencies added in Section 10.		
3.2	<ul style="list-style-type: none"> • Definitions added • Section added that the Appeals Board will not consider any new evidence or information that was not presented in the original appeal request • Changed the document title from Complaints and Appeals Policy and Procedure to Student Complaints and Appeals Policy and Procedure • Additional information on Academic Integrity Appeals 	17 February 2023	17 February 2023
3.3	Added reference to timeframes for commencing review and communicating decisions.	20 October 2023	20 October 2023

	Removal of reference to VET courses/students.		
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