

# P-007 Appeals Policy & Procedure

## **Purpose**

The RTO has an Assessment appeals process that is open to all students and that treats all appeals in a fair and equitable manner, and is based on procedures that are appropriate, accessible and easily understood.

## **Compliance**

This policy relates to the following SNR standard: 16.7.

## **Assessment Appeal Definition**

Appeals process is a process whereby the person being assessed, or other interested party such as an employer, may dispute the outcome of an assessment and seek reassessment.

## **Policy**

Despite all efforts to provide satisfactory services to its students, clients, employees and other persons, an assessment appeal may occasionally arise that requires formal resolution or reconciliation.

## **Nature of appeals**

An appeal may be lodged if the candidate feels that:

- The assessment was not carried out in accordance with the assessment plan,
- The assessment decision has been made incorrectly, and/or
- The assessment process was not fair or valid

## **Resolving issues before they become a appeal**

In the first instance students are encouraged, wherever possible to resolve the situation(s) directly with the trainer/assessor to rectify the issue before being escalated to an appeal. Where possible appeals are managed and resolved informally, however if the issue cannot be managed informally the student can submit a formal appeal in writing as per the following process.

## **Lodging an appeal**

An appeal must be made in writing and specify the particulars of the decision or finding in dispute using the RTO appeals form located on the RTO web site or alternatively this form can be forwarded to the student by request. Appeals must be lodged within 28 days of the notification of your marks or for final results

Formal appeals are to be made in writing and forwarded to the RTO's head office Attn: The Operations Manager.

The following procedure is to be followed when an application for appeal is received:

- An Appeal is received by the RTO and is immediately recorded into the Appeals Register and noted within the RTO's student managements system.
- Persons lodging appeals in other forms such as phone or email are to be provided with the Appeals Form and advised of the correct format for submission.
- The Appeals Form is to be forwarded to the Operations Manager or appropriate state manager who is to review the matter and make recommendation as to how to respond to the matter. The Operations Manager may choose to consult with others within the RTO or relevant agencies external to determining his or her recommendation

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- The Operations Manager may choose to make inquiries about the matter or may task another person to research the matter against relevant policies. The Operations Manager is to consider applications for appeal on the basis of procedural fairness. In most cases, this should include a careful examination of the system or process that the applicant is required to negotiate (such as the assessment system), the information they have been provided which has led to appeal in question.
- The Operations Manager is to finalise their response to the applicant and provide the applicant a response within 20 working days from when the appeal is received.
- The response to the applicant must include information that demonstrates that the appeal was thoroughly reviewed and what actions and outcomes have been identified as a result of the appeal.
- Opportunities for improvement that are identified as a result of the appeal are to be recorded as a Corrective Action Request (CAR) within the JLB Track system and submitted for the next management meeting. The Operations Manager may, at their discretion, follow-up with the applicant after consideration by the RTO investigation team to inform the applicant of the improvement actions identified.
- If the applicant is satisfied with the response, the appeal is to be closed in the Appeals Register. If the applicant is not satisfied with the response, the applicant is to have the opportunity for a person or a body that is independent of the RTO to review his or her appeal following the internal appeals process. This service is to be provided by the RTO at no cost to the applicant. The applicant is however required to meet their own costs in relation to travel, time and in preparing any submission to an independent person or body.
- At the conclusion of the review, decisions or outcomes of the appeals process that find in the favour of the student or otherwise shall be implemented immediately.
- The Appeals Register is to be kept up to date at all times to accurately reflect how the matter was responded to and the duration from the date the appeal was received to the date the appeal was resolved.

## **Resolution timeframe**

All formal appeals will be responded to efficiently within a reasonable timeframe, usually twenty (20) days or as soon as practicable. However in some cases, particularly if the matter is complex, the resolution may take longer.

You are welcome to bring a friend or advocate to this meeting if that is your choice.

## **Record keeping and confidentiality**

A written record of all appeals handled under this policy and procedure and their outcomes shall be maintained for a period of at least five (5) years to allow all parties to the appeal appropriate access to these records.

All records relating to appeals will be treated as confidential and will be covered by the RTO's Privacy and Personal Information Policy.

## **Non-limitation of policy**

This policy and related procedure do not replace or modify those or any other responsibilities which may arise under other policies or under statute or any other law. Nothing in this policy and related procedure limits the rights of individuals to take action under Australia's Consumer

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Protection laws. Also, this policy does not circumscribe an individual's rights to pursue other legal remedies.

## External Assistance

Students are able to lodge an external complaint with the appropriate department for your state

ACT: [www.ombudsman.act.gov.au](http://www.ombudsman.act.gov.au)  
NSW: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
NT: [www.omb-hcsc.nt.gov.au](http://www.omb-hcsc.nt.gov.au)  
TAS: [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au)  
WA: [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au)  
QLD: [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au)  
VIC: [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)  
SA: [www.trainingadvocate.sa.gov.au](http://www.trainingadvocate.sa.gov.au)

## Assessment Appeal Form

Attention: The Operations Manager

## Student Information

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Post Code: \_\_\_\_\_

Email: \_\_\_\_\_ Contact Number: \_\_\_\_\_

## Unit/Course details

Unit name: \_\_\_\_\_ Unit code: \_\_\_\_\_

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## Appeals Detail:

- This is an appeal for the final result of this unit
- This is an appeal for the result of this assessment
- I have attempted to but have been unable to organize a discussion of this matter with the relevant staff member prior to lodging this appeal (provide evidence of your efforts to contact staff)
- I have had a discussion with - Insert Trainer/Assessors  
Name: \_\_\_\_\_  
on this matter but it has not been resolved to my satisfaction

## **Summary of appeals application if additional space is required please attach**

Summary of events to this point: \_\_\_\_\_

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Information relevant to your appeal: \_\_\_\_\_

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Identify below the reasons for the assessment being incorrect

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Sign: \_\_\_\_\_ Date: \_\_\_\_\_

Office use only		
Date Received	Date Entered into Register	Accountable RTO Representative

**Date Appeal was received:** \_\_\_\_\_

**Date of Appeals Register entry:** \_\_\_\_\_

**Date received by Operations**

**Manger:** \_\_\_\_\_

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## A. Investigation Team

Print Name	Position	Date	Signature

## B. Review Team

Print Name	Position	Date	Signature

### Summary of appeal by investigation team (Problem):

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### Summary of outcome by Review Team:

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### **Conclusion:**

Was the situation resolved?

Yes  No

Is the recommendation feasible and maintainable?

Yes  No

### Next Steps required for mitigation (If required)

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