

APPEALS PROCEDURE – PRO 04

1. PURPOSE

The purpose of this procedure is to outline the steps for processing appeals against a decision made by AQTraining.

2. SCOPE

This procedure applies to appeals regarding decisions made by AQTraining against:

- Complaint outcomes
- Assessment decisions
- Other decisions made by the RTO.

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3. DEFINITIONS

Appeal - is where a student or staff member or stakeholder of AQTraining or other interested party; may dispute any decision (including an assessment decisions) made by the RTO.

Client – the person who is making the appeal and has the direct interest in the appeal process. The client is the appellant, and could be a student, a staff member, an employer.

4. RESPONSIBILITIES

It is the responsibility of all staff, including trainers/assessors to assist clients (appellants) with the appeal process.

It is the responsibility of the Manager to ensure

- acknowledging the appeal in writing
- informing all parties
- ensuring natural justice and fair procedure is followed throughout the process
- reviewing the appeal;
- providing in writing a response to all parties including any options
- determining the potential cause of the appeal and determining the action, if any, to be taken and recording it in the Action Register.
- implementing the action.
- following up of the appeal to ensure the appeal has been finalised and that corrective and or preventive action has been implemented satisfactorily and the client is satisfied.
- ensuring appeals process and outcomes are reviewed as part of the PRO 01 Continuous Improvement Procedure to ensure preventive and corrective

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actions (improvements) taken as the result of any investigations have occurred.

- ensuring the appeals **process** is publicly available via the RTO website and Student Handbook and that sufficient information or guidance is available if requested, to the full procedure.

5. PROCEDURE

4.1. Clients shall use this process for appeals.

4.1.1. An appeal must be lodged within twenty (20) working days of the client being notified of a decision made by AQTraining or in the case of academic appeals, within twenty (20) working days of the completion of the assessment. Records may be discarded after this period.

4.1.2. Clients may make an informal approach to a Trainer/Assessor or an administration manager regarding an appeal to seek advice about the process or to assist the client put the appeal in writing.

4.1.3. If the matter is not resolved, the client's appeal may be forwarded to the Manager by the trainer/assessor. Alternatively the client may submit their appeal in writing to The Manager, AQ Training 39 -53 Virginia Way, Logan Village QLD 4207.

4.1.4. The Manager will

- provide acknowledgement of receipt of the appeal to the appellant within 5 days
- Inform all relevant parties
- provide an indication of timeframes for response and resolution of appeal
- review the appeal within five (5) days of receiving the appeal
- undertake preliminary enquiry to determine the nature of the appeal issue/s
- provide the client/appellant and any other parties an opportunity to present their case
- discuss possible outcomes with the client/appellant
- record discussion on Appeals Form
- *If the appeal is made by or relates to a current student, there will be no action to the student's enrolment during appeal process, unless there is a serious concern for the health and safety of that or any other students.

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4.1.5. If the Manager cannot resolve the situation or has been part of the initial decision making, the client can request that an Independent Panel consider the appeal. The panel shall consider the appeal within 10 working days of notification of the application. The student may have an adviser in attendance during the proceedings of the Independent Panel.

4.2. Independent Panel procedure.

The panel will

4.2.1. Review the circumstances of the appeal and make a decision on the evidence submitted.

4.2.2 Keep a record of the proceedings to ensure that the appeal procedure was conducted fairly.

4.2.3. The decision of the independent panel shall be given in writing to the Manager and the client outlining the reasons for the decision.

4.2.4. A copy of the proceedings conducted by the independent panel and the original application form will be given to the client.

4.2.5. The decision of the independent panel shall be final.

Membership of Independent Panel

The Panel shall consist of three persons. The background of the persons requested to sit on the panel will vary depending on the circumstances of the appeal. However it may consist of:

- Manager (if the Manager was not the trainer/assessor involved in the original training or assessment or decision pertaining to the client).
- Trainer/assessor not involved with the management of the client.
- Industry Representative (Industry Skills Council, Licensing Authority).

4.3. Review of the appeal:

4.3.1. Each appeal will be reviewed by the Manager, within 5 working days of the finalisation of the appeal, to determine the potential cause of the appeal and any further action that may be required to prevent a reoccurrence.

- ensuring actions implemented are recorded on the Actions Register.

4.4 If a appeal cannot be processed within the advised timeframes or finalised within 60 calendar days, AQTraining will:

- Inform the client/appellant in writing, citing reasons for the delay, and;
- Regularly update the client/appellant on the progress of the matter.

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4.5 If the Client is not satisfied with appeal outcome.

4.4.1. If a client is not satisfied with the appeal outcome they will be referred to the complaints section of the Australian Skills Quality Authority, and can access this by completing an [online complaints form](#) on the ASQA website.

or the ASQA Call Centre, telephone: **1300 701 801**.

Or the National Training Complaints Hotline 13 38 73

6. REFERENCES

Student Handbook

7. RECORDS

National Vocational Education and Training Regulator Act 2011

Manager's report

Independent Panel report

Completed assessments

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