

<p>Title</p> <p>Document Type</p> <p>Responsible Officer</p> <p>Date of Publication</p>	<p>APPEALS</p> <p>POLICY</p> <p>Managing Director (MD)</p> <p>30 May 2020</p>	<p>Policy Number: POL-02</p>
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1. Purpose

This policy is based on providing and maintaining training and assessment services that are fair and reasonable and afford a forum where issues or inadequacies regarding assessment can be raised and resolved. The Appeals policy provides opportunity for appeals to be recorded, acknowledged and dealt with in a timely manner.

The object of this policy is to ensure that Skilling WA staff and third party partners, act in a professional manner at all times. This policy provides students with a clear process to register an appeal. It ensures all parties involved are kept informed of the resulting actions and outcomes.









2. Policy Statement

Skilling WA is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (RTOs) 2015 [SRTOs 2015]. As such, Skilling WA is required to have a policy and processes in place to manage requests for a review of assessment decisions, including those made by third party training and assessment providers who provide services on behalf of Skilling WA.

Skilling WA acknowledges that students have the right to appeal decisions made by the Skilling WA, based on valid grounds for appeal.

Skilling WA has provision for students to make an appeal against decisions, including those made by a third party partner.

Skilling WA ensures that students have access to a fair and equitable process for lodging an appeal. In doing so, Skilling WA:

-  has written processes in place for collecting and dealing with appeals in a constructive and timely manner;
-  ensures that these procedures are communicated to all staff, third party partners and students;
-  ensures that each appeal and its outcome are recorded in writing;
-  ensures that each appeal is heard by an independent person or panel;
-  ensures that each appellant has the opportunity to formally present their case;
-  ensures that each appellant is given a written statement of the appeal outcomes, including the reasons for the decision;
-  takes appropriate action upon the subject of any appeal that is found to be substantiated; and
-  utilizes outcomes of appeals to review current practices, which may lead to continuous improvement.

3. Definitions

3.1 The following words and expressions have the following specific meaning, as in the SRTOs 2015.

Appeals are requests for review of decisions made by an RTO. These decision could involve assessments, progression to further training, enrolment or access to support services.

Assessment means the process of collecting evidence and making judgements on whether competency has been achieved, to confirm that an individual can perform to the standard required in the workplace, as specified in a training package or VET accredited course.

Third party means any party that provides services on behalf of the RTO but does not include a contract of employment between an RTO and its employee.

4. Policy Principles

4.1 Underpinning Principles

- a) Students have the right to lodge an appeal against an assessment decision if they feel they have been unfairly treated during an assessment, and/or where they feel the assessment decision is incorrect and they have valid grounds for an appeal.
- b) The principles of natural justice and procedural fairness are adopted at every stage of the appeal process.
- c) This Policy is publicly available, on Skilling WA website.
- d) The appellant can provide detail of their appeal either verbally and/or in writing.
- e) All appeals must be lodged within 7 calendar days of the date of the RTO decision and notification to the student.
- f) Every appeal is heard by a suitably qualified independent person or panel, who will be asked to make an independent assessment of the appeal application.
- g) All appeals are acknowledged in writing and finalised as soon as practicable.
- h) If the appeals process fails to resolve the appeal or the appellant is not satisfied with the outcome of the appeal, the matter will be referred to an independent third party (external) for review, at the request of the appellant. All costs incurred for the third party review will be advised to the appellant.
- i) Skilling WA may charge a fee for the appeals process where an external assessor is engaged. Should this be the case, all costs incurred will be advised to the appellant.
- j) If an appeal will take in excess of 60 calendar days to finalise, Skilling WA will inform the appellant in writing providing the reasons why more than 60 calendar days are required. The appellant will also be provided with regular updates on the progress of the appeal.
- k) Skilling WA strives to deal with appeal issues as soon as they emerge, offering early intervention, in order to avoid further disruption or the need for a formal complaint process.
- l) All appeals will be handled 'In-Confidence' and will not affect or bias the progress of the student in any current or future training.

4.2 Grounds for Appeal

Valid grounds for an appeal against an assessment decision (where the student feels the assessment decision is incorrect) could include the following:

- a) The judgement as to whether competency has been achieved and demonstrated was made incorrectly;
- b) The judgement was not made in accordance with the Assessment Plan;
- c) Alleged bias of the assessor;
- d) Alleged lack of competence of the assessor;
- e) Alleged wrong information from the assessor regarding the assessment process;
- f) Alleged inappropriate assessment process for the particular competency;
- g) Faulty or inappropriate equipment; and/or
- h) Inappropriate conditions.

4.3 Appeal Outcomes

An investigation into an Appeal may result in one of the following outcomes:

- a) Appeal is upheld; in this event the following options will be available:
 - i. The original assessment will be re-assessed, potentially by another assessor.
 - ii. Appropriate recognition will be granted.
 - iii. A new assessment shall be conducted/arranged.

- b) Appeal is rejected (not upheld); in accordance with SKILLING WA assessment policy the student will be required to:
 - i. undertake further training or experience prior to further assessment; or
 - ii. re-submit further evidence; or
 - iii. submit/undertake a new assessment.

5. Skilling WA Responsibilities

5.1 Managing Director

The Managing Director of Skilling WA is the Appeals Resolution Officer. The MANAGING DIRECTOR may delegate responsibility for the resolution of the appeal if necessary.

Details concerning the scope of the Appeals Policy are to be clearly displayed throughout the organisation and contained within the Staff Induction Process, Student Handbook and on the Skilling WA website.

5.2 Skilling WA

All Skilling WA staff, contractors and third party partners are to engage in the appeals process in a professional manner, upholding the requirements of confidentiality, privacy, procedural fairness, natural justice and integrity.

6. Appeals

6.2 Appeals Process

For full procedures on the processing of all Appeals, please refer to the Appeals Procedures. As a general rule, all appeals shall follow the below process:

- a) Student raises matter of concern to relevant Skilling WA staff member, requesting a review of the RTO decision.
- b) The Skilling WA staff member will either deal with the matter providing a resolution to the appellant or pass the concern onto the appropriate Skilling WA personnel.
- c) If the appellant is not happy with the initial outcome of the concern, an Appeal can be made by the Appellant (recorded in writing) within 7 calendar days of notification of the RTO decision using the Appeals lodgement form.
- d) A submitted Appeals lodgement form will constitute a formal appeal from the appellant. Further detail may be provided by the appellant verbally.
- e) The Managing Director Skilling WA is informed of receipt of any formal appeal.
- f) Appeals will be processed in accordance with the Appeals flowchart – Annex A.
- g) Appeals, where possible, are to be resolved within 28 days of the initial application.
- h) In all cases the final conclusion will be endorsed by the Managing Director Skilling WA.
- i) The appellant will be advised in writing of the outcome of their appeal, within seven (7) days of the resolution.
- j) If the Appellant is not satisfied with the outcome of the appeal, they may seek an appointment with the Managing Director Skilling WA.
- k) If the appellant is not satisfied with the decision they have the option to seek outside assistance to pursue the appeal. This includes redress by Training Accreditation Council (TAC)

7. Records Management

Records of all appeals and their outcomes are maintained securely.

Records of appeals will include:

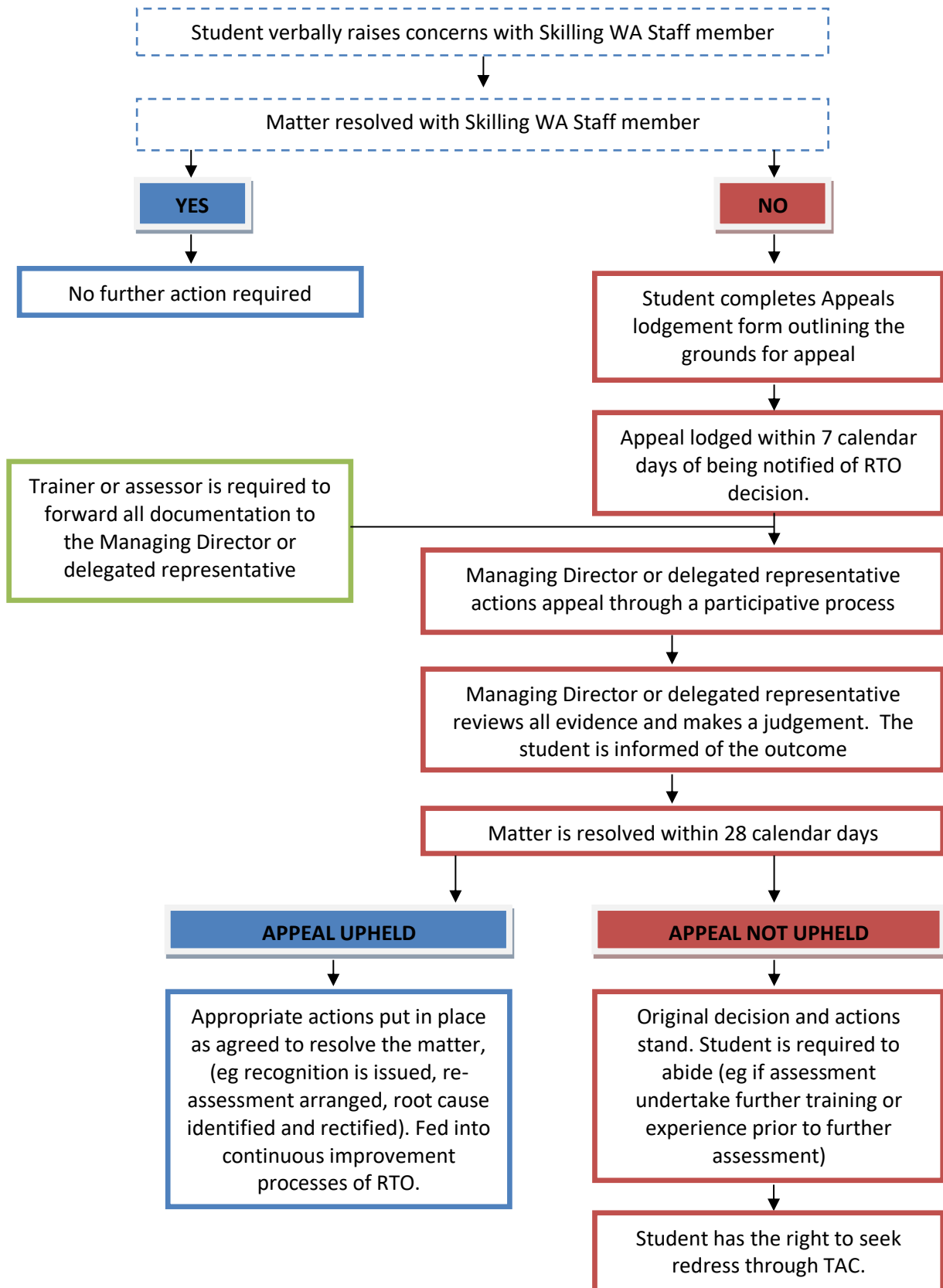
- a) How the appeal was dealt with;
- b) The outcome of the appeal;
- c) The timeframes for resolution of the appeal;
- d) The potential causes of the appeal; and
- e) The steps taken to resolve the appeal.

All documentation from Appeals processes are maintained in accordance with Records Management Policy. (See Records Management Policy [POL-17])

8. Monitoring and Improvement

All appeals are monitored by the Managing Director Skilling WA and will be discussed at Skilling WA Owners Meetings with areas for improvement identified and acted upon. (See Continuous Improvement Policy [POL-06])

ANNEXURE A: Appeals Process



Governance

Position/Title Procedure Owner	Managing Director Skilling WA		
Version Number	1.0	Date of Next Review	01/06/2021
Prepared By	Rhonda Stacy	Title	Managing Director
Approved By	Rhonda Stacy	Date Approved	30/05/2020
Related/Supporting Policies & Procedures	POL-01 Access & Equity POL-03 Assessment POL-06 Continuous Improvement POL-17 Records Management		
Related Procedures	Pro_Appeals Pro_Continuous Improvement		
Associated Forms	F_Appeals lodgement form F_Appeals Progress form F_Appeals Register		
Standards for Registered Training Org 2015 (SRTOs2015)	Specific Clauses -	Secondary Clauses -	
	6.2, 6.3, 6.4, 6.5, 6.6	2.1, 2.2, 2.4	
External References / Standards/ Legislation/ Contracts for compliance	(TAC) RTO Complaints & Appeals		

Amendment History		
Version	Date Issued	Description of Change: amendments/additions/deletions
1.0	30/05/2020	New Policy