

Appeals – Policy and Procedure

Purpose

The purpose of this policy and procedure is to outline Training Ahead Australia’s approach to managing appeals to assessment outcomes. This includes managing requests for a review of assessment decisions, including those made by third party training and assessment providers who provide services on behalf of Training Ahead Australia. It provides a clear process and is transparent approach for all appeals to be addressed in a fair, efficient and confidential manner.

This Policy and Procedure refers to Standard 6 of the Standards for Registered Training Organisations 2015

“RTOs must implement a transparent complaints and appeals policy that enables learners and clients to be informed of and to understand their rights and the RTO’s responsibilities under the Standards.

Enterprise RTOs and volunteer associations that do not charge fees for the training and/or assessment and only provide training to employees or members are not required to maintain a separate complaints and appeals policy in relation to their training and assessment. These organisations must ensure, however, that their organisation’s complaints policy is sufficiently broad to cover the activities as an RTO.”

Policy Statement

Training Ahead Australia acknowledges that clients have the right to appeal an assessment decision, based on valid grounds for appeal.

Training Ahead Australia has provision for clients to appeal against assessment decisions, including those made by a third party partner.

Training Ahead Australia is committed to maintaining an effective, timely, fair and equitable appeals handling system, which is easily accessible. We do this by:

- Having a culture that views appeals as an opportunity to improve our organisation and how it works
- Having an appeal handling system that is client/student focused
- Ensuring that appeals are resolved promptly, objectively and with sensitivity and in complete confidentiality
- Ensuring that the views of each appellant and respondent are respected and that any party to appeal is not discriminated against nor victimised
- Ensuring there is a consistent response to appeals

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Definitions

- **Appeal** means a request for a decision made by Training Ahead Australia to be reviewed
- **Appellant** refers to the person making the appeal
- **Complaint** means a person's formal expression of dissatisfaction with any product or service provided by Training Ahead Australia
- **Complainant** means the 'individual' who has lodged the complaint
- **Individual** – For the purpose of this document, the term *individuals* refers to the scope including all students, clients, staff and other members of the community.
- **Services** means training, assessment, related educational and support services and/or activities related to the recruitment of prospective learners. It does not include services such as student counselling, mediation or ICT support
- **SRTOs** means the Standards for RTOs 2015 – refer definition of 'Standards'
- **Standards** means the Standards for Registered Training Organisations (RTOs) 2015 of the VET Quality Framework which can be accessed from www.asqa.gov.au
- **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
- **Training Ahead Australia** – Throughout this document, the following abbreviations may be used: TAA, Training Ahead
- **Training Ahead Support Team** refers to a range of staff members at Training Ahead Australia including: Office Manager, Compliance Officer, Accounts Officer, RIWC Support Officer, Administration Officers, Training Coordinators, Management and Trainer and Assessors

Scope

The scope of this policy and procedure applies to:

- Prospective students
- All students (learner of RTO)
- Clients, including companies
- Suppliers
- Staff including Support Staff, Trainer and Assessors and all other staff members
- Other members of the community
- Workplace mentoring and supervisors

Procedure

What is this procedure used for?

This procedure details how to lodge an appeal and the appeal handling process.

Why is this procedure required?

As an RTO Training Ahead Australia needs to ensure that:

- Students have the opportunity to make an appeal
- That all appeals are taken seriously and the individual lodging the appeal is provided with a fair and equitable process without discrimination

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Responsibilities

Below lists the following responsibilities by Training Ahead Australia

Chief Executive Office (CEO)

The CEO has the following responsibilities:

- Development and implementation of the Appeals Policy and Procedure
- Complete reviews on Policy and Procedure
- Provide consultation with employees

Training Ahead Australia Support Staff:

Training Ahead Australia staff members have the following responsibilities:

- Follow the procedure
- Treat all appeals with fairness and without discrimination
- Ensure confidentiality is maintained throughout the process

When is the Procedure Reviewed?

This procedure is reviewed every 2 years

Location of Policy and Procedure

The policy and procedure are publicly available:

- On the website
- At the Training Ahead Australia office
- In the Student Handbook
- Link provided on booking confirmations

Nature of Appeals

Training Ahead Australia has an Appeals Policy and Procedure to manage requests for a review of decisions including:

- Assessment decisions, made by Training Ahead Australia or a third party providing services on the Training Ahead Australia behalf

Principles of Appeal Resolutions

- Training Ahead Australia is committed to developing a Policy and Procedure that ensures the principles of natural justice and procedural fairness are adopted at every stage of the appeal process. Throughout this Policy and Procedure, Training Ahead Australia ensures that appeals:
 - Are responded to in a consistent and transparent manner
 - Initial appeals are at no cost to the individual
 - Are responded to promptly, objectively, with sensitivity and confidentiality
 - Are used as an opportunity to identify potential causes of the appeal and take actions to prevent the issues from reoccurring in addition to identifying areas for improvement
- Appeals will be resolved on an individual case by case basis
- Individuals have the right to lodge an appeal against a decision if they feel they were unfairly treated during an assessment and/or where they feel the decision is incorrect and they have grounds for an appeal

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- Nothing in this Policy and Procedure limits the rights of an individual to take action under Australia’s Consumer Protection laws and it does not circumscribe an individual’s right to pursue other legal remedies
- Any appeals will not affect or bias the progress of the individual in any current or future training or services
- Training Ahead Australia will maintain the student’s enrolment while the appeal handling process is ongoing
- In all cases, either the CEO or a Director will endorse the final conclusion
- Every appeal is heard by a suitably qualified independent Assessor or panel; who will be asked to make an independent decision

Appeal Process

All appeals shall follow the following process:

Prior to Lodging an Appeal

In the first instance, individuals should approach the Assessor of the assessment task regarding the assessment process/outcome and their concerns. All individuals have available to them a second attempt at an assessment task prior to seeking appeal.

Lodging an Appeal

- Appeals should be made as soon as possible
- An appeal can be received by Training Ahead Australia in the following methods
Note: Individuals are not required to put an appeal in writing, as this would be a barrier to the student. Training Ahead Australia allows for a range of methods for Individuals to submit their appeal.
 - **In person.** If an individual has an appeal, they are encouraged to speak immediately with their Trainer and Assessor or the Training Ahead Support Team to resolve the appeal. If you are coming in to discuss your appeal, it is advised to contact us before hand to ensure the appropriate staff member is available to discuss the appeal with you
 - **Email.** Email the Training Ahead Support Team at bookings@trainingahead.com.au and you will receive a response via email or phone within 2 business days of your appeal being received
 - **Phone.** Phone 1300 355 900 and speak to the Training Ahead Support Team. After initial contact, you may be directed to another Team Member who is able to provide further assistance, who will return your call within 2 business days
- When making an appeal, provide as much information as possible to enable Training Ahead Australia to investigate and determine an appropriate solution
- On receipt of the appeal, Training Ahead Australia securely maintains records of all appeals and their outcomes in the following location:
 - Appeals Register
 - Student Management System (for appeals submitted via students)
Note: Only management and approved staff have access to the Student Management System and Appeals Register
- The Training Ahead Support Team will discuss the appeal with the appellant to resolve the appeal as soon as practicable
- The appeal will be acknowledged in writing

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- If the appeal is unable to resolved immediately, the Training Ahead Australia Support Team will review and attempt to resolve the appeal as soon as possible
- If the appeal 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 for review, at the request of the individual

Timeframes for Resolution

Appeals will be finalised as soon as practicable unless there is a significant reason for the matter to take longer. Appeals, where possible, are to be resolved within 30 days of the initial application.

The appellant will be advised in writing on the outcome of their appeal, within 7 days of the resolution.

Where the appeal will take longer than 60 calendar days to finalise, Training Ahead Australia will inform the appellant in writing why more than 60 days are required. The appellant will also be provided with regular updates on the progress of the appeal.

Monitoring and Improvement

The Appeals Register will be reviewed at the Management Meetings with areas for improvement identified and acted upon (Refer to Continuous Improvement Policy).

By reviewing the Appeals Register, Training Ahead Australia Identifies potential causes of appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

Independent Third-Party Review

- Training Ahead Australia acknowledges the need for an appropriate independent party to be appointed to review a matter where this is requested by the appellant the internal processes have failed to resolve the matter
- Appellants can find an appropriate independent party by calling the Resolution Institute on 02 9251 3366 or by searching the following directory, according to their locality and area of concern: <https://www.resolution.institute/disputeresolverdirectory>
- Training Ahead Australia may also appoint the independent party to be involved in the resolution of an appeal where it is deemed necessary or the appeal was unable to re-resolved
- Training Ahead Australia will provide complete cooperation with the external mediator investigating the appeal and will be bound by the recommendations arising out of this process
- The CEO will ensure that any recommendations made are implemented within twenty (20) days of being notified of the recommendations. The appellant will also be formally notified in writing of the outcome of the mediation
- The appellant may request a different Independent third-party, at the appellants own cost, unless a prior arrangement is made with Training Ahead Australia

Complaints Policy and Procedure

Refer to the Complaints Policy and Procedure in regards to the management of all complaints.

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