

## Appeals Handling

The Institute of Education and Training is committed to providing a fair and transparent appeals handling process.

### What is an appeal?

An appeal is an application by a student for reconsideration of an unfavourable decision or finding during their time with the Institute of Education and Training. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within **twenty eight (28) working days** of the decision or finding is informed to the student.

It is important to note that a student may appeal any decision made by the Institute of Education and Training or a third party providing services on the Institute of Education and Training's behalf. Contrary to the popular belief that appeal relates only to assessment decisions, appeals can relate to administrative decisions that the Institute of Education and Training may make. Examples of this include an appeal of a decision to deny a refund or to deny an application for credit transfer. As the process for handling and assessment appeal compared with an appeal of an administrative decision is slightly different, this difference has been catered for within this policy with adjusted processes for both situations.

### Early resolution of appeals

In all cases, issues that arise during training and assessment that are the source of frustration or are in dispute should be resolved at the time they occur between the persons involved. It can often be the case that a student's decision to make an appeal can be avoided by proper communication and consultation with students at the time a decision is made.

### Relationship to continuous improvement

Frequently, the appeals handling process will expose weaknesses in the training and assessment or administrative system that can flow into the continuous improvement system as opportunities for improvement. This outcome of appeals handling is very positive and should be actively applied by all persons involved. It is for this reason that appeals received from stakeholders should be seen in a positive light and as opportunities for improvement.

## Making an appeal

An appeal must be received by the Institute of Education and Training in writing using the specified form within twenty eight (28) working days of the decision or finding being informed to the person. Complaints may be made by any person but are generally made by students and/or employers.

To appeal a decision, the person is required to complete the Institute of Education and Training - Request for Appeal of a Decision. This form is available via our website. The completed form is to be submitted to the Office Manager either in hard copy or electronically. These instructions are detailed within the Student Handbook.

## Appeal handling principles

The Institute of Education and Training will apply the following principles to its appeals handling:

- Appeals must be lodged within **twenty eight (28) working days** of the decision or finding being informed to the person.
- A written record of all appeals is to be kept by the Institute of Education and Training including all details of lodgement, response and resolution. The appeals register within RTO Data is to be used to record the details of the appeal and to maintain a chronological journal of events during the appeal handling process. Records relating to appeal handling must be stored securely to prevent access to unauthorised personnel.
- An appellant is to be provided an opportunity to formally present his or her case at no cost.
- Each appellant may be accompanied and/or assisted by a support person at any relevant meeting.
- The appeals policy must be publicly available. This means that the appeals policy and procedure must be published on the Institute of Education and Training website.
- The handling of an appeal is to commence within **seven (7) working days** of the lodgement of the appeal and all reasonable measures are taken to finalise the process as soon as practicable.

- The appellant is to be provided a written response to the appeal, including details of the reasons for the outcome. A written response must be provided to the appellant within **fourteen (14) working days** of the lodgement of the appeal.
- Appeals must be resolved to a final outcome within **sixty (60) calendar days** of the appeal being initially received. Where the Institute of Education and Training Chief Executive Officer considers that more than 60 calendar days are required to process and finalise the appeal, the CEO must inform the appellant in writing, including reasons why more than 60 calendar days are required. As a benchmark, the Institute of Education and Training should attempt to resolve appeals as soon as possible. A timeframe to resolve an appeal within thirty (30) calendar days is considered acceptable and in the best interest of the Institute of Education and Training and the appellant. An appellant should also be provided with regular updates to inform them of the progress of the appeal handling. Updates should be provided to the appellant at a minimum of **four (4) weekly intervals**.
- The Institute of Education and Training shall maintain the enrolment of the appellant during the appeal handling process.
- Decisions or outcomes of the appeal handling process that find in the favour of the appellant shall be implemented immediately.
- Appeals are to be handled in the strictest of confidence. No Institute of Education and Training representative is to disclose information to any person without the permission of Institute of Education and Training Chief Executive Officer. A decision to release information to third parties can only to be made after the appellant has given permission for this release to occur. This permission should be given using the Information Release Form.
- Appeals are to be considered and handled to ensure the principles of natural justice and procedural fairness are applied at every stage of the appeal handling process. This means that the appellant is entitled to be heard with access to all relevant information and with the right of reply. The appellant is entitled to have their appeal heard by a person that is without bias and may not be affected by the decision. Finally the decision must be made based on logical evidence and the decision-maker must take account of relevant considerations, must act for a proper purpose and must not take into account irrelevant considerations. Further guidance on principles of natural justice and procedural fairness can be accessed at the following link: [Principles of Natural Justice and Procedural Fairness](#)

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### Third Party Review

Where the appellant is not satisfied with the handling of the matter by the Institute of Education and Training, they have the opportunity for a body or person that is independent of the Institute of Education and Training to review his or her appeal following the internal completion of appeals handling process. In these circumstances the Institute of Education and Training Chief Executive Officer will advise of an appropriate party independent of the Institute of Education and Training to review the appeal outcome (and its subsequent handling) and provide advice to the Institute of Education and Training in regards to the recommended outcomes. The independent third-party is required to respond with their recommendations **within fourteen (14) working days** of their review being requested. This advice is to be accepted by the Institute of Education and Training as final, advised to the appellant in writing and implemented without prejudice.

Where the Institute of Education and Training appoints or engages an appropriate independent person to review an appeal, the Institute of Education and Training will meet the full cost to facilitate the independent review. Where the person seeking an appeal objects to this appointment and requests to engage a person or organisation they nominate to undertake the review, the Institute of Education and Training may seek the person seeking an appeal to contribute to the cost of engaging this person to undertake the review. This is advised to the person seeking an appeal within the Student Handbook.

### Unresolved Appeals

Where the appellant remains not satisfied with the outcome of the appeals handling procedure, the appellant is to be directed to the following external agencies:

- In relation to consumer protection issues, these may be referred to the **Office of Fair Trading**.
- In relation to the delivery of training and assessment services, these may be referred to the **National Training Complaints Service** via the following phone number: 13 38 73.

This guidance is communicated to students within the Student Handbook. It is expected that the above agencies will investigate the persons concerns and contact the Institute of Education and Training for information.

The Institute of Education and Training is to cooperate fully with agencies such as the National Training Complaints Service or ASQA that may investigate the handling of an appeal. Institute of Education and Training considers that it would be extremely unlikely that appeals are not able to be resolved quickly within Institute of Education and Training internal arrangements.

### Appeals Handling Procedure

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

- An application to appeal a decision is received by the Institute of Education and Training and is to be immediately recorded into the Institute of Education and Training Complaints and Appeals Register. An application to appeal a decision must be submitted in writing. Appeals must be lodged within **twenty eight (28) working days** of the decision or finding being informed to the person.
- The application to appeal a decision is to be forwarded to the Chief Executive Officer who is to review the matter and make recommendation as to how to respond to the matter.
- The Chief Executive Officer may choose to make inquiries about the matter or may task another person to research the matter against relevant policy or legislation.
- The Chief Executive Officer or delegate may choose to consult with the appellant, with others within Institute of Education and Training or relevant agencies external to Institute of Education and Training in determining their recommendations.
- The Chief Executive Officer is to commence their review of an appeal within **seven (7) working days** from the date the appeal being submitted.
- The Chief Executive Officer (or delegate) is to finalise their response to the appellant and provide the appellant a response as soon as possible but no later than **fourteen (14) working days** from when the appeal was submitted.
- The Chief Executive Officer (or delegate) is to communicate the response to the appellant personally either during a meeting or via the telephone. Appeal responses are not to be provided to the appellant via any third-party or via electronic communication such as e-mail.

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- The Chief Executive Officer (or delegate) is to seek feedback from the appellant about their level of satisfaction with the appeal outcome and advise the appellant of their options if they are not completely satisfied with the outcome.
- Where the appellant is not satisfied with the outcome of the complaint handling, the Chief Executive Officer is to arrange for the appeal to be considered by an appropriate independent third-party. The independent third-party is required to respond with their recommendations within **fourteen (14) working days** of their review being requested.
- Where the appeal is in relation to an assessment decision, a reassessment should be recommended. Students participating in a reassessment should be provided with detail counselling about the perceived gaps in their skills and knowledge along with additional training to support their improvement and ability to demonstrate competence. Reassessments should be scheduled to occur as soon as practicable following the outcome of an appeal. The reassessment must be undertaken by a different assessor than was used during the initial assessment. Following the reassessment, the student must be provided with detailed feedback about their performance and the outcome.
- An appellant who remains not satisfied with the process applied by the Institute of Education and Training may refer the matter to the Office of Fair Trading (in relation to consumer protection matters) or National Training Complaints Service via the following phone number: 13 38 73.
- Opportunities for improvement that were identified as a result of the appeal are to be recorded in a Continuous Improvement Report and submitted for the next Management Team meeting. The Chief Executive Officer (or delegate) may, at their discretion, follow-up with the appellant after consideration by the Management Team to inform the appellant of the improvement actions identified.
- The Complaints and 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. Complaints and appeals which are open or subject to ongoing consideration are discussed at the management meeting as detailed within the agenda.

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