

Appeals Policy and Procedure



Appeals Policy – Standard 2.1, 2.2, 2.4, 6.2, 6.3, 6.4, 6.5, 6.6

Purpose

ABEX Institute of Training is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (RTOs) 2015. As such, 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 ABEX Institute of Training.

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 staff and third party partners, act in a professional manner at all times. This policy provides clients with a clear process to register an appeal. It ensures all parties involved are kept informed of the resulting actions and outcomes.

Policy Statement

- ABEX Institute of Training acknowledges that clients have the right to appeal an assessment decision, based on valid grounds for appeal.
- ABEX Institute of Training has provision for clients to appeal against assessment decisions, including those made by a third party partner.
- ABEX Institute of Training ensures that clients have access to a fair and equitable process for lodging an appeal against an assessment decision.

In doing so,:

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

Definitions

The following words and expressions have the following specific meaning, as in the Standards for Registered Training Organisations (RTOs) 2015.

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.

Appeals Policy and Procedure



Policy Principles

Underpinning Principles

- Clients have the right to lodge an appeal against an assessment decision if they feel they were unfairly treated during an assessment, and/or where they feel the assessment decision is incorrect and they have grounds for an appeal.
- The principles of natural justice and procedural fairness are adopted at every stage of the appeal process.
- The appeals policy is publicly available, via website.
- The appellant can provide detail of their appeal either verbally and/or in writing.
- All appeals must be lodged within 7 calendar days of the date of the assessment result notification to the client.
- 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 for review, at the request of the appellant. All costs incurred for the third party review will be advised to the appellant.
- Every appeal is heard by a suitably qualified independent assessor or panel, who will be asked to make an independent assessment of the application.
- All appeals are acknowledged in writing and finalised as soon as practicable.
- ABEX Institute of Training 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.
- If the appeal will take in excess of 60 calendar days to finalise 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.
- ABEX Institute of Training strives to deal with appeal issues as soon as they emerge, in order to avoid further disruption or the need for a formal complaint process.
- All appeals will be handled 'In-Confidence' and will not affect or bias the progress of the participant in any current or future training

Grounds for Appeal

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

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

Appeal Outcomes

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

- Appeal is upheld; in this event the following options will be available:
- The original assessment will be re-assessed, potentially by another assessor.
- Appropriate recognition will be granted.
- A new assessment shall be conducted/arranged.
- Appeal is rejected/ not upheld; in accordance with assessment policy the client will be required to:
- undertake further training or experience prior to further assessment; or
- re-submit further evidence; or

Appeals Policy and Procedure

- submit/undertake a new assessment.

Responsibilities

The CEO of is the Appeals Resolution Officer. The CEO 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, Client Handbook and website.

Appeals

Appeals Process

All appeals shall follow the below process:

- Appeal to be made in writing within 7 calendar days of notification of the assessment decision using the Appeals form.
- A submitted Appeals form will constitute a formal appeal from the appellant. Further detail may be provided by the appellant verbally.
- The CEO shall be informed of receipt of any appeal.
- The CEO may delegate responsibility for the resolution of the appeal, as appropriate.
- Appeals will be processed in accordance with the Appeals flowchart – Annex A.
- Appeals, where possible, are to be resolved within 28 days of the initial application.
- In all cases the final conclusion will be endorsed by the CEO.
- The appellant will be advised in writing of the outcome of their appeal, within seven (7) days of the resolution.
- If the outcome is not to the satisfactory of the appellant, they may seek an appointment with the CEO.
- If the appellant is not satisfied with the decision they have the option to seek outside assistance to pursue the appeal.

Access & Equity

The Access & Equity Policy applies. (See Access & Equity Policy)

Records Management

- Records of all appeals and their outcomes are maintained securely.
- Records of appeals will include:
 - How the appeal was dealt with;
 - The outcome of the appeal;
 - The timeframes for resolution of the appeal;
 - The potential causes of the appeal; and
 - The steps taken to resolve the appeal.
- All documentation from Refund processes are maintained in accordance with Records Management Policy. (See Records Management Policy)

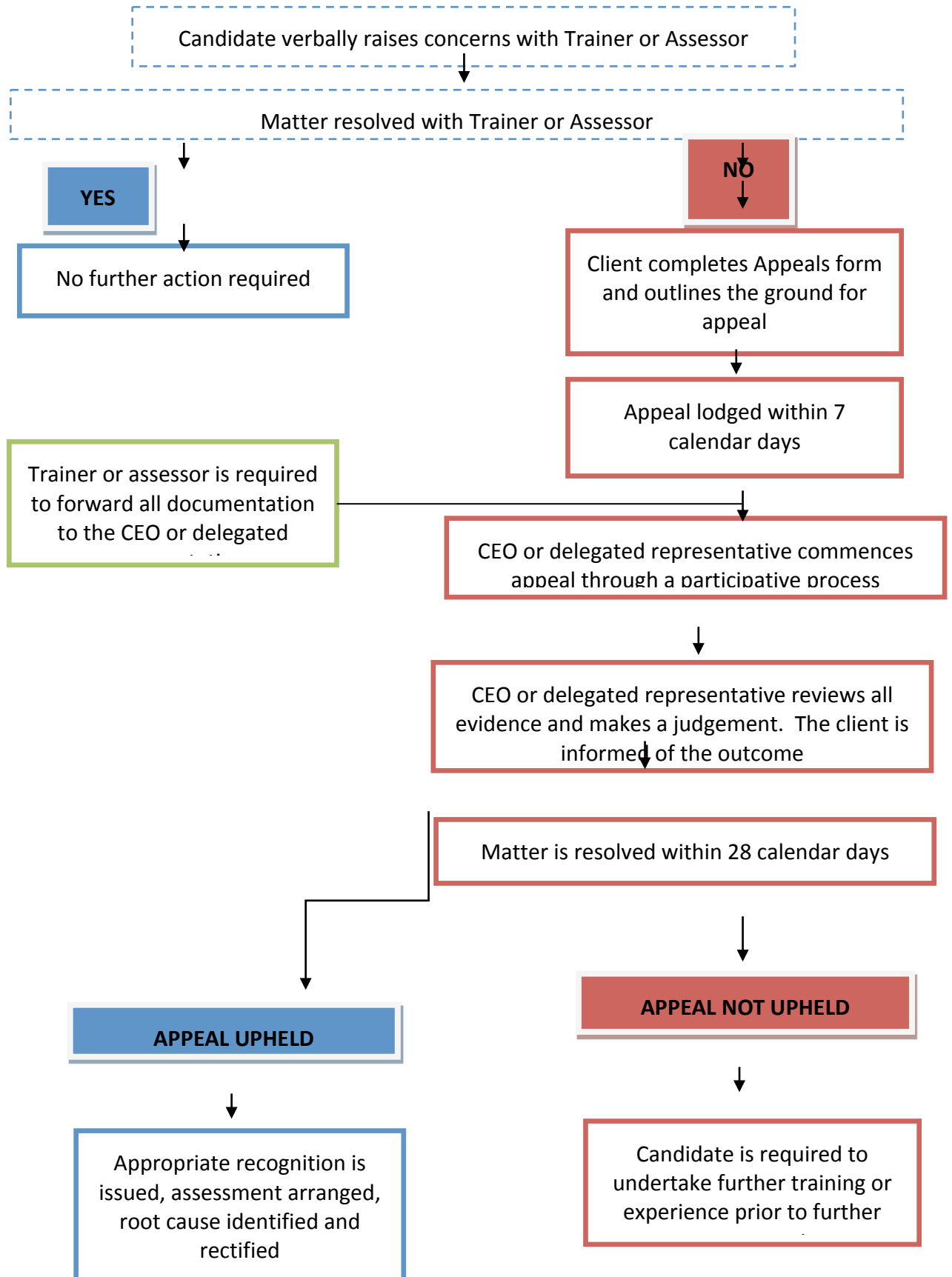
Monitoring and Improvement

All appeals practices are monitored by the CEO and will be discussed at Management Review Meetings with areas for improvement identified and acted upon. (See Continuous Improvement Policy)

Appeals Policy and Procedure



ANNEX A: Appeals Process



Appeals Policy and Procedure



Appeals Procedures – Standard 2.1 ,2.2, 2.4, 6.2, 6.3, 6.4, 6.5 , 6.6

STEP 1 – Initial Review of Appeal

No.	Who	Actions
1.1	Client	If the client is unhappy with the assessment decision they should first seek to discuss the decision and options with the Assessor, to determine and fully understand the reasons for the decision.
1.2	Assessor	With a view to resolving the matter, discuss with the client: give specific feedback on their performance, identify areas of improvement, and provide options to the client such as further training and/or assessment.
1.3	Assessor	If the matter is successfully resolved, complete the “Appeals Lodgement Form” and submit to Admin for processing. If the matter is not resolved, advise client of their right to appeal the decision referring them to the Appeals policy and provide client with access to the Appeals Lodgement Form.
1.4	Admin	Enter details of Appeal into Student Management system (SMS) Enter details of Appeal into Appeals Register. Note actions on “Appeals Lodgement Form”. File “Appeals Lodgement Form” (if appeal resolved) onto Client file.

STEP 2 – Lodgement of Appeal

No.	Who	Actions
2.1	Client	Lodges an appeal in writing using the “Appeals Lodgement form”. Submits within seven (7) days of the date of assessment result notification. The Appeals lodgement form must clearly state the grounds for appeal and should include sufficient evidence to support the claim.
2.2	Admin	Enter details of Appeal into Student Management system (SMS) Enter details of Appeal into Appeals Register. Note actions on “Appeals Lodgement Form”. Print and commence “Appeals Progress Form”. Provide all documentation to CEO for action.
2.3	CEO	On receipt of the appeals application, acknowledges receipt of the claim, in writing, to the appellant within two working days, this may be via email, letter or fax. Keep all documentation in the Appeals file, which will remain in place until the appeal is resolved. After which time all appeal documentation will be placed on the Client file.

STEP 3 – Processing the Appeal

No.	Who	Actions
3.1	CEO	Nominates, within five working days, an independent assessor or panel to review the appeal and make a determination. Advise the appellant in writing of the name of the independent Assessor or panel.

Appeals Policy and Procedure



Appeals Procedures – Standard 2.1 ,2.2, 2.4, 6.2, 6.3, 6.4, 6.5 , 6.6

3.2	CEO / Independent Assessor	Appeals claim is reviewed and investigated which includes: A review of the application form and supporting evidence. A review of all assessment documentation and process. An interview with the appellant to allow them the opportunity to formally state their claim. An interview with the Assessor.
		Determine the appeal outcome, and provide an explanation to justify their decision. The independent assessor /panel will advise the CEO of the appeals outcome, in writing, within 5 working days. Note actions on “Appeals Progress Form”. If the outcome involves re-assessment, go to Step 4.

STEP 4 – Conduct Re-Assessment

No.	Who	Actions
4.1	CEO	Arrange for the appellant to be re-assessed and inform the appellant of the details regarding the re-assessment, in writing, in accordance with assessment processes. Place a copy of the re-assessment correspondence on the Client file. If the appellant is dissatisfied with the result or the process of the appeal, the appellant may lodge a complaint with External Arbitrator. If appellant refuses to be reassessed, the progress of the appeal to the External Arbitrator is at the discretion of the Appellant.
4.2	Independent Assessor	The appellant has the option to nominate an independent observer to be present during the re-assessment. Conduct the re-assessment. Determine the assessment outcome against the competencies. Complete all relevant assessment documentation, (in accordance with the Assessment policy) notifying the appellant and the CEO of the outcome, in writing

STEP 5 – Finalising the Appeal

No.	Who	Actions
5.1	CEO	Supply the appellant with the appeals outcome in writing within 2 working days
5.2	CEO	If the appeal is upheld, and if ABEX Institute of Training is satisfied with the outcome: Finalise the appeals documentation, place all documentation in the client’s appeals file. Complete documentation for the issuance of a Statement of Attainment or qualifications (as appropriate). The appeals file is closed, and provided to Admin. If the appeal is upheld and if ABEX Institute of Training is NOT satisfied with the outcome, progress with Appeal with the External Arbitrator. Note actions on “Appeals Progress Form”.
5.3	CEO	If the Appeal is rejected notify the appellant in writing that the original decision/judgement is to stand. Client continues to progress through the usual Assessment

Appeals Policy and Procedure



Appeals Procedures – Standard 2.1 ,2.2, 2.4, 6.2, 6.3, 6.4, 6.5 , 6.6

		process. Note actions on “Appeals Progress Form”.
5.4	CEO	If client is dissatisfied with outcome, advise the client of their right to further progress the appeal through the External Arbitrator. (See to Step 6) Note actions on “Appeals Progress Form”.
5.5	Admin	Enter details of Appeal outcome into Student Management system (SMS) Enter details of Appeal outcome into Appeals Register. Note actions on and complete the “Appeals Progress Form”. The client is provided a refund of the appeals fee if appeal is upheld. Follow refunds policy and procedures. Place all documentation from Appeals file onto Client file.
5.6	CEO	Ensure that the assessment tools, policy and procedures relating to any substantiated Appeal is reviewed and progressed through continuous improvement processes, as appropriate

STEP 6 – Referral to External Arbitrator

No.	Who	Actions
6.1	CEO or Client	Contact and engage the External Arbitrator for a review of the Appeal, providing all relevant documentation. Cooperate with External Arbitrator for a review of the Appeal.
6.2	External Arbitrator	Review, investigate and mediate the complaint with all relevant parties and make a ruling. ABEX Institute of Training will abide by any resolutions as recommended by the External Arbitrator.
6.3	CEO	If the Appeal is Upheld, go to Step 5.2
6.4	CEO	If the Appeal is rejected notify the appellant in writing that the original decision/judgement is to stand. Client continues to progress through the usual Assessment process. Go to Step 5.3.