

Appeals Policy

1. Purpose

Vocational Training Services is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (RTOs) 2015. As such, Vocational Training Services is required to have a policy and processes in place to manage requests for a review of any decision, including assessment decisions. This includes assessment decisions were made by third party training and assessment providers who provide services on behalf of Vocational Training Services, and any other.

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 Vocational Training Services 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.

2. Policy Statement

Vocational Training Services acknowledges that clients have the right to appeal a decision, including an assessment decision, based on valid grounds for appeal.

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

Vocational Training Services ensures that clients have access to a fair and equitable process for lodging an appeal against an assessment decision.

In doing so, Vocational Training Services:

- 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 clients.
- 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 his or her case;
- ensures that each appellant is given a written statement of the appeal outcomes, including 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 potentially lead to continuous improvement.

3. Definitions

3.1 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.

4. Policy Principles

4.1 Underpinning Principles

- a) 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.
- b) The principles of natural justice and procedural fairness are adopted at every stage of the appeal process.
- c) The appeals policy is publicly available, via Vocational Training Services 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 event being appealed. In the case of appeals against assessment decisions, the appeal must be lodged within 7 calendar days of the assessment result notification being sent to the client.
- f) 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.
- g) Every appeal is heard by a suitably qualified independent assessor or panel, who will be asked to make an independent assessment of the application.
- h) All appeals are acknowledged in writing and finalised as soon as practicable.
- i) Vocational Training Services 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 the appeal will take in excess of 28 calendar days to finalise Vocational Training Services will inform the appellant in writing providing the reasons why more than 28 calendar days are required. The appellant will also be provided with regular updates on the progress of the appeal.
- k) Vocational Training Services 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.
- l) All appeals will be handled 'In-Confidence' and will not affect or bias the progress of the participant in any current or future training

4.2 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:

- 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 Vocational Training Services assessment policy the client 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. Vocational Training Services Responsibilities

The Managing Director of Vocational Training Services 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, Client Handbook and Vocational Training Services website.

6. Appeals

6.1 Appeals Process

All appeals shall follow the below process:

- a) Appeal to be made in writing within 7 calendar days of the event using the Appeals form.
- b) A submitted Appeals form will constitute a formal appeal from the appellant. Further detail may be provided by the appellant verbally.

- c) The Managing Director of Vocational Training Services shall be informed of receipt of any appeal.
- d) The Managing Director of Vocational Training Services may delegate responsibility for the resolution of the appeal, as appropriate.
- e) Appeals will be processed in accordance with the Appeals flowchart – Annex A.
- f) Appeals, where possible, are to be resolved within 28 days of the initial application.
- g) In all cases the final conclusion will be endorsed by the Managing Director of Vocational Training Services.
- h) The appellant will be advised in writing of the outcome of their appeal, within seven (7) days of the resolution.
- i) If the outcome is not to the satisfaction of the appellant, they may seek an appointment with the Managing Director Vocational Training Services.
- j) If the appellant is not satisfied with the decision, they have the option to seek outside assistance to pursue the appeal or request an independent review of the appeal process.

ANNEX A: Appeals Process

