

	Reference Number Owner: Created: Reviewed: Next Review:	20.0 Principal School of Isolated and Distance Education RTO March 2020 June 2021 June 2022
Appeals School of Isolated and Distance Education RTO 52891		Policy 20.0

1. Purpose

The purpose of this policy is to ensure that School of Isolated and Distance Education RTO (**SIDE RTO**) resolves any lodged appeal in a prompt and efficient manner. School of Isolated and Distance Education RTO promotes the highest standard of professionalism in dealing with our learners and partners.

***What this really means:** Everyone has the right of appeal but it has to be done in the correct manner. SIDE RTO will ensure all complaints are recorded, acknowledged and dealt with fairly, efficiently and effectively and the appellant kept informed at all stages of the process.*

2. Scope

This policy applies to all members of SIDE RTO and ensures that staff and executive are responsible for managing the resolution of appeals lodged.

This policy manages and responds to allegations involving the conduct of:

- a. the RTO, its trainers, assessors or other staff;
- b. a third party providing services on the RTO's behalf, its trainers, assessors or other staff; or
- c. a learner of the RTO.

***What this really means:** This document applies to the people who are involved in the appeals process.*

2.1. Explanation

Complaints and Appeals are to be treated as different processes.

All appeals will follow both Regulator and Department of Education processes.

The Principal of SIDE will be informed immediately of an appeal and outcomes of any investigation.

***What this really means:** SIDE RTO follow a set of rules so that all appeals can be dealt with professionally and in a timely manner. The Principal of SIDE is informed of all appeals results.*

3. Definitions

An **appeal** is an application by a student of an unfavourable decision of finding during the training and/or assessment process.

Appeals should be made to request that a decision made by, or on behalf of, SIDE RTO is reviewed. Decisions can involve but are not limited to:

- a. assessment outcomes / results;
- b. acceptance into a course;
- c. refund assessments;
- d. response to an appeal
- e. grounds for reassessment;
- f. course progression;
- g. other general decisions made by SIDE RTO, its staff, or representatives which may be perceived to impact unfairly on the learner.

What this really means: *If you are unhappy with the training or assessment process or at any other time where you feel that your complaint has not been dealt with to your satisfaction, you may lodge an appeal.*

4. References

4.1. Department of Education Policy – Disputes and Complaints

4.2. SIDE RTO Policy 5.1 – Product Review and Improvement

4.3. ***Standards for Registered Training Organisations (RTOs) 2015***

Standard 5 –

Clause 5.1 to 5.4 – Inform and protect learners

Standard 6 –

Clause 6.1 to 6.6 – Manage complaints and appeals fairly

What this really means: *These are Departmental policies and RTO Standards that SIDE RTO must follow.*

5. Review and Improvement

The RTO Manager will review this procedure annually or as appropriate in accordance with the Department of Education.

What this really means: *SIDE RTO reviews this policy every year to make sure it still meets the changing needs of our RTO and the wider community.*

6. Procedure

6.1. General

SIDE RTO will make every effort to promptly resolve and ensure the lodged appeals are confidential and processed according to the principles of procedural fairness. In all matters, the educational wellbeing of students is the first priority.

***What this really means:** SIDE RTO we value our students, so we want to help and make sure all appeals are treated fairly and confidential.*

6.2. Appeals Process

SIDE RTO is genuinely interested in having appeals resolved at RTO level.

SIDE RTO recognises a learner's right to an appeal and have this dealt with seriously and fairly.

Each appellant is to be given the opportunity to present their appeal in person if they wish.

Where the appellant is under the age of 18 years old, the parent/guardian is to be included in all correspondence.

The appeal is to be lodged by the appellant within 14 days of the event.

SIDE RTO will provide the appellant written acknowledgement of receipt of the appeal within 2 working days.

SIDE RTO will inform the partner school of the appeal through the partner school principal.

SIDE RTO will inform SIDE principal of the lodged appeal.

Following the investigation conducted by an independent person, the outcome is reviewed and approved by SIDE RTO management.

The appellant will be notified of the outcome in writing within 10 working days of receipt of the appeal.

Where the RTO considers more than 60 calendar days are required for rectification, the appellant will be provided with regular written updates until the appeal is finalised.

Appeals are monitored, and their management evaluated to reduce the occurrence of systemic and recurring problems.

In all matters, the educational wellbeing of learners is the priority.

***What this really means:** We encourage students to discuss their problems first with SIDE RTO to find a solution. We treat all appeals seriously and fairly, so we may have an independent person to look at it as well to make sure that fairness and equity is applied at all stages. The parent/guardian must be included in all correspondence if the person making the appeal is under 18 yrs old.*

6.3. Reporting Appeals

All appeals will be handled in a transparent, objective and unbiased manner and will be kept strictly confidential. An appeal may be reported by a student where a perceived breach affects them in the conduct of the delivery and assessment of a qualification which SIDE RTO is involved.

An Appeals Form is available for the student to complete or they can email or phone SIDE RTO to report the matter. Similarly, an appeal made by phone in person or email shall be recorded on this form on behalf of the informing party and a copy returned to the appellant to ensure the dictation was interpreted correctly.

SIDE RTO will ensure that:

- a. formal appeals must be in writing and are acknowledged by SIDE RTO in writing;
- b. a phone appeal is considered a formal appeal and a completed appeals form will be returned to the appellant to ensure correct information was recorded from the phone call;
- c. the student has full access to the relevant evidence and parties involved will be personally heard by an independent person who was not involved in the original issue;
- d. the review and investigation is evidence based, defensible and transparent and is documented at all stages and all parties involved are given a written statement of the outcome, including details of the reasons for the outcome.

What this really means: *If you feel there has been a problem during your study and with your assessment, contact SIDE RTO. An Appeals form will need to be completed if you wish to formalise your appeal. If you call the RTO and discuss your concern and wish to formalise the appeal, we will document that for you and send you a copy to make sure we have taken the correct message on your behalf.*

6.4. Recording an appeal

SIDE RTO Operations Officer shall record all appeals on a SIDE RTO Appeals Form and then enter it into the Appeals Register.

SIDE RTO will document all verbal and written correspondence pertaining to any appeals.

What this really means: *If you want to make an appeal you need to fill out a form which we will record on our register.*

6.5. Dealing with an appeal

The process of an Appeal shall follow the same reporting and recording processes as outlined and recorded on an Appeals Form.

An appeal may be made by the learner if they believe a determination has been made involving them or an assessment judgement of a NYS or NYC impacts them unfairly. Any appeal must be made within 14 days of the occurrence.

What this really means: Any appeals have to follow a process which is also in the Appeals Form. If you are appealing against your assessment decision outcome, you have to do that within 14 days.

6.5.1. In the case of an appeal against an assessment judgement

A learner is asked to refer directly to the trainer initially for resolution. They may also elect to proceed with their appeal directly to SIDE RTO and may also do this if resolution with the trainer is not reached. The RTO will undertake an investigation of the appeal.

The RTO will initiate an inquiry, which will involve the trainer, assessment judgement and other support parties and may result in instigating a validation of the judgement. The Validation will follow the normal process of validation, which will involve a non-related training staff and a SME.

If the RTO believes the trainer's result was a correct judgement, your appeal will be dismissed. If required, SIDE RTO will instruct the trainer to amend the results or do so on their behalf if the investigation finds the result not-substantiated.

The findings of the validation will be recorded and made available to the learner. The learner will be further advised of their right to contact the Training Accreditation Council if the decision of the RTO still fails to meet their expectation.

What this really means: Before making an appeal, we recommend talking to your trainer to try and work it out. If this doesn't help, then you can contact SIDE RTO. If you are still unhappy with the result, you can take it further and go to the Training Accreditation Council for help.

6.5.2. In the case of appeal other than assessment judgement

The learner will follow the same process. The RTO will initiate an investigation into the appeal and make a determination based on their findings.

What this really means: If you are appealing something that is not an assessment result, you will still have to follow the same process.

6.6. Resolution

SIDE RTO is committed to resolving any appeal. The result shall be agreed upon and SIDE RTO will enter all details on to the Appeals Register. Subsequent to this the appeal, investigation and resolution shall be tabled at the next RTO Committee meeting and reviewed within next SIDE Executive meeting.

What this really means: To help SIDE RTO improve your training experience, we will discuss the result of appeals during our meetings and Executive meetings. The outcomes maybe used for continuous improvement as process may need to be changed to prevent further scenarios which may incite an appeal.

6.7. No Resolution

If no resolution has been agreed, the appellant will be advised of their rights and if appropriate to

seek clarification from the regulator. The RTO Manager shall advise the Principal immediately of the appellant's position. SIDE RTO will cooperate fully with the regulator and make available all documentation. SIDE RTO will abide by any decision made by the regulator of a breach against the Standards.

Learners can be directed to the following agency if they are not satisfied with the RTO's finding:

<https://www.employment.gov.au/national-training-complaints-hotline>

Where SIDE RTO cannot resolve an appeal, the student will be further advised they can take it further to the Director General of the Department of Education.

***What this really means:** If you are unhappy with SIDE RTO's decision, you can take your appeal to the Regulator or Director General of the Department of Education. SIDE RTO will work with the Regulator and give them all the paperwork so they can make a decision.*

7. How will this be prevented in the future

Upon completion of the investigation by the RTO of any appeal put to them, SIDE RTO will convey to the relevant personal to look at the processes, procedures or practise which brought about the appeal. This process is intended to discover ways to prevent this occurring again.

The findings of the review will be recorded as continuous improvement on the Continuous Improvement Register and actions taken as deemed necessary, which may or may not include an audit of the trainer, school partner or RTO processes.

***What this really means:** SIDE RTO will use the result of any appeal to improve and find solutions so it doesn't happen again.*

Version Control			
Version	Date	By who	Brief description
V1	08/03/2020	Glenn Bird	Initial release
V1.1	17/03/2020	J Gooden	Simplified comments added, minor changes to policy content
V1.2	27/10/2020	Claire Hearn	Update to 6.2 to bring into line with process, per J Gooden instructions