

Policy area	Student Support
Standards	Outcome Standards for RTOs, Standard 2.8.
Responsibility	RTO CEO, RTO Administration Staff, Training/Program Managers

1. Purpose

The purpose of this policy and procedure is to ensure:

- students are informed about avenues for appealing decisions
- students are afforded procedural fairness
- appeals are actioned in a reasonable timeframe
- avenues for review by an independent party
- outcomes are documented and communicated to the student
- outcomes of appeals are used to inform continuous improvement

2. Definitions

- **Appeal.** An appeal is an application by a student for reconsideration of an unfavourable decision or finding during their time with B.L.P. Training and Services. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within 28 calendar days of the decision or finding being informed to the student.

3. Policy statement

3.1 Who and what does this policy apply to?

a. This policy relates to appeals of decisions made by B.L.P. Training and Services. These appeals may be submitted by a student where B.L.P. Training and Services has made a decision that is relevant to the student, or which effects the student in some way. Where B.L.P. Training and Services makes a decision which does not relate to or effect a student, the student is not eligible to appeal the decision.

b. The following are some examples of decisions that a student might appeal:

- An assessment decision of the student's knowledge and skills,
- An administrative decision that effects the student directly,
- A policy decision that changes the nature of the terms of service that the student agreed to at the time of their enrolment,
- A decision in relation to utilising third parties in service delivery,
- A decision in relation to a training product being superseded or deleted and the related transition process, or

- vi. A decision to change the nature of the service being delivered that the student agreed to at the time of their enrolment.

c. The above list of examples is not exhaustive, and this policy may apply to literally any decision that B.L.P. Training and Services makes that is relevant to the student, or which effects the student in some way.

3.2 Ensuring procedural fairness

B.L.P. Training and Services implement the following mechanisms to ensure procedural fairness when handling appeals:

- i. the appeal is handled by an unbiased person not involved in making the original decision
- ii. the student is given an opportunity to be heard and to provide relevant information
- iii. the privacy of all parties involved is protected, and the information included in an appeal is kept confidential. Only individuals directly involved in the appeals process will have access to the appeal information.
- iv. information is handled sensitively to ensure that students feel safe and supported when lodging an appeal.

3.2 Early Resolution of Appeals

Students are encouraged to resolve any concerns or disputes directly with the B.L.P. Training and Services staff member involved at the time the issue arises. Wherever possible, matters that cause frustration or disagreement during training and assessment should be addressed immediately between the individuals involved. Clear and timely communication can often prevent the need for a formal appeal.

3.3 Submitting an Appeal

If the student is unable to resolve the issue directly with the B.L.P. Training and Services staff member, they should raise the appeal with the Training Manager, Office Manager or CEO. This may be verbally in the first instance and must then be in writing by completing a *Request for an Appeal of a Decision Form*. The request for an appeal may be submitted to the Training Manager, Office Manager or CEO. Alternatively, the student may submit it via email or hard copy via the post. The contact details for submitting the appeal are provided to the student in the *Student Handbook*.

3.4 Communicating the Appeals Handling Policy and Procedure

The appeals handling policy and procedure will be:

- i. Publicly available on the B.L.P. Training and Services Website
- ii. Integrated into the B.L.P. Training and Services Student Handbook
- iii. Integrated in the B.L.P. Training and Services Policy and Procedures

3.5 Principles of Natural Justice and Procedural Fairness

- a. A student is to be provided an opportunity to formally present his or her case at no cost.
- b. Each student may be accompanied and/or assisted by a support person at any relevant meeting.
- c. The principles of Natural Justice and Procedural Fairness must be incorporated into every stage of the appeals handling process to ensure that decision-making is fair and reasonable. Natural justice must be observed when it affects the rights, interests or legitimate expectations of individuals.
- d. The following principles are to be applied:
 - i. **CEO bias.** Where the RTO CEO of B.L.P. Training and Services feels that they may have bias or there is a perception of bias process or where the person making the appellant is not satisfied with how the matter has been handled, the appellant is to be referred directly to an independent third-party for consideration and response. This means that the appellant is entitled to have their appeal heard by a person that is without bias and may not be affected by the decision. The decision must be made 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.
 - ii. **Third Party Review.** Where the student is not satisfied with the handling of the matter by B.L.P. Training and Services, they have the opportunity for a body or person that is independent of B.L.P. Training and Services to review his or her appeal following the internal completion of the appeal handling process. Before a person seeks a review by an independent third party, they are requested to first allow B.L.P. Training and Services to fully consider the nature of the appeal and to respond to the person in writing. If after this has occurred, the person is not satisfied with the outcome, they have the right then seek a review by an independent third party. To request a review by an independent third party, the student should inform the RTO Administration Staff of their request who will initiate the process with the RTO CEO.
 - iii. In these circumstances, the RTO CEO will advise of an appropriate party independent of B.L.P. Training and Services to review the appeal outcome (and its subsequent handling) and provide advice in regard to the recommended outcomes. The independent third-party is required to respond with their recommendations within **fourteen (14) calendar days** of their

review being requested. This advice is to be accepted by B.L.P. Training and Services as final, advised to the person making an appeal in writing and implemented without prejudice.

- iv. Where B.L.P. Training and Services appoints or engages an appropriate independent person to review an appeal the B.L.P. Training and Services will meet the full cost to facilitate the independent review.

3.6 Confidentiality

a. Appeals are to be handled in the strictest of confidence. No B.L.P. Training and Services representative is to disclose information to any person without the permission of B.L.P. Training and Services CEO.

b. A decision to release information to third parties can only be made after the student has given permission for this to occur. This permission should be given as a written consent.

3.7 Appeals Handling Timeframe

a. Students have the right to appeal decisions within **twenty-eight (28) calendar days** of receiving notification of the decision. Appeals submitted after this period may not be considered.

b. Written acknowledgement by B.L.P. Training and Services no later than **two (2) working days** from the time the appeal is received. This acknowledgement is intended to provide the appellant assurance that BLP Training and Services has received the appeal and will review the relevant issues and provide a response as soon as practical. The acknowledgement must inform the person that they will receive a written response.

c. 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.

d. A written response must be provided to the appellant within **fourteen (14) working days** of the lodgement of the appeal, including details of the reasons for the outcome.

e. Where an appellant is not satisfied with the handling of the appeal by B.L.P. Training and Services, a body or person from an independent third party can be requested to review the appeal. The third-party is required to respond with their recommendations within **fourteen (14) working days** of their review being request.

f. Appeals must be lodged within **twenty-eight (28) working days** of the decision or finding being informed to the person. An appeal must be submitted using the B.L.P. Training and Services – Request for an Appeal of a Decision form.

g. As a benchmark, B.L.P. Training and Services will 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 BLP Training and Services and the appellant.

h. An appellant should also be provided with regular updates to inform them of the process of the appeal handling. Updates should be provided to the appellant at a minimum of **two (2) weekly intervals**.

i. Appeals must be resolved to a final outcome within **sixty (60) calendar days** of the appeal being initially received. Where the RTO CEO considers that more than 60 calendar days are required to process and finalise the appeal, the RTO CEO must inform the appellant in writing, including reasons why **more than 60 calendar days** are required.

3.8 Unresolved Appeals

a. Once the appeals handling process has concluded; where the person seeking an appeal of a decision remains not satisfied with the outcome of the appeals handling procedure, the person is to be advised that they have the right to refer the matter to any external authority/agency that may be relevant to their appeal. The following external agencies are nominated in the first instance as relevant points of referral the person may consider:

- i. In relation to consumer related issues, the person may refer their complaint to the **Office of Fair Trading**.
- ii. In relation to the delivery of training and assessment services, the person may refer their complaint to the **National Training Complaints Service** via the following phone number: 13 38 73 or visit the website at <https://www.dewr.gov.au/national-training-complaints-hotline> or alternatively to the Australian Skills Quality Authority at the following website <https://asqaportal.asqa.gov.au/Make-a-Report//?from=tip-off>
- iii. In relation to matters relating to privacy, the person may refer their complaint to the **Office of the Australian Information Commissioner** via the following details: <https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint> or call on 1300 363 992

b. This guidance is also communicated to students within the Student Handbook and within the B.L.P. Training and Services policies and procedures. It is expected that the above agencies will investigate the persons concerns and contact the B.L.P. Training and Services for information. External agencies will typically request a copy of any record of how the appeal was handled from the person. B.L.P. Training and Services is to ensure that the person is provided with a written response that they may use for this purpose.

c. B.L.P. Training and Services is to cooperate fully with agencies such the Office of Fair Trading or ASQA that may investigate the handling of an appeal. B.L.P. Training and Services considers that it

would be extremely unlikely that an appeal is not able to be resolved quickly within B.L.P. Training and Services internal arrangements.

3.9 Record Management of Appeals Records

a. In addition to electronic and hard copy records submitted by the student or generated by B.L.P. Training and Services, there will also be a record of the appeal maintained within the B.L.P. Training and Services student management system.

b. All records, regardless of their format, will be filed electronically into a secure folder within B.L.P. Training and Services' file storage. Each file is to be clearly labelled, and these folders must only be accessible to persons authorised by the RTO CEO. Records stored on the student management system are to be accessible only to administrators and managers. Refer to *PP1.14 Student Record Retention and Management*.

3.10 Period of retention of Appeals Records

B.L.P. Training and Services is to retain records relating to appeals handling for a minimum of **five (5) years**. Refer to *PP1.14 Student Record Retention and Management*.

3.11 Destruction of Appeals Records

a. Records are only to be authorised for destruction after the retention period has lapsed. Refer to *PP1.14 Student Record Retention and Management*.

4. Considerations

4.1 Relationship to Continuous Improvement

Frequently, the appeals handling process will expose weakness 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. Opportunities for improvement will be considered at the completion of the appeals handling procedure.

5. Procedure

5.1 Making an Appeal

Steps	Person/s responsible
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1.	Inform students of appeal process Provide students with <i>Student Handbook</i> (Refer to PP2.2 - Enrolment) and policies during pre-enrolment interview.	Trainer/Assessors, Training/Program Manager
2.	Submission of appeal - Students or other parties may request to appeal a decision. - They are to be provided the <i>Request for an Appeal of a Decision Form</i>. The completed form is to be submitted to the RTO Administration Staff either in hard copy or electronically via the following contact details: PO Box 1740, CAIRNS QLD 4870 training@blpts.com.au - If a person seeking an appeal has any difficulty accessing the required form or submitting the appeal to B.L.P. Training and Services, they are advised to contact B.L.P. Training and Services immediately at the following phone number: 1300 257 477 - An appeal must be received by B.L.P. Training and Services in writing using the specified form within 28 calendar days of the decision or finding being informed to the person.	Student, Trainer/Assessor, Training/Program Manager, RTO Administration Staff
3.	Written acknowledgement - B.L.P. Training and Services will provide written acknowledgement no later than 2 working days from the time the <i>Request for an Appeal of a Decision Form</i> is received. - The acknowledgement must inform the student that they will receive a written response within 14 working days to explain the appeals handling process and the person's rights and obligations.	RTO Administration Staff
4.	Recording the appeal The appeal must be entered into the <i>Complaints and Appeals Register</i>.	RTO Administration Staff

5.	Review of the appeal – The appeal is referred to the RTO Management Staff to review the appeal and determine if the appeal requires further investigation or consultation or if the student is offered re-assessment with the option of additional training. – The handling of an appeal is to commence within seven (7) working days of the lodgement of the appeal. – B.L.P. Training and Services shall maintain the enrolment of the student during the appeals handling process.	RTO Management Staff, Training/Program Manager
6.	Keep the appeal up to date As the appeal handling is progressing, the appellant is to be provided regular updates not less than every two weeks advising them of the status of the appeal and how it is progressing (e.g. using the <i>Complaints or Appeals Update-Letter-Template</i>).	RTO Administration and Management Staff
7.	Communicate decision to student/student – Examine the outcomes of the review and determines the appeal response within 30 calendar days. – Use the <i>Appeals Response-Letter-Template</i> to advise the student of the findings and outcomes. – A written response must be provided to the student within thirty (30) calendar days of the lodgement of the appeal, including details of the reasons for the outcome.	RTO Management Staff
8.	Written acknowledgement B.L.P. Training and Services must request written acknowledgement from the student once the appeal has been determined.	RTO Management Staff

8.	Implement decision - Decisions or outcomes of the appeals handling process that find in favour of the student shall be implemented immediately. If applicable, the student may agree to additional training whereby B.L.P. Training and Services must provide this to the student and re-assessment must be completed. - If the student is deemed not competent after re-assessment, they must meet with the Training/Program Manager (and RTO Management Staff if appropriate) to discuss the assessment process and outcome. - The student is entitled to be heard with access to all relevant information and with the right of reply ensuring natural justice and procedural fairness is applied at every stage of the appeals process. If the student is dissatisfied with the appeal decision, they are to be referred to the <i>Complaints Handling Process</i>.	Student, Trainer/Assessor, Training/Program Manager, RTO Management Staff
9.	Review by an independent third party, where required Where a student is not satisfied with the handling of the appeal by B.L.P. Training and Services, a body or person from an independent third party can be requested to review the appeal. The third-party is required to respond to with their recommendations within fourteen (14) calendar days of their review being request.	RTO Management Staff
10.	Consider any Opportunities for Improvement Consider the opportunities for improvement that may have emerged during the process and raise these through the Continuous Improvement process (refer to <i>PP4.7-Continuous Improvement</i>).	RTO Management Staff
11.	Document Response - The appeal record must be updated and recorded in the <i>Complaints and Appeals Register</i>. - All associated documents relevant to the appeal should be retained (Refer to <i>PP1.14 Student Record Retention and Management</i>).	RTO Administration Staff

6. Other documents to consider with this policy

Policies

- PP2.9-Complaints Handling
- PP4.3-Management Meeting
- PP4.7-Continuous Improvement

Forms

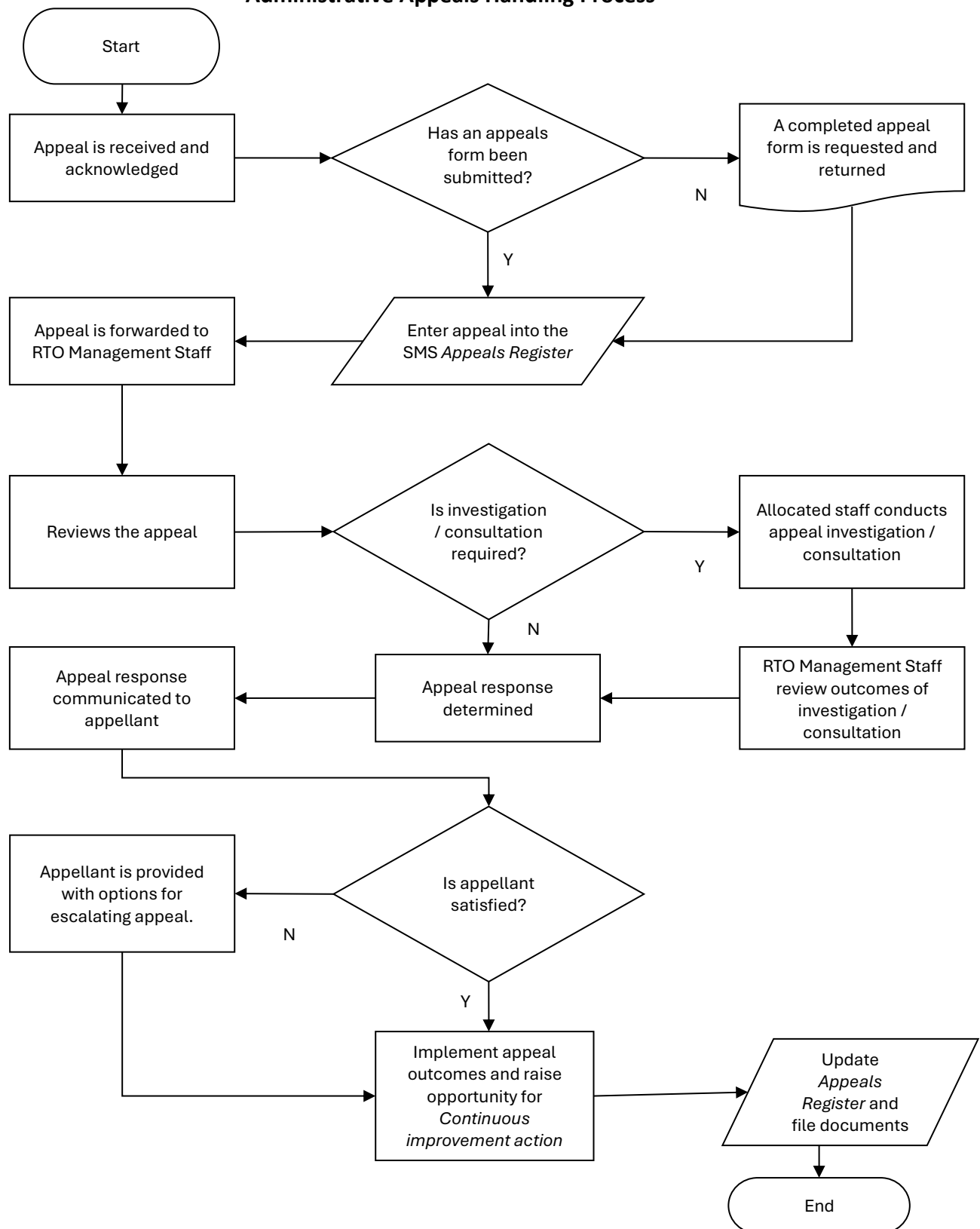
- Appeals Written Acknowledgement-Email Template
- Continuous Improvement Report
- Complaints or Appeals Response-Letter Template
- Complaints or Appeals Update-Letter Template
- Request to Appeal a Decision
- Student Handbook
- Third Party Written Acknowledgement-Email Template

Handbooks, manuals or other documents

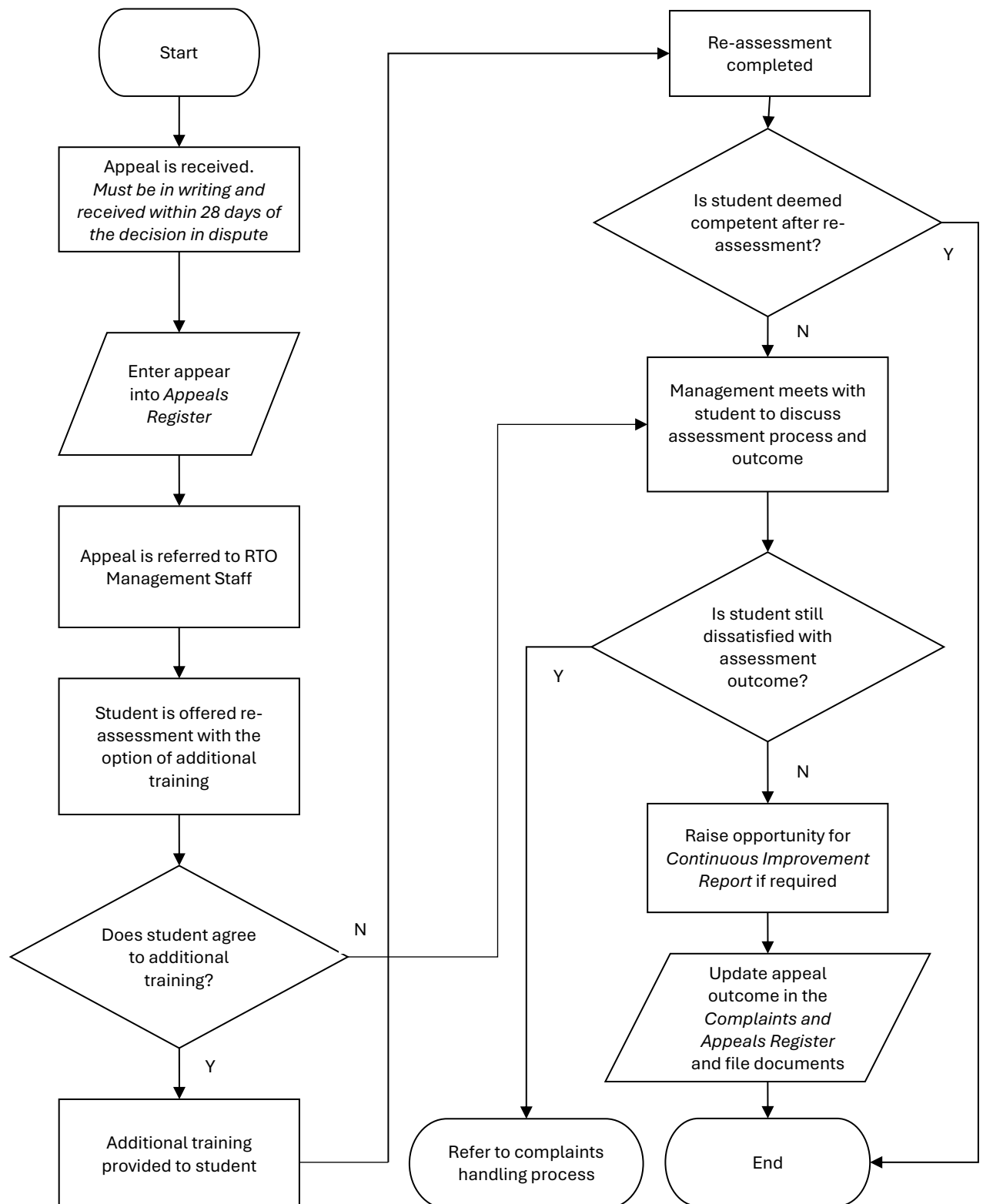
- Student Handbook

7. Flow chart

Administrative Appeals Handling Process



Assessment Appeals Handling Process



8. Reference(s)

Outcome Standards for RTOs, Standard 2.7. Effective appeal processes are available where decisions of the RTO or a third party adversely impact a VET student.

a. The RTO demonstrates:

- i. VET students are informed about avenues for appeal
- ii. an appeals management system that:
 - ensures students are afforded procedural fairness
 - identifies reasonable timeframes for actioning appeals
 - provides avenues for review by an independent party, if requested by the student (at no or low cost to them)
- iii. appeal outcomes are documented and communicated to the student
- iv. the outcomes of appeals are used to inform continuous improvement.