
Appeals Handling Policy

Relevant standard: Standards for Registered Training Organisations (RTOs) 2015, Clause 6.2, 6.3, 6.4, 6.5 and 6.6.

AIWER is committed to providing a fair and transparent appeals handling process.

What is an Appeal?

An appeal is an application by a learner for reconsideration of an unfavourable decision or finding during their time with AIWER. 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 being informed to the learner.

It is important to note that a learner may appeal any decision made by AIWER or a third-party providing services on AIWER's behalf. Contrary to the popular belief that appeal relates only to assessment decisions, appeals can relate to administrative decisions that AIWER 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 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.

Who does this policy apply to?

This policy applies to and may involve issues concerning the conduct of:

- AIWER as an organisation, it's trainers, assessors or other staff;
- Third party services provided on behalf of AIWER, its trainers, assessors or other staff; or
- A learner of AIWER

Throughout this policy we refer to the person making an appeal as simply the appellant.

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 is often the case that the learner's decision to make an appeal can be avoided by proper communication and consultation with learners at the time a decision is made.

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.

Making an Appeal

An appeal may be received by AIWER in writing using the specified form within twenty-eight (28) working days of the decision or finding being informed to the person.

To appeal a decision, the person is required to complete the AIWER – Request for an Appeal of a Decision form. This form is available via our website. The completed Request for an Appeal form is to be submitted to the RTO Manager either in hard copy or electronically via the following contact details:

Office Address:

AIWER, Regency International Centre, 137-161 Days, Road, REGENCY PARK SA 5010, Australia

Email: info@aiwer.edu.au

If a person seeking an appeal has any difficulty assessing the required form or submitting the appeal to AIWER, they are advised to contact AIWER immediately at the following phone number:

Phone: [+61 8 7200 6650](tel:+61872006650)

A written record of all appeals is to be kept by AIWER including all details of lodgement, response and resolution. The appeals register within the student management system 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.

The appeal is referred to the CEO; whereby the CEO reviews the appeal and determines if re-assessment, investigation or consultation is required; or if the matter can be solved internally.

Appeals are to be handled in the strictest of confidence. No AIWER representative is to disclose information to any person without the permission of AIWER CEO. A decision to release information to third parties can only be made after the appellant has given permission for this to occur. This permission should be given using the Information Release Form.

Communicating the Appeals Handling Policy and Procedure

The appeals handling policy and procedure must be:

- Publicly available on the AIWER Website
- Integrated into the AIWER Learner Handbook
- Included in the AIWER Policy and Procedure Handbook

Appeals Handling Timeframe

- Written acknowledgement by AIWER **no later than 24 hours** from the time the appeal is received. This acknowledgement is intended to provide the appellant assurance that AIWER 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.
- 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.
- 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.
- Where an appellant is not satisfied with the handling of the appeal by AIWER, 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) working days** of their review being request.
- 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 AIWER – Request for an Appeal of a Decision form.
- As a benchmark, AIWER 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 AIWER and the appellant.
- 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**.
- Appeals must be resolved to a final outcome within **sixty (60) calendar days** of the appeal being initially received. Where AIWER 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.

Principles of Natural Justice and Procedural Fairness

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 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. The following principles are to be applied:

- **CEO bias.** Where the Chief Executive Officer of AIWER feels that they may have bias or there is a perception of bias process or where the person making the appeal 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.
- **Third Party Review.** Where the appellant is not satisfied with the handling of the matter by AIWER, they have the opportunity for a body or person that is independent of AIWER 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 AIWER 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 appellant should inform the RTO Manager of their request who will initiate the process with the Chief Executive Officer.

In these circumstances, the AIWER Chief Executive Officer will advise of an appropriate party independent of AIWER to review the appeal outcome (and its subsequent handling) and provide advice to AIWER 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 AIWER as final, advised to the person making a appeal in writing and implemented without prejudice.

Where the AIWER appoints or engages an appropriate independent person to review an appeal the AIWER will meet the full cost to facilitate the independent review.

Unresolved Appeals

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:

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- In relation to consumer related issues, the person may refer their matter to the **Office of Fair Trading**.
 - In relation to the delivery of training and assessment services, the person may refer their matter 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>
 - In relation to matters relating to privacy, the person may refer their matter 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

This guidance is also communicated to learners within the Learner Handbook and also within the publicly available policies and procedures on AIWER website. It is expected that the above agencies will investigate the persons concerns and contact the AIWER for information. External agencies will typically request a copy of any record of how the appeal was handled from the person. AIWER is to ensure that the person is provided with a written response that they may use for this purpose.

AIWER is to cooperate fully with agencies such as the National Training Complaints Service, the Office of Fair Trading or ASQA that may investigate the handling of an appeal. AIWER considers that it would be extremely unlikely that an appeal is not able to be resolved quickly within AIWER internal arrangements.

Unresolved International Student Appeals

Where an international student appeal is unable to be resolved, the international student may refer the matter to the Commonwealth Ombudsman. The Ombudsman's services are free, independent and impartial.

The Commonwealth Ombudsman can consider matters relating to:

- refusing admission to a course
- fees and refunds
- course or provider transfers
- course progress or attendance
- cancellation of enrolment
- accommodation or work arranged by your provider
- incorrect advice given by an education agent.

The Commonwealth Ombudsman can investigate complaints about education agents who have an agreement with a provider to represent them in Australia or overseas. The following website provides more information about accessing the services of the Commonwealth Ombudsman.

<https://www.ombudsman.gov.au/complaints/international-student-complaints>

The AIWER is to cooperate fully with agencies such as the National Training Complaints Service, the Office of Fair Trading, Overseas Students Ombudsman or ASQA that may investigate the handling of a complaint. AIWER considers that it would be extremely unlikely that a complaint is not able to be resolved quickly within AIWER internal arrangements.

Record Management of Appeals Records

Records relating to appeals will present in two formats. There will be electronic records in the form of email correspondence and other documents which are communicated electronically and hard copy records which are submitted by the appellant or generated by AIWER. There is also a record of the appeal maintained within the AIWER student management system. This includes the details about the appeal and a diary log which records the progress of the appeal handling and closure. This record also records identified opportunities for improvement that result from appeals handling.

All records regardless of their format will be saved in a digital format into a secure folder located on the AIWER file storage. Each file is to be clearly labelled with the document title or subject and the date of which the document was received or generated. This folder must only be accessible to persons authorised by the Chief Executive Officer. Records stored on the student management system are to be accessible only to administrators and managers.

To ensure records are maintained in a safe and suitable condition, the following is to apply:

- Records must be kept securely to prevent them being accessed by any non-authorised personnel.
- Records must be kept confidential to safeguard information and to protect the privacy of complainants.
- Records must be kept to avoid damage by fire, flood, termites or any other pests.
- Electronic data storage must be safe from destruction by fire or flood and should take account of the risk of component failure of a single storage device. Electronic data is also to be backed-up off site.

Period of retention of Appeals Records

AIWER is to retain records relating to appeals handling for a minimum of five (5) years.

Destruction of Appeals Records

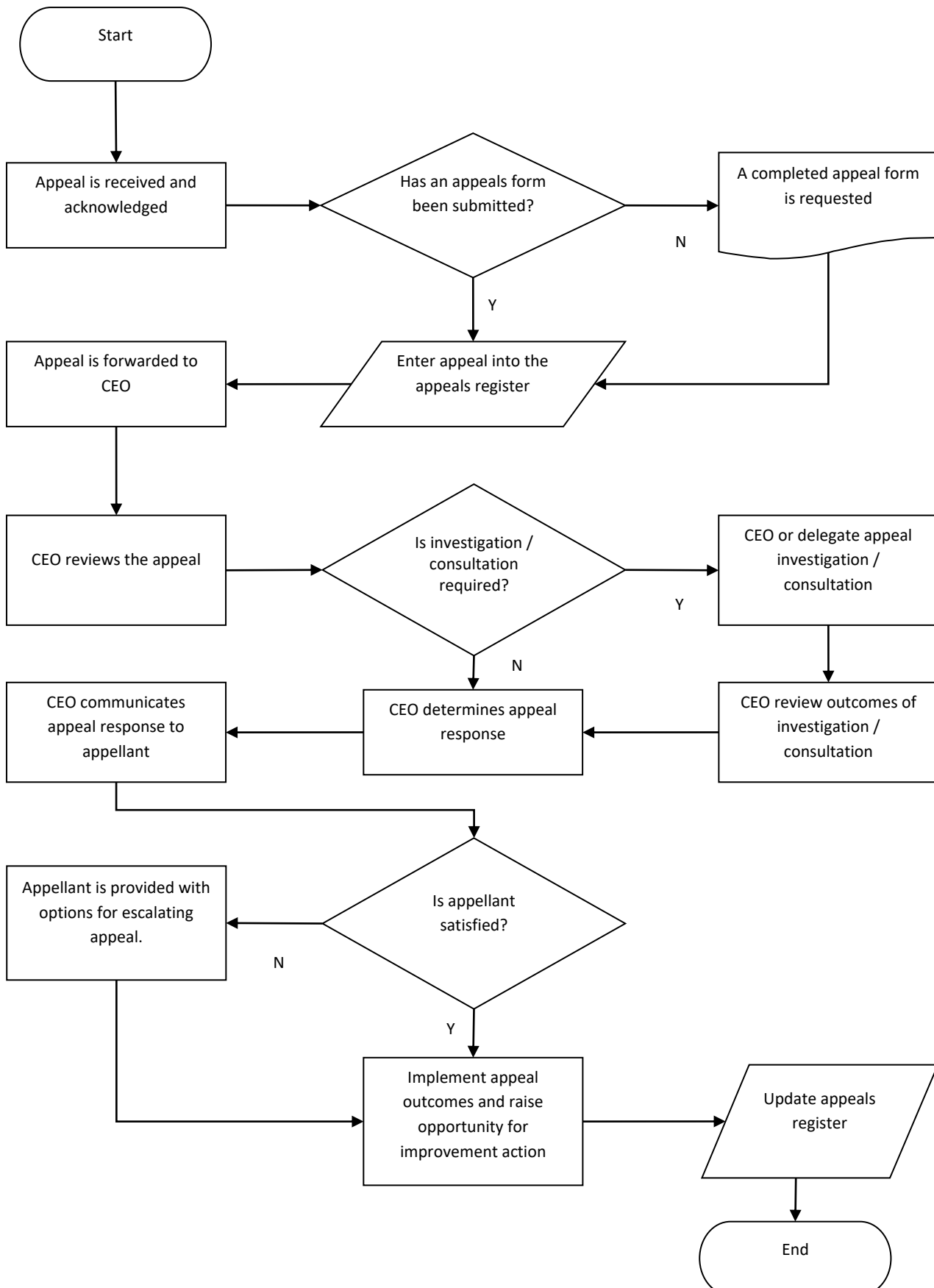
AIWER CEO is the only person who can authorise (in writing) the destruction of appeals handling records. Records are only to be authorised for destruction after the retention period has lapsed. Documents identified for destruction are to be shredded before being recycled.

Appeals Handling Procedure

AIWER will apply the following procedure to its appeals handling: An appeal must be received in writing using the Request an Appeal of a Decision form. Appeals must be lodged within twenty-eight (28) working days of the decision or finding being informed by the person.

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- a) The complainant must be provided a written acknowledgement as soon as possible and no later than 24 hours from the time the appeal is received using the appeals written acknowledgment email template. The acknowledgement must inform the appellant that they will receive a written response within 14 days to explain the appeals handling process and the person's rights and obligations.
 - b) The appeal must be entered into the complaints and appeals register. The complaints and appeals register identifies the appellant, relation with AIWER, nature of appeal, findings/outcomes, any links with the Continuous Improvement report and the dates received & closed. Prior to entering the appeals form into the register, check if the person has not already submitted an appeal, if it is accurately recorded or if it has been recorded as a subsequent contact.
 - c) The appeal is forwarded to the Chief Executive Office for review. The CEO will determine if the appeal requires further investigation or consultation (administrative appeal) or if the appellant is offered re-assessment with the option of additional training (assessment appeal).
 - d) The CEO reviews the outcomes of the investigation/consultation and determines the appeal response within an acceptable timeframe. The CEO is to use the appeals response letter template to advise the appellant of the findings and outcomes.
 - e) AIWER shall maintain the enrolment of the appellant during the appeals handling process.
 - f) Decisions or outcomes of the appeals handling process that find in favour of the learner shall be implemented immediately. If this is an assessment appeal, the candidate may agree to additional training whereby AIWER must provide this to the candidate and re-assessment must be completed. If the candidate is deemed not competent after re-assessment, they must meet with the AIWER Chief Executive Officer to discuss the assessment process and outcome.
 - g) The appellant 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 appellant is dissatisfied with the appeal decision, they are to be referred to the complaints handling process.
 - h) AIWER must request written acknowledgement from the appellant once the appeal has been determined.
 - i) Appeals handling procedures should conclude with an analysis of the circumstances to identify any opportunities for improvement.
 - j) The appellant must be accurately updated and recorded in the Complaints and Appeals Register.

Administrative Appeals Handling Process



Assessment Appeals Handling Process

