

Appeals Procedure

1. Aim

The aim of the Appeals Procedure is to satisfy the requirements of the aim, purpose, scope and guiding principles which forms the Appeals Policy.

2. Purpose

The purpose of the Appeals procedure is to detail how the procedure demonstrates that the requirements of the aim, purpose, scope and guiding principles of the Appeals Policy have been met.

3. Scope

The scope of the Appeals procedure is relevant to all prospective and current learners, relevant stakeholders of AVANTE and also the following nominated staff who hold a responsibility for ensuring the aim, purpose scope and guiding principles of the Appeals policy are met:

- **Compliance Officer**
- **Director**
- **Trainers & assessors**
- **Independent assessor /Assessor panel**
- **All AVANTE Staff**
- **In-House Training Manager**

4. Related Documents

The following related documents are to be used in conjunction with the Appeals Procedure:

- **AVANTE website: avante.edu.au**
- **Appeals Policy**
- **Appeals Lodgement Form**
- **Appeals Folder**
- **Appeals Progress Form**
- **Assessment policy**
- **Assessment Procedure**
- **Assessment Tool template**
- **Assessor Guide template**
- **Continuous Improvement Register**
- **Continuous improvement Policy**
- **Current calendar year VET Standard Funding Contract**
- **Continuous improvement Procedure**
- **Document Control Register**
- **External Mediator Details: iHR Australia 1300 884 687 or as advised by Director**
- **Fees,Charges and Refund Policy**
- **Individual Weekly Report**
- **In-House Training Policy**
- **In-House Training Procedure**
- **Job Description templates**
- **Learner Training and Assessment plan template**
- **Learner Discipline Policy**
- **Legislation Compliance Policy**
- **Legislation Compliance Procedure**
- **Monthly Website Review Checklist**
- **Privacy Act 1988**
- **Principles of Natural Justice**
- **Pre-Enrolment and Enrolment Policy**
- **Pre-Enrolment and Enrolment Procedure**
- **Record Management Policy**
- **Resource Development Procedure**

- Staff Code of Conduct
- Staff Induction Manual
- Standards for RTOs2015 User Guide
- Training and Assessment Strategy template
- Training and Assessment System User Guide
- Unit Delivery Guide template
- Version and Document Control Policy
- Version and Document Control Procedure

5. Procedure

STEP 1- Appeals Process is made Publicly Available			
No.	Who	Actions	Related Documents
1.1	Compliance Officer	a) Compliance Officer will ensure the Appeals Policy , Appeals Procedure for lodging an Appeal and Appeals Lodgement Form is publicly available on the AVANTE website and on campus. b) Compliance Officer must use the Monthly Website Review Checklist to verify that the appeals process and supporting documents are published on the AVANTE website and that the versions published are the current documents as per the Quality Management System and Document Control Register .	AVANTE website: www.avante.edu.au Monthly Website Review Checklist Document Control Register
1.2	Compliance Officer	a) Compliance Officer will ensure the Appeals Process is made publicly available in all assessment templates including: Training and Assessment Strategy, Assessment Tool, Assessor Guide, Learner Training and Assessment plan, Unit Delivery Guide and any other document used within the AVANTE assessment system where it is appropriate to reference the Appeals Process. b) Compliance Officer must ensure the Appeals process is made publicly available in the pre-enrolment and enrolment process and relevant documents used to support the process to ensure learners and staff acknowledge the right to appeal a decision. c) Compliance Officer must ensure the Appeals process is made publicly available in the learner discipline process and relevant documents used to support the process to ensure learners are aware of their right to appeal d) Compliance Officer must ensure the Appeals process is made publicly available in the charges and refunds process and relevant documents used to support the process to ensure learners are aware of their right to appeal. e) Compliance Officer must ensure any letter template advising an outcome of a decision made	Training and Assessment Strategy template Assessment Tool template Assessor Guide template, Learner Training and Assessment plan template Unit Delivery Guide template Version and Document Control Procedure Resource Development Procedure Pre-Enrolment and Enrolment Policy and Procedure Learner Discipline Policy Fees, Charges and Refund Policy

		<p>based on a service provided by AVANTE includes the learner’s right to appeal.</p> <p>f) Compliance Officer must complete this check when undertaking the compliance check for all documents developed for training and assessment services as per the Version and Document Control Procedure and Resource Development Procedure.</p>	
1.3	In-House Training Manager Compliance Officer	<p>a) Compliance Officer must ensure the Appeals Process is made publicly available in the Staff Code of Conduct and Staff Induction Manuals, Job Description templates to ensure all new staff are informed of their responsibilities under the Appeals Policy and Procedure.</p> <p>b) The Compliance Officer will ensure the Staff Code of Conduct and Staff Induction Manuals, Job Description templates incorporate and addresses the appeals process through the annual compliance check of all policies, procedures and documents within AVANTE business framework as per the Version and Document Control Policy and Procedure.</p> <p>c) The Appeals process must be embedded into the In-House Training Schedule by the In-House Training Manager to ensure current staff are regularly provided with refresher training on the appeals process.</p> <p>d) Where there is a change to the Appeals Policy and Procedure the Compliance Officer must advise the In-House Training Manager and form an action plan to conduct in-house training sessions to address the change and ensure staff are educated and informed of this as per the In-House Training policy and In-House Training Procedure.</p>	<p>Staff Code of Conduct Staff Induction Manual Job Description templates In-House Training Policy In-House Training Procedure Version and Document Control Policy Version and Document Control Procedure Appeals Policy Training and Assessment System User Guide</p>

STEP 2- Meeting Legislation, Regulatory and Contractual Agreement Requirements

No.	Who	Actions	Related Documents
2.1	Compliance Officer	<p>a) The Compliance Officer must review all legislations, regulations and all contractual agreements on an annual basis to determine where a change is required in the Appeals Policy and procedure. Refer to:</p> <ul style="list-style-type: none"> • Standard for RTOs 2015 • Current calendar year VET Standard Funding Contract • Privacy Act 1988 <p>b) The Compliance Officer must review the above as per the requirements and steps outlined in the Legislation Compliance Policy and Legislation Compliance Procedure.</p> <p>c) Further to the annual review of the Appeals Policy, the Compliance Officer must review the Principles of Natural Justice and ensure the</p>	<p>Standard for RTOs 2015 Current calendar year VET Standard Funding Contract Privacy Act 1988 Legislation Compliance Policy Legislation Compliance Procedure Appeals Policy Principles of Natural Justice</p>

		Appeals Policy and Procedure have adopted the Principles of Natural Justice.	
2.2	Compliance Officer In-House Training Manager	<p>a) In the event, there is a change to one of the above-named legislation, regulations and/or agreements in step 2.1, which impacts the Appeals Policy and Procedure the Compliance Officer must develop an action plan to implement the change in accordance with the Legislation Compliance Policy and Legislation Compliance Procedure.</p> <p>b) Where there is a change to the Appeals Policy and Procedure the In-House Training Manager must follow step 1.3 (D).</p>	Legislation Compliance Policy Legislation Compliance Procedure Appeals Policy

STEP 3 – Informal Appeal/ Initial Review

No.	Who	Actions	Related Documents
3.1	Individual/ Staff member	<p>a) If the individual is unhappy with a decision that has been made they should first seek to discuss the decision and options with the staff member who advised them of that outcome, to determine and fully understand the reasons for the decision.</p> <p>b) If the Individual has advised the matter to another staff member, the staff member should aim to resolve the matter by contacting the initial decision maker., if in doubt contact the Director.</p>	
3.2	Staff Member	<p>a) The staff member should try and resolve the matter and discuss the decision with the Individual:</p> <ul style="list-style-type: none"> • Reference the learner obligations and terms and conditions in the Enrolment Acceptance Agreement • Applicable policy, procedure and supporting document • Regulation, legislation or VET Funding Contract requirement <p>b) If the matter is not resolved, advise individual of their right to appeal the decision referring them to the Appeals Policy, Appeals Procedure and provide individual with access to the Appeals Lodgement Form.</p> <p>N.B: The staff member should only try to resolve the matter in accordance with the parameters as advised above and if they are unable to resolve the matter they must direct the individual to the Appeals Procedure.</p>	Appeals policy Appeals Procedure Appeals Lodgement Form
3.3	Staff Compliance Officer Director	<p>a) If the matter is successfully resolved, complete the Individual Weekly Report with the informal appeal details and submit to the Compliance Officer for processing.</p> <p>b) Compliance Officer to collate all informal appeal details for the week and provide to the Director on a weekly basis to review and identify</p>	Individual Weekly Report Continuous Improvement Procedure

		continuous improvement initiatives (if relevant) refer to Continuous Improvement Procedure .	
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STEP 4 – Lodgement of Appeal

No.	Who	Actions	Related Documents
4.1	Appellant	a) Lodge an appeal in writing using the Appeals Lodgement form . b) Submit within seven (7) calendar days of the date of assessment decision. c) The Appeals Lodgement Form can be submitted through one of the following methods: Mail: attention to Compliance Officer to Unit 3, 49-51 Horne St Sunbury VIC 3429 In person: Unit 3, 49-51 Horne St Sunbury VIC 3429 ask to see Compliance Officer. Email: Attention to the Compliance Officer to resolutions@avante.edu.au. d) The Appeals lodgement form must clearly state the grounds for appeal and should include sufficient evidence to support the claim.	Appeals Lodgement form
4.2	Compliance Officer	a) On receipt of the Appeals Lodgement Form acknowledge receipt of the claim, in writing, to the appellant within two (2) working days, this may be via email, letter or fax. b) 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 confidential Appeals Folder . c) Ensure the Appeals file is securely stored.	Appeals Lodgement Form Appeals Folder
4.3	Compliance Officer	a) Enter details of Appeal into Appeals Register . b) Note actions on Appeals Lodgement Form . c) Print and commence Appeals Progress Form . **N.B: The Appeals Register and Appeals must be located in a secure location and has strict access imposes to ensure confidentiality is maintained. Only the Compliance Officer and Director and authorised personnel as approved by the Director can access the Appeals Register and Appeals Folder.	Appeals Register . Appeals Lodgement Form Appeals Progress Form Record Management Policy

STEP 5 – Appeal Review and Resolution Process- STAGE ONE

No.	Who	Actions	Related Documents
5.1	Compliance Officer	a) Review the appeals case and consider undertaking the following: <ul style="list-style-type: none"> - Confidential interview with the appellant - Confidential interview with the initial decision maker - Review policies and procedures which relate to the decision outcome - Review external governance policies regulations, agreements and legislations that may apply 	Standard for RTOs 2015 Current calendar year VET Standard Funding Contract Privacy Act 1988 Legislation Compliance Policy Legislation Compliance Procedure

		<ul style="list-style-type: none"> - Appeals case and reasons why the appellant wants the decision outcome reviewed. b) Consider alternate resolutions to satisfy both AVANTE and learner where applicable. <p>** If the appeal is based on an assessment decision follow step 5.2</p>	
5.2	Compliance Officer Independent Assessor/assessor Panel	<ul style="list-style-type: none"> c) Nominate, within five working days, an independent assessor and/or assessor panel to review the appeal and make a determination. a) Advise the appellant in writing of the name of the independent assessor and/or assessor panel to investigate Appeal request. Appeals claim is reviewed and investigated which includes: <ul style="list-style-type: none"> i. A review of the Appeals Lodgement Form and supporting evidence. ii. A review of all assessment documentation and process. iii. An interview with the appellant to allow them the opportunity to formally state their claim. iv. A separate interview with the Assessor. 	Appeals Lodgement Form Appeals Progress Form Assessment documentation Standards for RTOs2015 User Guide
5.3	Compliance Officer	<ul style="list-style-type: none"> b) Determine the appeals outcome, and provide an explanation to justify the decision. c) The appeal outcome must be resolved within (28) calendar days. This timeframe includes notifying the appellant of the outcome. d) The Compliance Officer will advise the Director of the appeals outcome, in writing, within one (1) working day of the decision being made. e) The Director will approve the decision or advise of an alternate outcome. f) Note actions on "Appeals Progress Form". g) If the outcome involves re-assessment, go to Step 6. 	Appeals Progress Form

STEP 6 – Conduct Re-Assessment

No.	Who	Actions	Related Documents
6.1	Compliance Officer	<ul style="list-style-type: none"> a) 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. b) Place a copy of the re-assessment correspondence on the Appellant's learner file. c) If the appellant is dissatisfied with the result or the process of the appeal, the appellant may attend a meeting with the Director as a part of the Appeals Review and Resolution Process Stage Two. 	Assessment Policy Assessment Procedure
6.2	Independent Assessor	<ul style="list-style-type: none"> a) The appellant has the option to nominate an independent observer to be present during the re-assessment. b) Conduct the re-assessment. c) Determine the assessment outcome against the competencies. 	Assessment Policy Assessment Procedure

		d) Complete all relevant assessment documentation, (in accordance with the Assessment policy) notifying the appellant and the Director of the outcome, in writing.	
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STEP 7 – Finalising the Appeal

No.	Who	Actions	Related Documents
7.1	Compliance Officer	a) Supply the appellant with the appeals outcome in writing within 2 working days of the Director approving the outcome.	
7.2	Compliance Officer	<p>a) If the appeal is upheld, and if AVANTE is satisfied with the outcome:</p> <ul style="list-style-type: none"> i. Finalise the appeals documentation, place all documentation in the Appeals Folder. Update the Appeals Register. ii. Complete documentation for the issuance of a Statement of Attainment or qualifications (as appropriate). iii. The appeals file is closed. <p>**If the appeal is upheld the options involved may include:</p> <ul style="list-style-type: none"> - original assessment is re-assessed by a different qualified trainer and assessor (See STEP 6) - appropriate recognition is granted - New assessment is conducted and/or arranged - Grant of refund - re-commencement in training - waiver of a fee - Reconsideration of a learner discipline outcome 	<p>Appeals Folder Appeals Register</p>
7.3	Compliance Officer	<p>a) If the Appeal is not upheld and is rejected notify the appellant in writing that the original decision is to stand.</p> <p>b) Note actions on Appeals Progress Form.</p>	<p>Appeals Progress Form</p>
7.4	Compliance Officer	a) If Appellant is dissatisfied with outcome, advise the Appellant of their right to further progress the appeal through the Appeals Review and resolution Process Stage Two. Note actions on Appeals Progress Form .	<p>Appeals Progress Form</p>
7.5	Compliance Officer	<p>a) Enter details of Appeal outcome into Appeals Register.</p> <p>b) Note actions on and complete the Appeals Progress Form.</p> <p>c) Place all documentation from Appeals file into Appeals Folder.</p>	<p>Appeals Register Appeals Progress Form Appeals Folder</p>

7.6	Director	a) Ensure that the policy and procedures and supporting documents relating to any substantiated Appeal is reviewed and progressed through continuous improvement processes, as appropriate.	Continuous Improvement Policy Continuous Improvement Procedure
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STEP 8 – Appeal Review and Resolution Process STAGE TWO

No.	Who	Actions	Related Documents
8.1	Appellant Director Independent Assessor Compliance Officer	b) If Appellant is dissatisfied with the outcome from the Appeal Review and Resolution Process STAGE ONE, the Compliance Officer must organise a meeting between the Director and the Appellant as a part of the Appeal Review and Resolution Process STAGE TWO. c) The Director must review the appeals case and take into consideration of the additional information provided by the Appellant. d) The Director will consult with the Independent Assessor and will determine the outcome of the appeal if the appeal was based on an assessment decision. e) Director will advise the appellant of the outcome of the appeal. f) If the appellant is dissatisfied with the outcome they must be provided with the option to access Referral to External Mediatary Service- STAGE THREE or choose their own External Mediatary Representative at their cost.	

STEP 9 – Referral to External Mediatary Service- STAGE THREE

No.	Who	Actions	Related Documents
9.1	Appellant or Compliance Officer	a) Advise the Appellant of the role of the External Mediatary Service. b) Tell the Appellant that access to AVANTE’s recommended External Mediatary Service will bear no costs to the Appellant and AVANTE will bear the costs of the service. c) Tell the appellant of their choice to access their own independent party and advise the appellant that if they choose their own External Mediatary Service/independent party that they are responsible for paying the costs associated to this External Mediatary Service. d) Contact and engage External Mediatary Representative (appellant may decide to select their own) to review the Appeal, providing all relevant documentation.	External Mediatary Service: iHR Australia - 1300 884 687 or as advised by Director

		e) Cooperate with External Mediator Representative for a review of the Appeal.	
9.2	External Mediator Representative	a) Review, investigate and mediate the appeal with all relevant parties and make a ruling. b) AVANTE will abide by any resolutions as recommended by the External Mediator Representative within (10) working days of being notified of the resolution.	
9.3	Compliance Officer	a) If the Appeal is Upheld, go to Step 7.2	
9.4	Compliance Officer	a) If the Appeal is rejected notify the appellant in writing that the original decision/judgement is to stand.	

STEP 10 – Continuous Improvement

No.	Who	Actions	Related Documents
10.1	Director	a) Director reviews Appeals Register through the weekly report sent by the Compliance Officer and determines continuous improvement opportunities (where necessary).	Appeals Register
10.2	Director	a) Discuss appeal in the next upcoming management meeting with relevant staff and deploy continuous improvement initiative as per the Continuous Improvement Policy .	Continuous Improvement Policy
10.3	Director	a) Add continuous improvement initiative to the Continuous Improvement Register .	Continuous Improvement Register