Appeals Policy

1. Purpose

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

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 APEIRO INSTITUTE 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

APEIRO INSTITUTE acknowledges that clients have the right to appeal an assessment decision, based on valid grounds for appeal.

APEIRO INSTITUTE has provision for clients to appeal against assessment decisions, including those made by a third party partner.

APEIRO INSTITUTE ensures that clients have access to a fair and equitable process for lodging an appeal against an assessment decision.

In doing so, APEIRO INSTITUTE:

- 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 APEIRO INSTITUTE website.

d) The appellant to provide detail of their appeal in writing.

e) All appeals must be lodged within 7 calendar days of the date of the assessment result notification 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 to be acknowledged within 5 working days of submitting the appeal lodgement form, in writing. If within reasonable circumstances, it will be finalised within 25 working days.

i) APEIRO INSTITUTE 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 60 calendar days to finalise APEIRO INSTITUTE will inform the appellant in writing providing the reasons why more than 60 calendar days are required. The appellant will also be provided with regular updates on the progress of the appeal.

k) APEIRO INSTITUTE 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 of 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 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 assessment outcome will be granted.
   iii. A new assessment shall be conducted/arranged.

b) Appeal is rejected/ not upheld; in accordance with APEIRO INSTITUTE 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. APEIRO INSTITUTE Responsibilities

The Operations Manager of APEIRO INSTITUTE is the Appeals Resolution Officer. The CEO may delegate responsibility to another appropriate personnel for the resolution of the appeal if necessary.

Appeals Policy will be clearly displayed throughout the organisation and contained within the Staff Induction Process, Client Handbook and APEIRO INSTITUTE 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 notification of the assessment decision 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 Operations Manager APEIRO INSTITUTE shall be informed of receipt of any appeal.

d) The Operations Manager APEIRO INSTITUTE 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 25 working days of the initial application.

g) In all cases the final conclusion will be endorsed by the Operations Manager APEIRO INSTITUTE.

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 satisfactory of the appellant, they may seek an appointment with the Operations Manager APEIRO INSTITUTE.

   If appellant is still not satisfied with the outcome, Appellant will be provided with the information on Ombudsman Department including contact details of the Ombudsman Department. http://www.ombudsman.wa.gov.au

j) If the appellant is not satisfied with the decision they have the option to seek outside assistance to pursue the appeal.

7. Access & Equity

The APEIRO INSTITUTE Access & Equity Policy applies. (See Access & Equity Policy)

8. Records Management

Records of all appeals and their outcomes are maintained securely.

Records of appeals will include:

a) How the appeal was dealt with;

b) The outcome of the appeal;

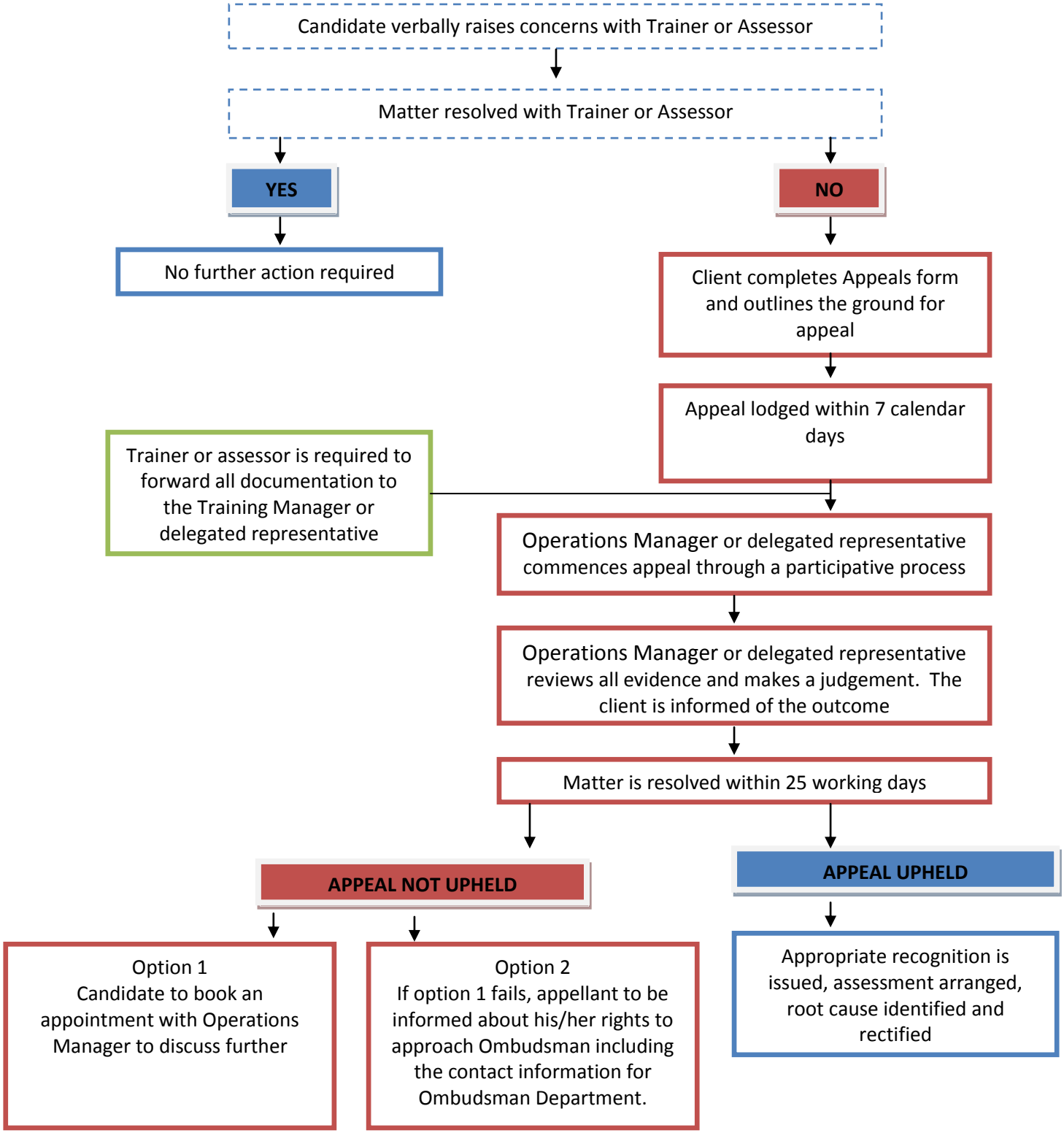
c) The timeframes for resolution of the appeal;

d) The potential causes of the appeal; and

e) The steps taken to resolve the appeal.

All documentation from Refund processes are maintained in accordance with Records Management Policy. (See Records Management Policy)

9. Monitoring and Improvement

All appeals practices are monitored by the Operations Manager APEIRO INSTITUTE and will be discussed at Management Review Meetings with areas for improvement identified and acted upon. (See Continuous Improvement Policy)

ANNEX A: Appeals Process