

## **PR 4.0 APPEALS PROCEDURE POLICY**

### **POLICY STATEMENT**

Mackillop Catholic College RTO will ensure that it handles appeals fairly and without bias. The principles of natural justice and procedural fairness will be adopted at every stage of the appeals process. This will ensure that, unless the security or safety of individuals is at risk, there will be no impact on the enrolment of an individual while a matter is in progress and all efforts will be made to assist an appellant with their matter.

All formal appeals will be heard and decided within 60 calendar days of receiving the written appeal. If the RTO considers more than 60 calendar days are required to process and finalise the appeal, the appellant will be informed of the reasons in writing and will be regularly updated on the progress of the matter.

If the processes fail to resolve the appeal, a review by an independent party will be provided if requested.

Any substantiated appeals, as well as **PR4.0 Appeals Policy**, will be reviewed as part of the continuous improvement processes and appropriate corrective action taken to prevent or reduce the likelihood of reoccurrence. All matters pertaining to appeals will be securely protected.

The Chief Executive Officer is ultimately responsible for ensuring that the College RTO complies with this policy and procedure.

The Policy will be provided on the RTO website with information about how to lodge an appeal.

### **1. PURPOSE**

This procedure outlines the process for managing appeals against a decision made by the RTO.

### **2. SCOPE**

Mackillop Catholic College is an RTO for the Vocational Education and Training courses offered under the National Vocational Education and Training Regulator Act 2011.

This procedure applies to the operations of the RTO and appeals against:

- assessment decisions
- any other decision made by Mackillop Catholic College.

### **3. DEFINITIONS**

**Appeal** - is where a student or other interested party; may dispute any decision (including assessment decisions) made by the RTO.

**RTO** - is a Registered Training Organisation.

#### 4. RESPONSIBILITIES

All **staff**, including **trainers and assessors**, are responsible in assisting with the appeal process.

**The RTO Manager** (or delegated person) will ensure that appeals are managed in accordance with this procedure, and the procedure is publicly available.

#### 5. PROCEDURE

Ref	Process	Actions
5.1	Lodge an appeal	<p>An appeal must be lodged within 10 school days of the appellant being notified of the decision (including assessment decisions) made by the RTO.</p> <p>All appeals must be lodged in writing directly to the RTO. Staff will assist an appellant in lodging an appeal.</p>
5.2	Review the appeal	<p>The <b>Manager or Compliance Officer</b> will:</p> <ul style="list-style-type: none"> <li>• Provide acknowledgement of receipt of the appeal to the appellant within 2 school days</li> <li>• Provide an indication of timeframes for response and resolution of the appeal</li> <li>• Review the appeal within five (5) school days of receiving the appeal</li> <li>• Undertake preliminary enquiry to determine the nature of the appeal issue/s</li> <li>• Provide the appellant an opportunity to present their case (with a support person and/or parent/guardian if a student)</li> <li>• Discuss possible outcomes with the appellant</li> <li>• Record discussion</li> </ul> <p>*If the appeal is made by or relates to a current student, there will be no action to the student's enrolment during appeal process, unless there is a serious concern for the health and safety of that or any other students.</p>
5.3	Determination of outcomes	<p>Within 14 school days, the <b>Compliance Officer</b> will provide the appellant (and if relevant, parent/care giver) a written response identifying and explaining the actions taken to address the appeal.</p> <p>In the written response, the appellant (and if relevant, parent/care giver) is invited to contact the <b>Compliance Officer</b> to discuss their satisfaction with the outcome to the appeal.</p>
5.4	Timeframes	<p>If a appeal cannot be processed within the advised timeframes or finalised within 60 calendar days, the RTO will:</p> <ul style="list-style-type: none"> <li>• Inform the appellant in writing, citing reasons for the delay, and;</li> <li>• Regularly update the appellant on the progress of the matter</li> </ul>

5.5	Independent panel	<p>If the <b>Manager or Compliance Officer</b> cannot resolve the appeal, the appellant can request an Independent Panel to review the appeal. The panel should consider the appeal within ten (10) school days of receiving the appeal. If the appellant is a student, the student may have a parent/guardian or support person with them during the proceedings of the panel review.</p> <p style="text-align: center;">*See Panel membership below.</p>
5.6	Independent panel procedure	<p>The independent panel will:</p> <ul style="list-style-type: none"> <li>● Review the evidence submitted and circumstances regarding the appeal</li> <li>● Keep a record of the proceedings to ensure proceeding are conducted fairly</li> <li>● Inform the <b>RTO Manager</b> and appellant, in writing, of its decision and cite the reasons for the decision</li> <li>● Provide the <b>RTO Manager</b> and appellant with copies of the panel proceedings</li> <li>● The decision of the Independent Panel is final.</li> </ul>
5.7	Panel Timeframes	<p>The panel will report their findings within ten (10) school days.</p> <p>If the panel cannot process the findings within ten (10) school days, the panel will:</p> <ul style="list-style-type: none"> <li>● Inform the <b>RTO Manager</b> and appellant in writing, citing reasons for the delay, and;</li> <li>● Regularly update the <b>RTO Manager</b> and appellant on the progress of the matter</li> </ul>
5.8	External Review	<p>If (having exhausted all internal processes) the appellant is still not satisfied, they may take the matter externally to an appropriate third party.</p> <ul style="list-style-type: none"> <li>● If the matter pertains to training, assessment, education support and/or administrative services of the RTO or a potential breach of the NVR Act; the appellant should be referred to the National Training Complaints Hotline: <ul style="list-style-type: none"> <li>○ Phone: 13 38 73 (option 4), Monday to Friday from 8:00 am to 6:00 pm nationally.</li> <li>○ Email: NTCH@education.gov.au</li> </ul> </li> <li>● Dependent on the nature of other matters, the RTO will attempt to assist the appellant with possible referral points to independent advice; for example, Ombudsman NT, Director of Catholic Education, Catholic Diocese NT.</li> </ul>
5.9	Illegal activity	<p>Written records will be retained in the RTO's Appeals Google folder and a copy stored on the relevant student's files if applicable.</p>

		All complaint records are stored and maintained in accordance with <b>PR 6.0 Privacy &amp; Records Management Procedure</b> .
5.10	Improvement	From any substantiated appeals, the causes will be investigated within 5 school days of finalisation of the appeal process, as part of the continuous improvement process and as part of <b>PR 1.0 Quality Assurance Procedure</b> . Appropriate corrective action will be taken to prevent or reduce the likelihood of reoccurrence. Actions will be recorded on the <b>Continuous Improvement Register</b> .

## 6. MEMBERSHIP OF INDEPENDENT PANEL

The Panel will consist of three persons. The background of the persons requested to sit on the panel will vary depending on the circumstances of the appeal. However, it may consist of:

- The **RTO Manager** (if the **RTO Manager** has not been part of the original decision-making);
- The **Compliance Officer** (if not part of the original decision-making);
- A trainer assessor who assesses in the same qualification but has not been involved in the decision making from this, or another RTO (if the matter relates to assessment);
- A representative from an industry employer mutually acceptable to both parties (if the matter relates to any other type of decision).
- A school representative (if the student is a school student)
- An employer representative mutually acceptable to both parties;
- A Department of Business (NT) representative (if the student is a trainee or apprentice);
- A community representative mutually acceptable to both parties; and
- A pastoral carer or the school chaplain.

## 7. REFERENCES

- **PR 1.0 Quality Assurance Procedure**
- **PR 6.0 Privacy & Records Management Procedure;**
- Appeals Form;
- Continuous Improvement Register; and
- Student Handbook

## 8. RECORDS

- Improvement Register;
- Complaint files Improvement Register;
- Manager Report;
- Independent Panel Report;
- Completed Assessments