

Purpose

The purpose of this procedure is to ensure that when learners (past or present) lodge an appeal on an assessment decision, that they are acknowledged and addressed in a fair, equitable, confidential and timely manner.

Scope

The appeals procedure covers the process to be used to identify, assess and resolve issues associated with assessment outcomes given by Transqual's Assessors and contractors or partners who assess on behalf of Transqual. The appeals procedure will outline how to manage all assessment appeals and ensure that appeals reach a satisfactory outcome for the learner within 60 calendar days; and that any improvements raised during the process, are assessed and if required implemented in order to prevent any future issues for other learners.

Responsibility

National Managers:

- The National Managers at Transqual, have the following responsibilities:
 - Ensure a regular review of this procedure is completed annually
 - Ensure all Operations Managers are applying the Appeals Procedure as prescribed in this procedure
 - Hold all staff responsible and accountable for their part of the appeals process
 - Institute disciplinary procedures against those who fail to comply
 - Ensures all appeals are finalised with an equitable outcome and in a timely manner
 - Ensure the *Complaints, Appeals and Non-Conformance Register* is maintained and up to date

Operation Managers:

- The Operations Managers will be responsible and accountable for the following:
 - Implementing this procedure for the management of all appeals
 - Follow up on the appeal within 5 days or nominate a nominee to follow up on the complaint
 - Ensure National Office is informed of any appeals
 - Participate in the resolution of the complaint; where possible
 - Communicates the results of appeal outcomes to the learner
 - Formally closes out all corrective actions in a timely and efficient manner
 - Updates National Office of the outcomes and corrective actions

Transqual Assessors and Contractors and Partners who assess on Transqual's behalf:

- Assessor, Contractors and Partners, will be responsible and accountable for the following:
 - Participating in the investigation and assessment of the learner
 - Implementing any corrective actions (where applicable)
 - Providing feedback where appropriate upon the effectiveness of the resolutions
 - Complete any re-assessment marking when requested

Definitions

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Appeal: an action by a learner to request a re-evaluation of an assessment resulting from dissatisfaction or disagreement with a competency result awarded (usually not competent result).

Learner: can be a participant, student or trainee who is participating or has participated in training and assessment for the purpose of issuing an Australian Qualification Framework certification.

Procedure

1. Receiving an appeal from a learner

- 1.1 A learner has 28 days after receiving their assessment results to lodge an appeal.
- 1.2 If a learner communicates an appeal to you, then you must pass them directly to the Operations Manager or National Operations Manager/Consumer Protection Officer.
- 1.3 To the Manger: If a learner communicates an appeal you must discuss the following with the learner:
 - Explain the appeals process to learner, including who will need to be involved and how the issue will be dealt with. Reassure them of their rights to privacy etc as outlined in the *Complaints and Appeals Policy*.
 - Encourage the learner to speak with their assessor or the other party involved in the appeal before lodging a formal appeal (If the learner has already done this, or does not wish to do so, continue with this process)
 - If the learner says that they will discuss the issue with the person involved first, check back with them within 5 working days to see how they have progressed and if they were satisfied with the outcome
 - If learner agrees that they would like to make a formal appeal send them the *Complaints or Appeals Form*

2. Investigating and resolving and resolving an appeal

- 2.1 The Manager will investigate the appeal by gathering information from the parties involved and document the information found on the corresponding *Complaints or Appeals Form*.
- 2.2 The entire process must be completed within 60 days. If the Manager requires more than 60 calendar days to resolve the appeal, they must contact the learner in writing outlining the reasons for extending the appeal process. As well as contacting the learner regularly to inform of all progress and updates in writing until the appeal is resolved.
- 2.3 The Manager will review the information gathered from all parties involved, and decide on an outcome.
- 2.4 The appeal outcome will be discussed with the people involved and if all parties agree on the resolution, the outcome will be recorded on the *Complaints or Appeals Form* (if the agreement occurs move straight to point 4).
 - NB: A resolution could include a re-assessment from a different qualified trainer in the qualification the issue is pertaining to.

3. Appealing the Resolution

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3.1 If the resolution is not agreed to, the appeal will be documented on the *Complaints or Appeals Form* and will be presented to the Chief Operations Manager or Chief Executive Officer or National Compliance Manager. These Managers will:

- Discuss with learner as to why the issue could not be resolved
- Present their resolution to the issue in writing to learner
- If the resolution is accepted move to point 4

3.2 If this does not resolve the issue, the learner will have an independent third party (the Third Party can be nominated at the discretion of the learner). The third party will review all information and present a resolution in order to make a final decision regarding the appeal. Below is a list of Third Party representatives:

Australian Skills Quality Authority	Website: www.asqa.com.au Phone: 1300 701 801
Australian Government Dept of Industry and Science	Website: http://industry.gov.au/skills/nationaltrainingcomplaintshotline/Pages/default.aspx
ACT – Education and Training Directorate	Website: http://www.det.act.gov.au/training/making-a-complaint-australian-apprentice-and-employer
NSW – Vocational Training Tribunal and Communities	Website: www.training.nsw.gov.au
NT – Department of Education	Website: http://www.education.nt.gov.au/about-us/policies/documents/general/complaints
QLD – Department of Education and Training	Website: http://www.training.qld.gov.au/training-careers/courses/student-guide/student-complaints.html
SA – Government of South Australia	Website: http://www.skills.sa.gov.au/training-learning/assistance-and-support/problems-with-your-training
TAS – Skills Tasmania	Email complaints@skills.tas.gov.au Website: www.skills.tas.gov.au
WA – Training Accreditation Council	Website: http://www.tac.wa.gov.au/students/Pages/Complaints-against-RTOs.aspx

- This decision will be discussed with, and presented to learner in writing

3.3 If at this point a resolution still cannot be agreed to, learner will be referred to the National Training Complaints Hotline on 13 38 73.

4. Communication and continuous improvement for the RTO

4.1 The Manager will file the documentation relating to the appeal in secure company records and enter a summary of the issue including outcomes (omitting names) and a reference number in the *Complaints, Appeals and Non-Conformance Register* and the reference number on *Complaints or Appeals Form*.

- If the appeal could have been avoided, the Manager will also enter into the register a recommendation as to what service, process or documentation could be improved in order to avoid a similar appeal from occurring and send through copy of outcomes to the following Transqual personnel:
 - Chief Executive Officer
 - Chief Operations Officer

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- National Operations Manager
- National Compliance Manager
- HR and Quality Manager

4.2 Any action against an employee will be documented on employees HR file (where applicable)

4.3 At the next Staff Development Day the Manger will present each appeal received since the last meeting and open the recommendation for improvement to discussion.

- This presentation will exclude any information or references that could indicate who was involved in the issue and is only used as a mechanism for improvement

Related Documents

TQ-TRG-POL-Complaints and Appeals Policy

Complaints, Appeals and Non-Conformance Register

Revision Details

Issue No	Date	Revision Details	Approved by
V1.0	17.02.2015	Updated the Grievance and Appeal Procedure to be specific Appeals	Peter McCloy CEO