



<b>Code and Number</b>	<b>E.1.22</b>
<b>Title of Document</b>	RTO Appeals Handling Policy

### **POLICY**

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

#### **What is an Appeal?**

An appeal is an application by a Student for reconsideration of an unfavourable decision or finding during their time with ACN. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within twenty (20) days of the decision or finding being informed to the Student.

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

- ACN as an organisation, its trainers, assessors or other staff;
- Third party services provided on behalf of ACN, its trainers, assessors or other staff; or
- A Student of ACN

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 appellant's decision to make an appeal can be avoided by proper communication and consultation 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 ACN 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 ACN – Request for an Appeal of a Decision form. This form is available via our website. The completed Request for an Appeal of a Decision form is to be submitted to the Manager of Education Development (MED) either in hard copy or electronically via the following contact details:

## By Post

Australian College of Nursing  
Level 6, 9 Wentworth Street  
Parramatta, NSW, 2150

## By email

[customerservices@acn.edu.au](mailto:customerservices@acn.edu.au)

If a person seeking an appeal has any difficulty assessing the required form or submitting the appeal to ACN, they are advised to contact ACN immediately by phoning:

(02) 9745 7500

A written record of all appeals is to be kept by ACN 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 MED; whereby the MED reviews the appeal and determines if re-assessment, investigation or consultation is required; or if the matter can be solved internally.

Where the appeal relates to an assessment decision the MED will refer the complaint to the Education Management Committee (EMC) for determination.

Appeals are to be handled in the strictest of confidence. No ACN representative is to disclose information to any person without the permission of the MED. 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 ACN Website  
Integrated into the ACN Student Handbook

## Appeals Handling Timeframe

- Written acknowledgement by ACN within **two (2) working days** from the time the appeal is received. This acknowledgement is intended to provide the appellant assurance that ACN 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 **five (5) 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 **fifteen (15) working days** of the lodgement of the appeal, including details of the reasons for the outcome.
- Appeals must be lodged within **twenty working (20) days** of the decision or finding being informed to the person. An appeal must be submitted using the ACN – Request for an Appeal of a Decision form.
- As a benchmark, ACN should attempt to resolve appeals as soon as possible. A timeframe to resolve an appeal within **twenty (20) working days** is considered acceptable and in the best interest of ACN 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 the MED considers that more than 60 calendar days are

required to process and finalise the appeal, the MED 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:

- **Bias.** Where the MED feels that they may have bias or there is a perception of bias process or where the appellant 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 ACN, they have the opportunity for a body or person that is independent of ACN to review their appeal following the internal completion of the appeal handling process. Before an appellant seeks a review by an independent third party, they are requested to first allow ACN 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 to then seek a review by an independent third party. A third party review can be requested through the Resolution Institute. Appellants can contact the Resolution Institute directly as follows:

#### **Resolution Institute**

Address: Level 1, 13-15 Bridge Street, Sydney NSW 2000

Phone: 02 9251 3366 Free call: 1800 651 650

Fax: 02 9251 3733 Email: [leadr@leadr.info](mailto:leadr@leadr.info)

Website: <https://www.resolution.institute/membership-information/studentmediation-scheme>

Costs of such mediation will be shared equally by ACN and the complainant. The mediator's fee of AU\$440.00 is charged at a set rate for the first four (4) hours and at an hourly rate of AU\$165.00 for any subsequent hours required. It is common for most disputes to be resolved within the initial four (4) hour allocation.

ACN will give due consideration to any recommendations arising from the external review of the complaint and ACN will ensure that recommendations are fully implemented within **thirty (30) calendar days**.

### **Unresolved Appeals**

Once the appeals handling process has concluded; where the appellant 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:

- 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.education.gov.au/NTCH>
- In relation to matters relating to privacy, the person may refer their matter to the **Office of the Australian Information Commissioner** via the following phone number: 1300 363 992 or visit the website at <https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint>

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

ACN is to cooperate fully with agencies such as the National Training Complaints Service, the Office of Fair Trading or The Australian Skills Quality Authority (ASQA) that may investigate the handling of an appeal. ACN considers that it would be extremely unlikely that an appeal is not able to be resolved quickly within ACN 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 ACN. There is also a record of the appeal maintained within the ACN 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 ACN file storage. Each file is to be clearly labelled with the learner ID number and the date of which the document was received or generated. This folder must only be accessible to persons authorised by the MED. 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.
- Paper records must be kept in a way that they avoid damage by a potential 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**

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

### **Destruction of Appeals Records**

The Chief Executive Officer (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**

ACN will apply the following procedure to its appeals handling:

- a) An appeal must be received in writing using the Request an Appeal of a Decision form. Appeals must be lodged within twenty (20) working days of the decision or finding being informed by the person.
- b) The complainant must be provided a written acknowledgement as soon as possible and no longer than two (2) working days 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.
- c) The appeal must be entered into the complaints and appeals register. The complaints and appeals register identifies the appellant, relation with ACN, 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 appellant has not

- already submitted an appeal, if it is accurately recorded or if it has been recorded as a subsequent contact.
- d) The appeal is forwarded to the MED for review. The MED will determine if the appeal requires further investigation or consultation (administrative appeal).
  - e) Where the appeal relates to an assessment decision the MED will refer the complaint to the EMC. . The EMC will determine if the appellant is offered re-assessment with the option of additional training (assessment appeal).
  - f) The MED reviews the outcomes of the investigation/consultation and determines the appeal response within an acceptable timeframe. The MED is to use the appeals response letter template to advise the appellant of the findings and outcomes.
  - g) ACN shall maintain the enrolment of the appellant during the appeals handling process.
  - h) Decisions or outcomes of the appeals handling process that find in favour of the student shall be implemented immediately. If this is an assessment appeal, the appellant may agree to additional training whereby ACN must provide this to the appellant and re-assessment must be completed. If the candidate is deemed not competent after re-assessment, they must meet with the MED to discuss the assessment process and outcome.
  - i) 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.
  - j) ACN must request written acknowledgement from the appellant once the appeal has been determined.
  - k) Appeals handling procedures should conclude with an analysis of the circumstances to identify any opportunities for improvement.
  - l) The appellant must be accurately updated and recorded in the Complaints and Appeals Register.

## APPENDICES

[Appendix 1 - Administrative Appeals Handling Process](#)

[Appendix 2 - Assessment Appeals Handling Process](#)

## RELATED POLICIES AND PROCEDURES

RTO Fees and Refund Policy

RTO Student Enrolment and Completion Policy

RTO Credit Transfer Policy

## RELATED FORMS

RTO Request for Appeal of a Decision

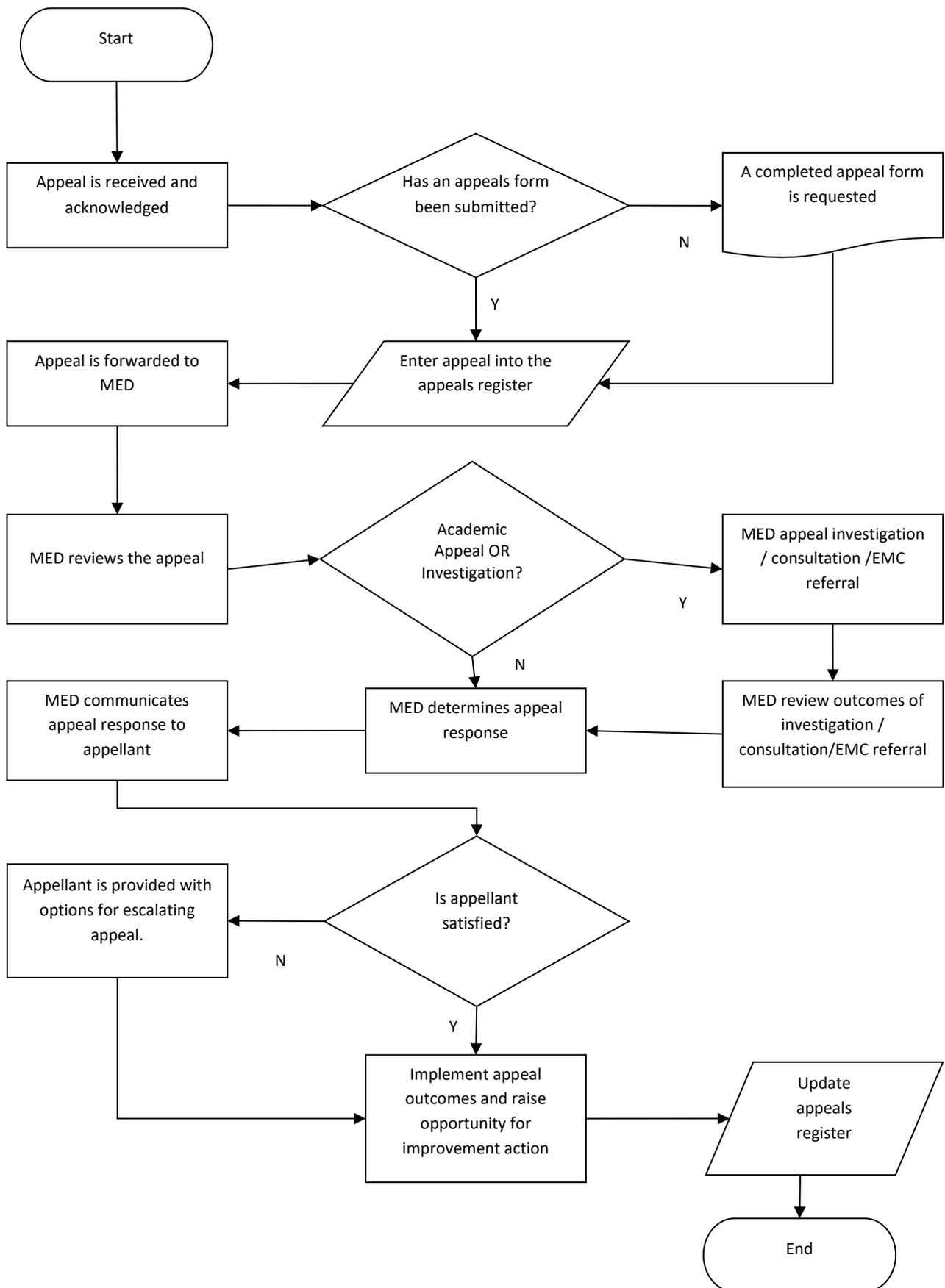
FM-E.1.22-ED086 RTO Credit Transfer Application

Fm-E.1.22-ED085 RTO Refund Request Form

FM.E.1.21-ED084 RTO Student Information Release Consent Form

<b>Responsibility for Review</b>	RTO education team
<b>Ratification</b>	Education Management Committee
<b>Date of Issue</b>	June 2020
<b>Date Last Reviewed</b>	August 2020

## Appendix 1 - Administrative Appeals Handling Process



## Appendix 2 - Assessment Appeals Handling Process

