

Policy area	Learner Support
Standards	Outcome Standards for RTOs, Standard 2.8.
Responsibility	Trainers and Assessors, General Manager

1. Purpose

The purpose of this policy and procedure is to ensure:

- learners are informed about avenues for appealing decisions
- learners are afforded procedural fairness
- appeals are actioned in a reasonable timeframe
- avenues for review by an independent party
- outcomes are documented and communicated to the learner
- outcomes of appeals are used to inform continuous improvement

2. Definitions

Appeal. An appeal is an application by a learner for reconsideration of an unfavourable decision or finding during their time with Forkpro Australia. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within 28 calendar days of the decision or finding being informed to the learner.

3. Policy statement

3.1 Who and what does this policy apply to?

This policy relates to appeals of decisions made by Forkpro Australia. These appeals may be submitted by a learner where Forkpro Australia has made a decision that is relevant to the learner, or which effects the learner in some way. Where Forkpro Australia makes a decision which does not relate to or effect a learner, the learner is not eligible to appeal the decision.

The following are some examples of decisions that a learner might appeal:

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- An assessment decision of the learner's knowledge and skills,
- An administrative decision that effects the learner directly,
- A policy decision that changes the nature of the terms of service that the learner agreed to at the time of their enrolment,
- A decision in relation to utilising third parties in service delivery,
- A decision in relation to a training product being superseded or deleted and the related transition process, or
- A decision to change the nature of the service being delivered that the learner agreed to at the time of their enrolment.

The above list of examples is not exhaustive, and this policy may apply to literally any decision that Forkpro Australia makes that is relevant to the learner, or which effects the learner in some way.

3.2 Ensuring procedural fairness

Forkpro Australia implements the following mechanisms to ensure procedural fairness when handling appeals:

- the appeal is handled by an unbiased person not involved in making the original decision
- the learner is given an opportunity to be heard and to provide relevant information
- the privacy of all parties involved is protected, and the information included in an appeal is kept confidential. Only individuals directly involved in the appeals process will have access to the appeal information.
- information is handled sensitively to ensure that learners feel safe and supported when lodging an appeal.

3.2 The appeals period

Learners have the right to appeal decisions within **28 calendar days** of receiving notification of the decision. Appeals submitted after this period may not be considered.

3.3 Early Resolution of Appeals

Learners are encouraged to resolve any concerns they may have directly with the Forkpro Australia staff member involved in the first instance. It is often the case that the learner's decision to make an appeal can be avoided by proper communication and consultation with learners at the time a decision is made.

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3.4 Submitting an Appeal

If the learner is unable to resolve the issue directly with the Forkpro Australia staff member, they should raise the appeal with the General Manager or CEO. This may be verbally in the first instance and must then be in writing by completing a *Appeals Form*. The request for an appeal may be submitted to the General Manager or CEO. Alternatively, the learner may submit it via email or hard copy via the post. The contact details for submitting the appeal are provided to the learner in the *Learner Handbook*.

3.5 Communicating the Appeals Handling Policy and Procedure

The appeals handling policy and procedure will be:

- Publicly available on the Forkpro Australia Website
- Integrated into the Forkpro Australia Learner Handbook
- Integrated in the Forkpro Australia Policy and Procedures

3.6 Principles of Natural Justice and Procedural Fairness

A learner is to be provided an opportunity to formally present his or her case at no cost. Each learner 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:

- **CEO bias.** Where the Chief Executive Officer of Forkpro Australia feels that they may have bias or there is a perception of bias or where the person making the appeal is not satisfied with how the matter is being handled, the learner is to be referred directly to an independent third-party for consideration and response. This means that the learner is entitled to have their appeal heard by a person that is without bias and may not be affected by the decision.
- **Third Party Review.** Where the learner is not satisfied with the handling of the matter by Forkpro Australia, they have the opportunity for a body or person that is independent of Forkpro Australia to review his or her appeal following the internal completion of the appeal handling process. Before a person seeks a review by an independent third party, they are requested to first allow Forkpro Australia 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 then seek a review by an independent third party. To request a review by an independent third party, the learner

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should inform the General Manager of their request who will initiate the process with the Chief Executive Officer.

- In these circumstances, the Forkpro Australia Chief Executive Officer will advise of an appropriate party independent of Forkpro Australia to review the appeal outcome (and its subsequent handling) and provide advice to Forkpro Australia in regards to the recommended outcomes. The independent third-party is required to respond with their recommendations within **fourteen (14) calendar days** of their review being requested. This advice is to be accepted by Forkpro Australia as final, advised to the person making an appeal in writing and implemented without prejudice.
- Where Forkpro Australia appoints or engages an appropriate independent person to review an appeal, Forkpro Australia will meet the full cost to facilitate the independent review.

3.7 Confidentiality

Appeals are to be handled in the strictest of confidence. No Forkpro Australia representative is to disclose information to any person without the permission of Forkpro Australia CEO. A decision to release information to third parties can only be made after the learner has given permission for this to occur. This permission should be given as a written consent.

3.8 Appeals Handling Timeframe

Forkpro Australia will provide written acknowledgement of receiving the appeal no later than **24 hours** from the time the appeal is received. The acknowledgement must inform the learner that they will receive a written response within **14 days** to explain the appeals handling process and the person's rights and obligations.

Appeals must be resolved to a final outcome within **thirty (30) calendar days** of the appeal being initially received. Where Forkpro Australia Chief Executive Officer considers that more than 30 calendar days are required to process and finalise the appeal, the CEO must inform the learner in writing, including reasons why more than 30 calendar days are required.

3.9 Unresolved Appeals

Once the appeals handling process has concluded; where the person seeking an appeal of a decision 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

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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 complaint to the **Office of Fair Trading**.
- In relation to the delivery of training and assessment services, the person may refer their complaint to the **National Training Complaints Service** via the following phone number: 13 38 73 or visit the website at <https://www.dewr.gov.au/national-training-complaints-hotline> or alternatively to the Australian Skills Quality Authority at the following website <https://asqaportal.asqa.gov.au/Make-a-Report//?from=tip-off>
- In relation to matters relating to privacy, the person may refer their complaint to the **Office of the Australian Information Commissioner** via the following details: <https://www.oaic.gov.au/individuals/how-do-i-make-a-privacy-complaint> or call on 1300 363 992

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

Forkpro Australia is to cooperate fully with agencies such the Office of Fair Trading or ASQA that may investigate the handling of an appeal. Forkpro Australia considers that it would be extremely unlikely that an appeal is not able to be resolved quickly within Forkpro Australia internal arrangements.

3.10 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 learner or generated by Forkpro Australia. There is also a record of the appeal maintained within the Forkpro Australia learner 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 configuration will be saved in a digital format into a secure folder located on the Forkpro Australia file storage. Each file is to be clearly labelled with the document title or subject and the date of which the document was received or

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generated. This folder must only be accessible to persons authorised by the Chief Executive Officer. Records stored on the learner 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.
- Records must be kept avoiding damage by 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.

3.11 Period of retention of Appeals Records

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

3.12 Destruction of Appeals Records

Forkpro Australia 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.

4. Considerations

4.1 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. Opportunities for improvement will be considered at the completion of the appeals handling procedure.

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5. Procedure

Steps		Person/s responsible
Making an Appeal		
i.	<p>Inform learners of appeal process</p> <p>Upload the Appeals Handling Policy and Procedure to Forkpro Australia Website.</p> <p>Provide all new learners with a copy of the <i>Learner Handbook</i> (Refer to: PP2.2 - Enrolment)</p>	CEO, General Manager
ii.	<p>Submission of appeal</p> <p>To appeal a decision, the person is required to complete the <i>Appeals Form</i>. This form is available from either the trainer or the administration staff. The completed form is to be submitted to the General Manager either in hard copy or electronically via the following contact details:</p> <p>PO Box 338, Helensburgh NSW 2508</p> <p>admin@forkpro.com.au</p> <p>If a person seeking an appeal has any difficulty accessing the required form or submitting the appeal to Forkpro Australia, they are advised to contact Forkpro Australia immediately at the following phone number:</p> <p>1300 789 606</p> <p>An appeal must be received by Forkpro Australia in writing using the specified form within 28 calendar days of the decision or finding being informed to the person.</p>	<p>General Manager</p> <p>Trainer</p> <p>Administration Staff</p>

iii.	<p>Written acknowledgement</p> <p>Forkpro Australia will provide written acknowledgement no later than 24 hours from the time the appeal is received. The acknowledgement must inform the learner that they will receive a written response within 14 days to explain the appeals handling process and the person's rights and obligations.</p>	General Manager
iv.	<p>Recording the appeal</p> <p>The appeal must be entered into the <i>Complaints and Appeals Register</i>. The Complaints and Appeals Register identifies the learner, relation with Forkpro Australia, nature of appeal, findings/outcomes, any links with the <i>Continuous Improvement Report</i> and the dates received and closed. Prior to entering the appeals form into the register, check if the person has not already submitted an appeal, if it is accurately recorded or if it has been recorded as a subsequent contact.</p>	General Manager
v.	<p>Review of the appeal</p> <p>The appeal is referred to the CEO; whereby the CEO reviews the appeal and determines if the appeal requires further investigation or consultation (administrative appeal) or if the learner is offered re-assessment with the option of additional training (assessment appeal).</p> <p>The handling of an appeal is to commence within seven (7) calendar days of the lodgement of the appeal and all reasonable measures are taken to finalise the process as soon as practicable.</p> <p>Forkpro Australia shall maintain the enrolment of the learner during the appeals handling process.</p>	CEO
vi.	<p>Keep the appeal up to date</p> <p>As the appeal handling is progressing, the learner is to be provided regular updates not less than every two weeks advising them of the status of the appeal and how it is progressing.</p>	General Manager CEO

vii.	<p>Communicate decision to learner/learner</p> <p>The CEO examines the outcomes of the review and determines the appeal response within 30 calendar days. The CEO is to advise the learner of the findings and outcomes in writing.</p> <p>A written response must be provided to the learner within thirty (30) calendar days of the lodgement of the appeal, including details of the reasons for the outcome.</p>	<p>General Manager</p> <p>CEO</p>
viii.	<p>Written acknowledgement</p> <p>Forkpro Australia must request written acknowledgement from the learner once the appeal has been determined.</p>	<p>General Manager</p> <p>CEO</p>
ix.	<p>Implement decision</p> <p>Decisions or outcomes of the appeals handling process that find in favour of the learner shall be implemented immediately. If this is an assessment appeal, the learner may agree to additional training whereby Forkpro Australia must provide this to the learner and re-assessment must be completed.</p> <p>If the learner is deemed not competent after re-assessment, they must meet with the Forkpro Australia Chief Executive Officer to discuss the assessment process and outcome.</p> <p>The learner 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 learner is dissatisfied with the appeal decision, they are to be referred to the <i>Complaints Handling Process</i>.</p>	<p>CEO</p> <p>Trainer</p>
x.	<p>Review by an independent third party, where required</p> <p>Where a learner is not satisfied with the handling of the appeal by Forkpro Australia, a body or person from an independent third party can be requested to review the appeal. The third-party is required to respond to with their recommendations within fourteen (14) calendar days of their review being request.</p>	<p>CEO</p>

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xi.	Consider any Opportunities for Improvement to this process Consider the opportunities for improvement that may have emerged during the process and record these within a Continuous Improvement Report for consideration at a future management meeting. Refer to: PP4.7 - Continuous Improvement and PP4.3 - Management Meeting.	General Manager CEO
xii.	Document Response The appeal record must be updated and recorded in the <i>Complaints and Appeals Register</i> . All associated documents relevant to the appeal should be retained including any records of continuous improvement.	General Manager CEO

6. Other documents to consider with this policy

Policies

- PP2.9 Complaints Handling
- PP4.3 Management Meeting
- PP4.7 Continuous Improvement

Forms

- Request for an Appeal of a Decision Form
- Complaints and Appeals Register
- Appeals Response Letter
- Continuous Improvement Report

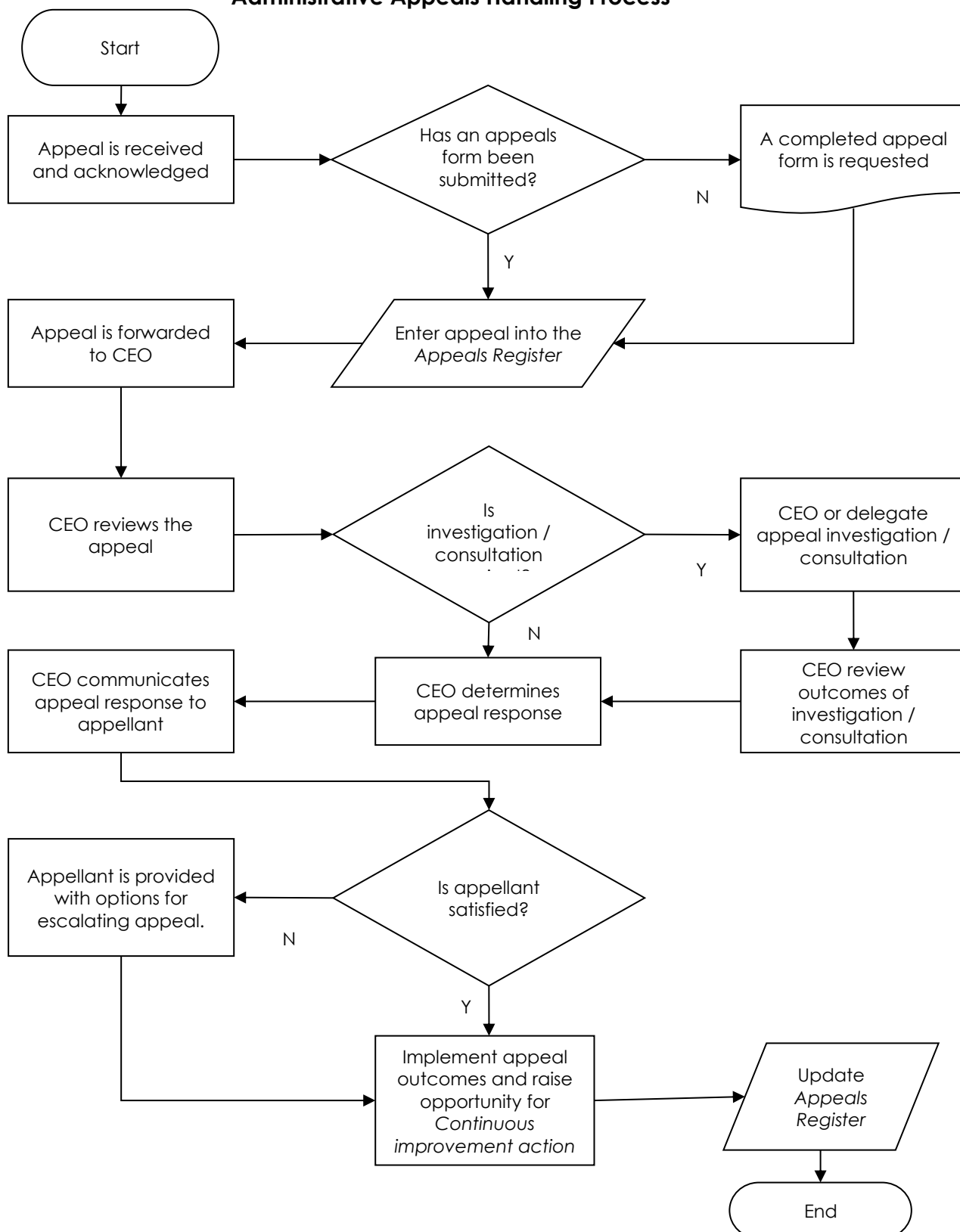
Handbooks, manuals or other documents

- Learner Handbook

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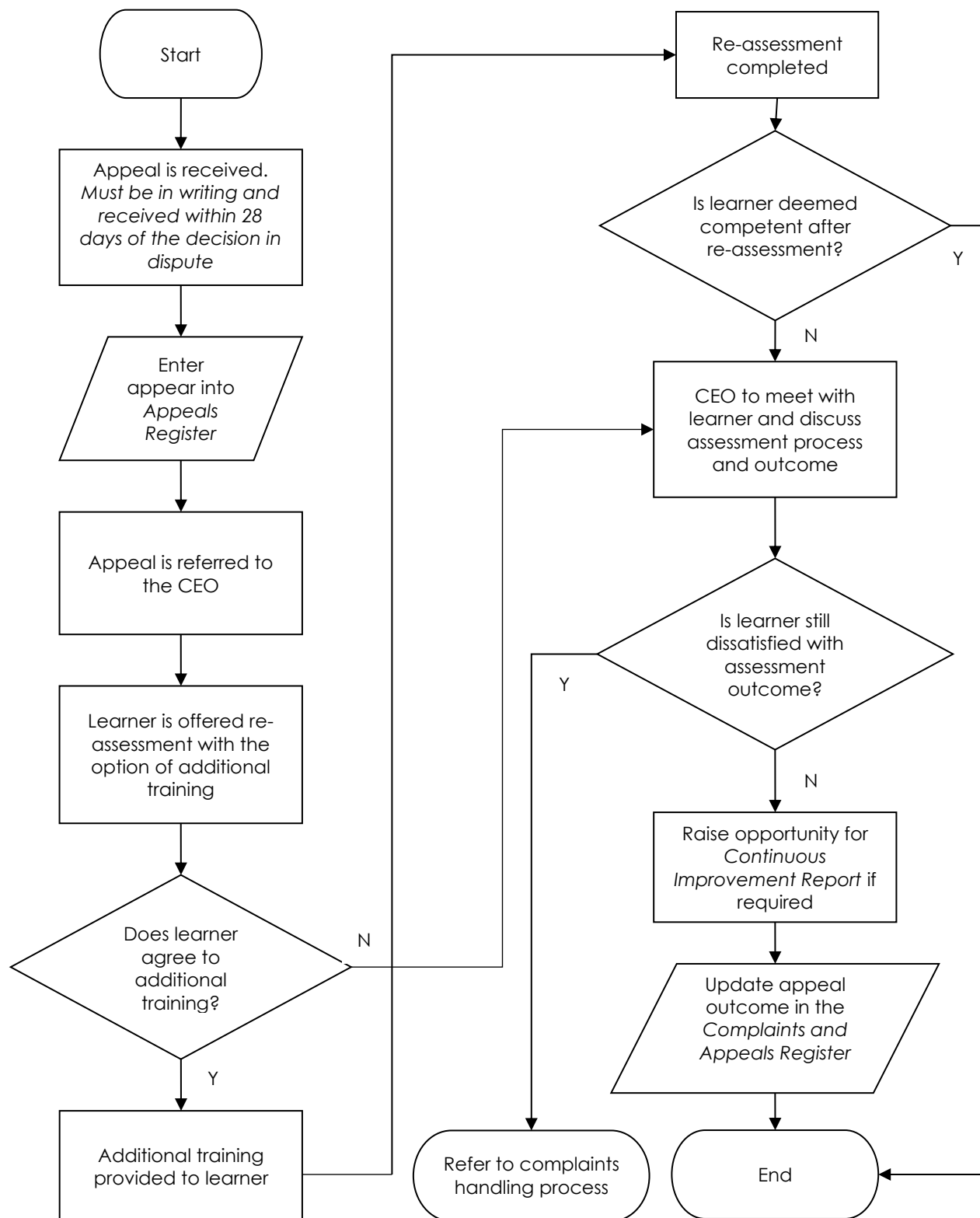
7. Flow chart

Administrative Appeals Handling Process



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Assessment Appeals Handling Process



8. Reference(s)

Outcome Standards for RTOs, Standard 2.7. Effective appeal processes are available where decisions of the RTO or a third party adversely impact a VET learner.

The RTO demonstrates:

- (a) VET learners are informed about avenues for appeal
- (b) an appeals management system that:
 - (i) ensures learners are afforded procedural fairness
 - (ii) identifies reasonable timeframes for actioning appeals
 - (iii) provides avenues for review by an independent party, if requested by the learner (at no or low cost to them)
- (c) appeal outcomes are documented and communicated to the learner
- (d) the outcomes of appeals are used to inform continuous improvement.

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