



PP2.10 – Appeals Handling

Policy area	Student Support
Standards	Outcome Standards for RTOs, Standard 2.8.
Responsibility	CEO Trainers and Assessors, Training Manager
Classification	Public

1. Purpose

The purpose of this policy and procedure is to ensure:

- students are informed about avenues for appealing decisions
- students 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 student
- outcomes of appeals are used to inform continuous improvement

2. Definitions

Appeal. An appeal is an application by a student for reconsideration of an unfavourable decision or finding during their time with LCA . 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 student.

3. Policy statement

3.1 Who and what does this policy apply to?

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

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



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- An assessment decision of the student’s knowledge and skills,
- An administrative decision that effects the student directly,
- A policy decision that changes the nature of the terms of service that the student 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- A decision in relation to a training product being superseded or deleted and the related transition process, or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 student 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 LCA makes that is relevant to the student, or which effects the student in some way.

3.2 Ensuring procedural fairness

LCA implement 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 student 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 students feel safe and supported when lodging an appeal.

3.2 The appeals period

Students 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

Students are encouraged to resolve any concerns they may have directly with the LCA staff member involved in the first instance. It is often the case that the student’s decision to make an appeal can be avoided by proper communication and consultation with students at the time a decision is made.

3.4 Submitting an Appeal



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If the student is unable to resolve the issue directly with the LCA staff member, they should raise the appeal with the Training Manager, Office Manager or CEO. This may be verbally in the first instance and must then be in writing by completing a *Request for an Appeal of a Decision Form*. The request for an appeal may be submitted to the Training Manager, Office Manager or CEO. Alternatively, the student may submit it via email or hard copy via the post. The contact details for submitting the appeal are provided to the student in the *Student Handbook*.

3.5 Communicating the Appeals Handling Policy and Procedure

The appeals handling policy and procedure will be:

- Publicly available on the LCA Website
- Integrated into the LCA Student Handbook
- Integrated in the LCA Policy and Procedures

3.6 Principles of Natural Justice and Procedural Fairness

A student is to be provided an opportunity to formally present his or her case at no cost. Each student 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 LCA 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 student is to be referred directly to an independent third-party for consideration and response. This means that the student 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 student is not satisfied with the handling of the matter by LCA, they have the opportunity for a body or person that is independent of LCA 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 LCA 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 student should inform the Office Manager of their request who will initiate the process with the Chief Executive Officer.
- In these circumstances, the LCA Chief Executive Officer will advise of an appropriate party independent of LCA to review the appeal outcome (and its subsequent handling) and provide advice to LCA 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 LCA as final, advised to the person making a appeal in writing and implemented without prejudice.



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- Where the LCA appoints or engages an appropriate independent person to review an appeal the LCA will meet the full cost to facilitate the independent review.

3.7 Confidentiality

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

3.8 Appeals Handling Timeframe

LCA will provide written acknowledgement of receiving the appeal no later than **24 hours** from the time the appeal is received using the appeals written acknowledgment email template. The acknowledgement must inform the student 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 LCA Chief Executive Officer considers that more than 30 calendar days are required to process and finalise the appeal, the CEO must inform the student 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 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://asqportal.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 students within the Student Handbook and also within the publicly available policies and procedures on LCA website. It is expected that the above agencies will investigate the persons concerns and contact the LCA for information. External agencies will typically request a copy of any



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record of how the appeal was handled from the person. LCA is to ensure that the person is provided with a written response that they may use for this purpose.

LCA is to cooperate fully with agencies such the Office of Fair Trading or ASQA that may investigate the handling of an appeal. LCA considers that it would be extremely unlikely that an appeal is not able to be resolved quickly within LCA 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 student or generated by LCA . There is also a record of the appeal maintained within the LCA 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 LCA 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 generated. This folder must only be accessible to persons authorised by the Chief Executive Officer. 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.
- 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

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

3.12 Destruction of Appeals Records

LCA 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.



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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.

5. Procedure

Steps	Person/s responsible
Making an Appeal	
i. Inform students of appeal process Upload the Appeals Handling Policy and Procedure to LCA Website. Provide all new students with a copy of the <i>Student Handbook</i> (Refer to: <i>PP2.2 - Enrolment</i>)	CEO
ii. Submission of appeal To appeal a decision, the person is required to complete the <i>Request for an Appeal of a Decision Form</i> . This form is available via our website. The completed Request for an Appeal form is to be submitted to the Office Manager either in hard copy or electronically via the following contact details: 540 Elizabeth St, Melbourne, 3000 Info@lca.edu.au If a person seeking an appeal has any difficulty accessing the required form or submitting the appeal to LCA, they are advised to contact LCA immediately at the following phone number: 0425729759 An appeal must be received by LCA in writing using the specified form within 28 calendar days of the decision or finding being informed to the person.	Student Training Manager Trainer



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iii.	<p>Written acknowledgement</p> <p>LCA will provide written acknowledgement no later than 24 hours from the time the appeal is received using the appeals written acknowledgment email template. The acknowledgement must inform the student that they will receive a written response within 14 days to explain the appeals handling process and the person's rights and obligations.</p>	Training 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 student, relation with LCA, 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>	Training 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 student 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>LCA shall maintain the enrolment of the student during the appeals handling process.</p>	CEO
vi.	<p>Keep the appeal up to date</p> <p>As the appeal handling is progressing, the student 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 using the template Letter - <i>Complaints or Appeals Update</i></p>	Training Manager CEO
vii.	<p>Communicate decision to student/student</p> <p>The CEO examines the outcomes of the review and determines the appeal response within 30 calendar days. The CEO is to use the <i>Appeals Response Letter</i> template to advise the student of the findings and outcomes.</p> <p>A written response must be provided to the student within thirty (30) calendar days of the lodgement of the appeal, including details of the reasons for the outcome.</p>	Training Manager CEO



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viii.	<p>Written acknowledgement</p> <p>LCA must request written acknowledgement from the student once the appeal has been determined.</p>	<p>Training 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 student shall be implemented immediately. If this is an assessment appeal, the student may agree to additional training whereby LCA must provide this to the student and re-assessment must be completed.</p> <p>If the student is deemed not competent after re-assessment, they must meet with the LCA Chief Executive Officer to discuss the assessment process and outcome.</p> <p>The student 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 student 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 student is not satisfied with the handling of the appeal by LCA, 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>
xi.	<p>Consider any Opportunities for Improvement to this process</p> <p>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.</p>	<p>Student Support Officer</p> <p>Training Manager</p> <p>CEO</p>
xii.	<p>Document Response</p> <p>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.</p>	<p>Training Manager</p> <p>CEO</p>



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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
- Complaints or Appeals Correspondence Record
- Appeals Written Acknowledgement
- Complaints or Appeals Response
- Complaints or Appeals Update
- Continuous Improvement Report

Handbooks, manuals or other documents

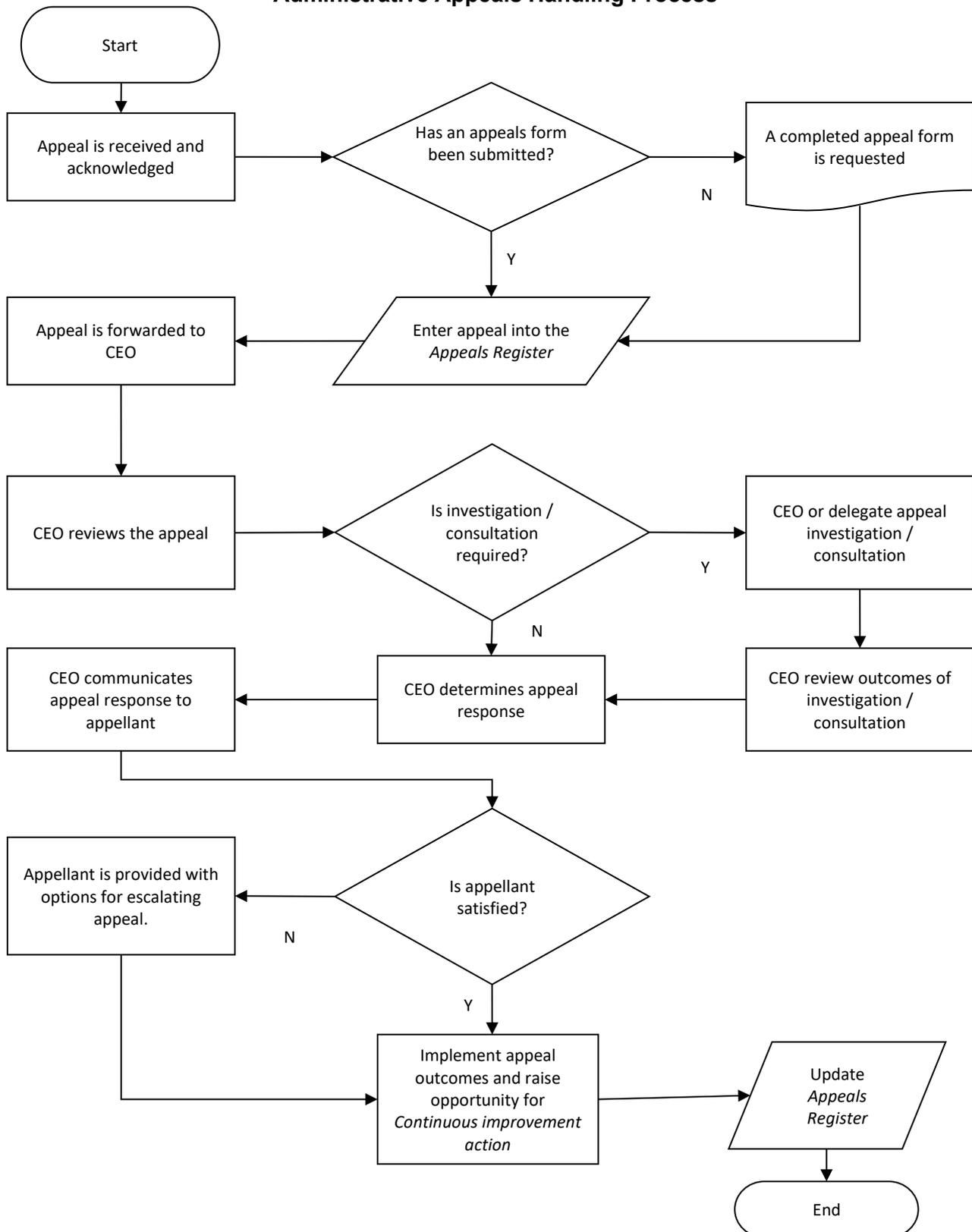
- Student Handbook



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7. Flow chart

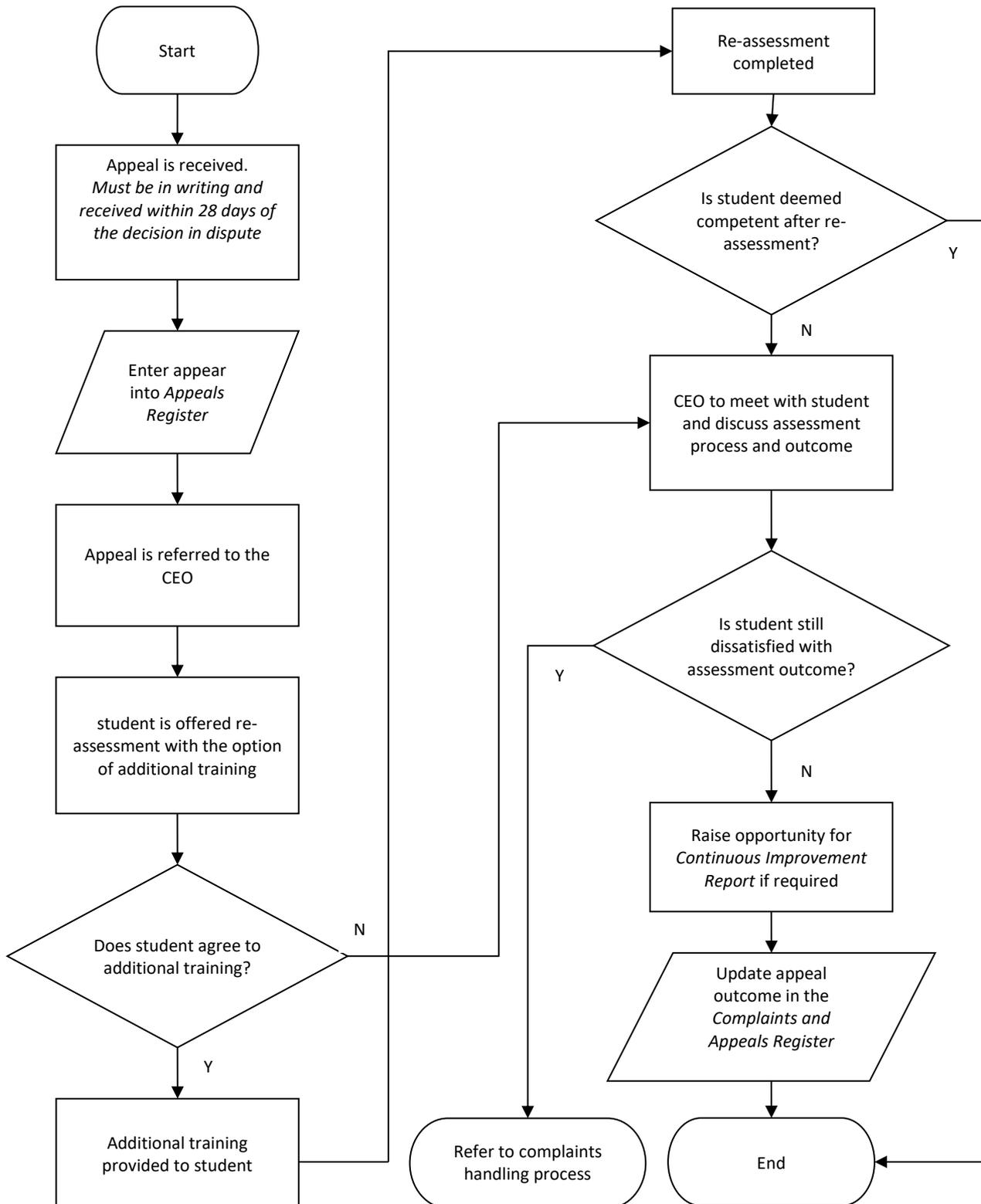
Administrative Appeals Handling Process





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Assessment Appeals Handling Process





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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 student.

The RTO demonstrates:

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