Appeals Handling Policy and Procedure

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 VACTS. 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 VACTS. These appeals may be submitted by a student where VACTS has made a decision that is relevant to the student, or which effects the student in some way. Where VACTS 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:

- 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- A decision in relation to a training product being superseded or deleted and the related transition process, or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 VACTS makes that is relevant to the student, or which effects the student in some way.

3.2 Ensuring procedural fairness

VACTS 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 VACTS 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

If the student is unable to resolve the issue directly with VACTS 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 *Complaint or Appeal 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 VACTS Website- https://www.vacts.edu.au/
- Integrated into VACTS Student Handbook
- Integrated in VACTS 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 VACTS 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 VACTS, they have the opportunity for a body or person that is independent of VACTS 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 VACTS 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, VACTS Chief Executive Officer will advise of an appropriate party independent of VACTS to review the appeal outcome (and its subsequent handling) and provide advice to VACTS in regard 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 VACTS as final, advised to the person making a appeal in writing and implemented without prejudice.

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

3.7 Confidentiality

Appeals are to be handled in the strictest of confidence. No VACTS representative is to disclose information to any person without the permission of VACTS 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

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

VACTS is to cooperate fully with agencies such the Office of Fair Trading or ASQA that may investigate the handling of an appeal. VACTS considers that it would be extremely unlikely that an appeal is not able to be resolved quickly within VACTS 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 VACTS. There is also a record of the appeal maintained within VACTS 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 VACTS 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

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

3.12 Destruction of Appeals Records

VACTS 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.

5. Procedure

Steps		**Person/s responsible**
Making an Appeal		
i.	**Inform students of appeal process** Upload the Appeals Handling Policy and Procedure to VACTS Website. Provide all new students with a copy of the *Student Handbook*	CEO
ii.	**Submission of appeal**	Student

	To appeal a decision, the person is required to complete the *Compliant or Appeal Form*. This form is available via our website. The completed Compliant or Appeal form is to be submitted to the Office Manager either in hard copy or electronically via the following contact details: 171 Sydney Road, Coburg VIC 3058 info@vacts.edu.au If a person seeking an appeal has any difficulty accessing the required form or submitting the appeal to VACTS, they are advised to contact VACTS immediately at the following phone number: Ph.: +61 3 9995 3642 An appeal must be received by VACTS in writing using the specified form **within 28 calendar days** of the decision or finding being informed to the person.	Training Manager Trainer
iii.	**Written acknowledgement** VACTS will provide written acknowledgement **no later than 24 hours** from the time the appeal is received using the appeals written acknowledgment email. 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.	Training Manager
iv.	**Recording the appeal** The appeal must be entered into the *Complaints and Appeals Register*. The Complaints and Appeals Register identifies the student, relation with VACTS, nature of appeal, findings/outcomes, any links with the *Continuous Improvement Report* 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.	Training Manager
v.	**Review of the appeal**	CEO

	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). 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. VACTS shall maintain the enrolment of the student during the appeals handling process.	
vi.	**Keep the appeal up to date** 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.	Training Manager CEO
vii.	**Communicate decision to student/student** The CEO examines the outcomes of the review and determines the appeal response **within 30 calendar days**. The CEO is to advise the student of the findings and outcomes. 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.	Training Manager CEO
viii.	**Written acknowledgement** VACTS must request written acknowledgement from the student once the appeal has been determined.	Training Manager CEO
ix.	**Implement decision** 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 VACTS must provide this to the student and re-assessment must be completed.	CEO Trainer

	If the student is deemed not competent after re-assessment, they must meet with VACTS Chief Executive Officer to discuss the assessment process and outcome. 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 need to follow *Complaints Handling Process*.	
x.	**Review by an independent third party, where required** Where a student is not satisfied with the handling of the appeal by VACTS, 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.	CEO
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.	Student Support Officer Training Manager CEO
xii.	**Document Response** The appeal record must be updated and recorded in the *Complaints and Appeals Register*.All associated documents relevant to the appeal should be retained including any records of continuous improvement.	Training Manager CEO

6. Related documents/forms

Forms

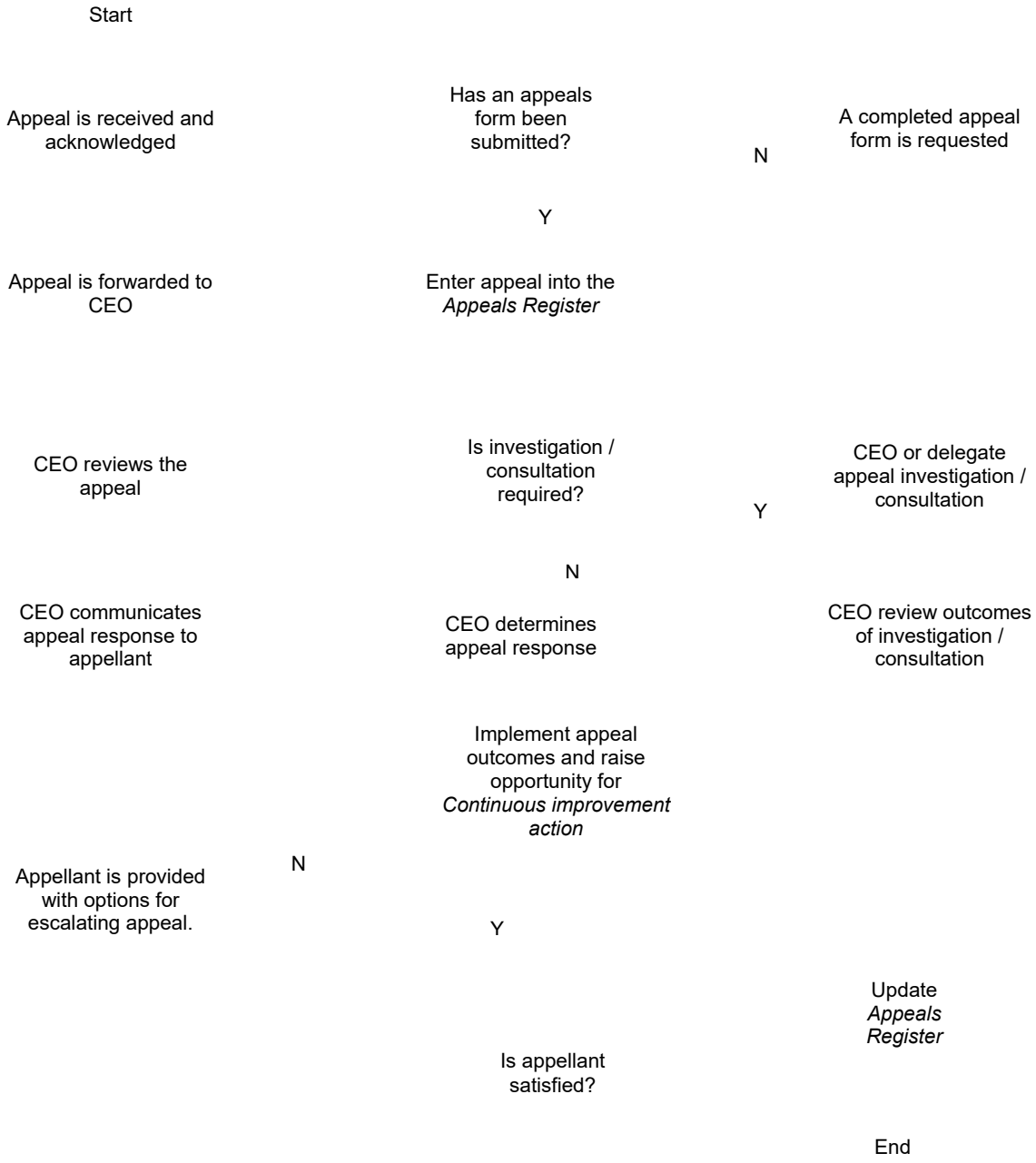
- Compliant or Appeal Form
- Complaints and Appeals Register
- Continuous Improvement Report

Handbooks, manuals or other documents

- Student Handbook

7. Flow chart

Administrative Appeals Handling Process



8. Reference(s)

2025 Standards for Registered Training Organisations (RTOs) :

Outcome Standards for NVR RTOs, Standard 2.8.Effective appeal processes are available to VET students where decisions of the NVR registered training organisation or a third party adversely affect the student.

ESOS Act 2000 - National Code of Practice for Providers of Education and Training to Overseas Students 2018, Standards 10

Standard 10 Complaints and appeals: This standard sets out that registered providers must ensure their overseas students have the right to natural justice protected through access to professional, timely, inexpensive and documented complaints handling and appeals processes.