

1. Purpose

ATC WORK SMART is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (RTOs) 2015. As such, ATC WORK SMART is required to have a policy and processes in place to manage requests for a review of assessment decisions.

This policy is based on providing and maintaining training and assessment services that are fair and reasonable and afford a forum where issues or inadequacies regarding assessment can be raised and resolved. The Appeals policy provides opportunity for appeals to be recorded, acknowledged and dealt with in a timely manner.

The object of this policy is to ensure that ATC WORK SMART 's staff and third party partners, act in a professional manner at all times. This policy provides Students with a clear process to register an appeal. It ensures all parties involved are kept informed of the resulting actions and outcomes.

2. Policy Statement

ATC WORK SMART acknowledges that Students have the right to appeal an assessment decision, based on valid grounds for appeal.

ATC WORK SMART has provision for Students to appeal against assessment decisions.

ATC WORK SMART ensures that Students have access to a fair and equitable process for lodging an appeal against an assessment decision.

In doing so, ATC WORK SMART :

- has written processes in place for collecting and dealing with appeals in a constructive and timely manner.
- ensures that these procedures are communicated to all staff and students.
- ensures that each appeal and its outcome are recorded in writing.
- ensures that each appeal is heard by an independent person or panel.
- ensures that each appellant has the opportunity to formally present his or her case;
- ensures that each appellant is given a written statement of the appeal outcomes, including reasons for the decision.
- takes appropriate action upon the subject of any appeal that is found to be substantiated;
and

- utilises outcomes of appeals to review current practices which may potentially lead to continuous improvement.

3. Definitions

Assessment means the process of collecting evidence and making judgements on whether competency has been achieved, to confirm that an individual can perform to the standard required in the workplace, as specified in a training package or VET accredited course.

Third party means any party that provides services on behalf of the RTO but does not include a contract of employment between an RTO and its employee.

4. Policy Principles

4.1 Underpinning Principles

- a) Students have the right to lodge an appeal against an assessment decision if they feel they were unfairly treated during an assessment, and/or where they feel the assessment decision is incorrect and they have grounds for an appeal.
- b) The principles of natural justice and procedural fairness are adopted at every stage of the appeal process.
- c) The appeals policy is publicly available, via ATC WORK SMART 's website.
- d) The appellant can provide detail of their appeal in writing.
- e) All appeals must be lodged within 7 calendar days of the date of the assessment result notification to the client.
- f) If the appeals process fails to resolve the appeal or the appellant is not satisfied with the outcome of the appeal, the matter will be referred to an independent third party for review, at the request of the appellant. All costs incurred for the third party review will be advised to the appellant.
- g) Every appeal is heard by a suitably qualified independent assessor or panel, who will be asked to make an independent assessment of the application.
- h) All appeals are acknowledged in writing and finalised as soon as practicable.
- i) ATC WORK SMART may charge a fee for the appeals process where an external assessor is engaged. Should this be the case, all costs incurred will be advised to the appellant.

- j) If the appeal will take in excess of 60 calendar days to finalise ATC WORK SMART will inform the appellant in writing providing the reasons why more than 60 calendar days are required. The appellant will also be provided with regular updates on the progress of the appeal.
- k) ATC WORK SMART strives to deal with appeal issues as soon as they emerge, to avoid further disruption or the need for a formal complaint process.
- l) All appeals will be handled 'In-Confidence' and will not affect or bias the progress of the participant in any current or future training

4.2 Grounds for Appeal

Valid grounds for an appeal against an assessment decision (where the client feels the assessment decision is incorrect) could include the following:

- a) The judgement as to whether competency has been achieved and demonstrated was made incorrectly;
- b) The judgement was not made in accordance with the Assessment Plan;
- c) Alleged bias of the assessor;
- d) Alleged lack of competence of the assessor;
- e) Alleged wrong information from the assessor regarding the assessment process;
- f) Alleged inappropriate assessment process for the particular competency;
- g) Faulty or inappropriate equipment; and/or
- h) Inappropriate conditions.

4.3 Appeal Outcomes

An investigation into an Appeal may result in one of the following outcomes:

- a) Appeal is upheld; in this event the following options will be available:
 - i. The original assessment will be re-assessed, potentially by another assessor.
 - ii. Appropriate recognition will be granted.
 - iii. A new assessment shall be conducted/arranged.
- b) Appeal is rejected/ not upheld; in accordance with ATC WORK SMART assessment policy the client will be required to:
 - i. undertake further training or experience prior to further assessment; or

- ii. re-submit further evidence; or
- iii. submit/undertake a new assessment.

4. ATC WORK SMART Responsibilities

The Training Manager is the Appeals Resolution Officer.

Details concerning the scope of the Appeals Policy are included in the staff induction Process and clearly displayed in the Student Handbook and ATC WORK SMART 's websites.

5. Appeals

5.1 Appeals Process

All appeals shall follow the below process:

- a) Appeal to be made in writing within 7 calendar days of notification of the assessment decision using the Appeals form.
- b) A submitted Appeals form will constitute a formal appeal from the appellant. Further detail may be provided by the appellant verbally.
- c) The Training Manager shall be informed of receipt of any appeal.
- d) The Training Manager may delegate responsibility for the resolution of the appeal, as appropriate.
- e) Appeals will be processed in accordance with the Appeals flowchart – Annex A.
- f) Appeals, where possible, are to be resolved within 28 days of the initial application.
- g) In all cases the conclusion will be endorsed by the Training Manager. The appellant will be advised in writing of the outcome of their appeal, within seven (7) days of the resolution.
- h) If the outcome is not to the satisfaction of the appellant, they may seek an appointment with the Training Manager.
- i) If the appellant is not satisfied with the decision, they have the option to seek outside assistance to pursue the appeal.

6. Access & Equity

The ATC WORK SMART Access & Equity Policy applies. (See Access & Equity Policy)

7. Records Management

Records of all appeals and their outcomes are maintained securely.

Records of appeals will include:

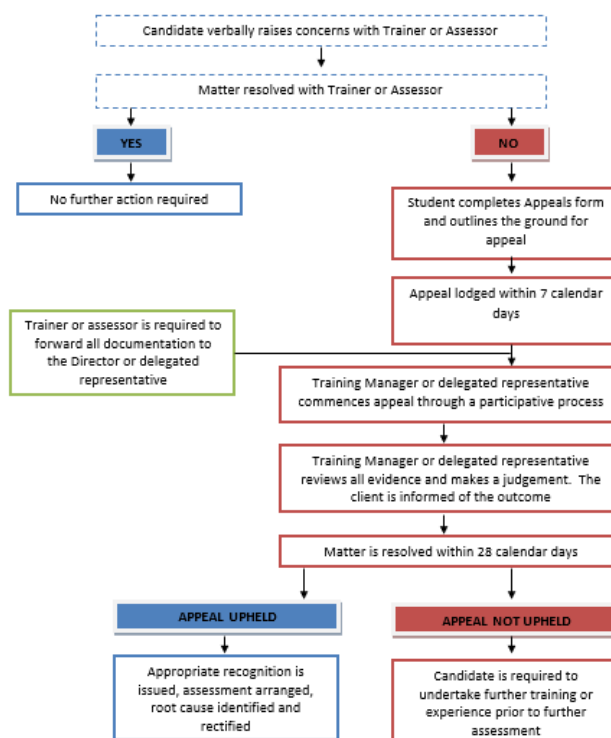
- How the appeal was dealt with;
- The outcome of the appeal;
- The timeframes for resolution of the appeal;
- The potential causes of the appeal; and
- The steps taken to resolve the appeal.

All documentation from Refund processes are maintained in accordance with Records Management Policy. (See Records Management Policy)

8. Monitoring and Improvement

All appeals practices are monitored by the Training Manager and will be discussed at Management Review Meetings with areas for improvement identified and acted upon. (See Continuous Improvement Policy)

ANNEX A: Appeals Process



9. Appeals Procedure

STEP 1 – Initial Review of Appeal

No.	Who	Actions
1.1	Client	a) If the client is unhappy with the assessment decision, they should first seek to discuss the decision and options with the Assessor, to determine and fully understand the reasons for the decision.
1.2	Assessor	a) With a view to resolving the matter, discuss with the client: give specific feedback on their performance, identify areas of improvement, and provide options to the client such as further training and/or assessment.
1.3	Assessor	a) If the matter is not resolved, advise client of their right to appeal the decision referring them to the Appeals policy and provide client with access to the Appeals Lodgement Form.
1.4	Manager	a) Enter details of Appeal into Appeals Register. b) Note actions on Appeals Lodgement Form. c) File Appeals Lodgement Form (if appeal resolved) onto Client file.

STEP 2 – Lodgement of Appeal

No.	Who	Actions
2.1	Client	a) Lodges an appeal in writing using the Appeals Lodgement form. b) Submits within seven (7) days of the date of assessment result notification. c) The Appeals lodgement form must clearly state the grounds for appeal and should include sufficient evidence to support the claim.
2.2	Manager	a) Enter details of Appeal into Appeals Register. b) Note actions on Appeals Lodgement Form. c) Print and commence Appeals Progress Form.
2.3	Manager	a) On receipt of the appeals application, acknowledges receipt of the claim, in writing, to the appellant within two working days, this may be via email, letter or fax. b) Keep all documentation in the Appeals file, which will remain in place until the appeal is resolved. After which time all appeal documentation will be placed on the Client file.

STEP 3 – Processing the Appeal

No.	Who	Actions
3.1	Manager	a) Nominates, within five working days, an independent assessor or panel to review the appeal and make a determination. b) Advise the appellant in writing of the name of the independent Assessor or panel.

3.2	Independent Assessor / Panel	<ul style="list-style-type: none"> a) Appeals claim is reviewed and investigated which includes: <ul style="list-style-type: none"> i. A review of the application form and supporting evidence. ii. A review of all assessment documentation and process. iii. An interview with the appellant to allow them the opportunity to formally state their claim. iv. An interview with the Assessor.
		<ul style="list-style-type: none"> b) Determine the appeal outcome and provide an explanation to justify their decision. The independent assessor /panel will advise the Director of the appeals outcome, in writing, within 5 working days. c) Note actions on Appeals Progress Form. d) If the outcome involves re-assessment, go to Step 4.

STEP 4 – Conduct Re-Assessment

No.	Who	Actions
4.1	Manager	<ul style="list-style-type: none"> a) Arrange for the appellant to be re-assessed and inform the appellant of the details regarding the re-assessment, in writing, in accordance with assessment processes. b) Place a copy of the re-assessment correspondence on the Client file. c) If the appellant is dissatisfied with the result or the process of the appeal, the appellant may lodge a complaint with External Arbitrator. d) If appellant refuses to be reassessed, the progress of the appeal to the External Arbitrator is at the discretion of the Appellant.
4.2	Assessor and Independent Observer	<ul style="list-style-type: none"> a) The appellant has the option to nominate an independent observer to be present during the re-assessment. b) Conduct the re-assessment. c) Determine the assessment outcome against the competencies. d) Complete all relevant assessment documentation, (in accordance with the Assessment policy) notifying the appellant and the Training Manager of the outcome, in writing

STEP 5 – Finalising the Appeal

No.	Who	Actions
5.1	Manager	<ul style="list-style-type: none"> a) Supply the appellant with the appeals outcome in writing within 2 working days
5.2	Manager	<ul style="list-style-type: none"> a) If the appeal is upheld, and if Client is satisfied with the outcome: <ul style="list-style-type: none"> i. Finalise the appeals documentation, place all documentation in the client's appeals file. ii. Complete documentation for the issuance of a Statement of Attainment or qualifications (as appropriate). iii. The appeals file is closed, and provided to Admin.

		<ul style="list-style-type: none"> b) If the appeal is upheld and if Client is NOT satisfied with the outcome, progress with Appeal with the External Arbitrator. c) Note actions on Appeals Progress Form.
5.3	Manager	<ul style="list-style-type: none"> a) If the Appeal is rejected, notify the appellant in writing that the original decision/judgement is to stand. b) Client continues to progress through the usual Assessment process. c) Note actions on Appeals Progress Form.
5.4	Manager	<ul style="list-style-type: none"> a) If client is dissatisfied with outcome, advise the client of their right to further progress the appeal through the External Arbitrator. (See Step 6) b) Note actions on Appeals Progress Form.
5.5	Manager	<ul style="list-style-type: none"> a) Enter details of Appeal outcome into Student Management System (SMS) b) Enter details of Appeal outcome into Appeals Register. c) Note actions on and complete the Appeals Progress Form. d) The client is provided a refund of the appeals fee if appeal is upheld. Follow refunds policy and procedures. e) Place all documentation from Appeals file onto Client file.
5.6	Manager	<ul style="list-style-type: none"> a) Ensure that the assessment tools, policy and procedures relating to any substantiated Appeal is reviewed and progressed through continuous improvement processes, as appropriate

STEP 6 – Referral to External Arbitrator

No.	Who	Actions
6.1	Manager	<ul style="list-style-type: none"> a) Contact and engage the External Arbitrator for a review of the Appeal, providing all relevant documentation. b) Cooperate with External Arbitrator for a review of the Appeal.
6.2	External Arbitrator	<ul style="list-style-type: none"> a) Review, investigate and mediate the complaint with all relevant parties and make a ruling. b) ATC Work Smart will abide by any resolutions as recommended by the External Arbitrator.
6.3	Manager	<ul style="list-style-type: none"> a) If the Appeal is Upheld, go to Step 5.2
6.4	Manager	<ul style="list-style-type: none"> a) If the Appeal is rejected notify the appellant in writing that the original decision/judgement is to stand. b) Client continues to progress through the usual Assessment process. c) Note actions on Appeals Progress Form.