

## Appeals Handling Policy

Australian Professional Training Academy is committed to providing a fair and transparent appeals handling process.

### What is an appeal?

An appeal is an application by a learner for reconsideration of an unfavourable decision or finding during their time with Australian Professional Training Academy. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within **twenty eight (28) working days** of the decision or finding is informed to the learner.

It is important to note that a learner may appeal any decision made by Australian Professional Training Academy or a third party providing services on Australian Professional Training Academy behalf. Contrary to the popular belief that appeal relates only to assessment decisions, appeals can relate to administrative decisions that Australian Professional Training Academy 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 and 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.

### 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 can often be the case that a learner's decision to make an appeal can be avoided by proper communication and consultation with learners at the time a decision is made.

### Relationship to continuous improvement

Frequently, the appeals handling process will expose weaknesses 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 must be received by Australian Professional Training Academy 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 Australian Professional Training Academy - Request for Appeal of a Decision. This form is available via our website. The completed Request for Appeal form is to be submitted to the Office Manager either in hard copy or electronically via the following contact details:

Address: Suite 11 (Upstairs), 61-67 Haldon Street, Lakemba, NSW 2195

Email: [info@aptacademy.edu.au](mailto:info@aptacademy.edu.au)

If a complainant has any difficulty accessing the required form or submitting the complaint to Australian Professional Training Academy, they are advised to contact site train immediately at the following phone number: 02 9011 7000 / 0478 897 000

## Appeal handling procedure

Australian Professional Training Academy will apply the following procedure to its appeals handling:

- Appeals must be lodged within **twenty eight (28) working days** of the decision or finding being informed to the person. An appeal must be submitted using the Australian Professional Training Academy - Request for Appeal of a Decision.
- A person who submits an appeal must be **provided a written acknowledgement** as soon as possible and **not later than 24 hours** from the time the appeal is received. This acknowledgement is intended to provide the person making an appeal assurance that Australian Professional Training Academy had received the appeal and will review the relevant issues and provide a response. The acknowledgement must inform the person making an appeal that they will receive a written response within 14 days.
- A written record of all appeals is to be kept by Australian Professional Training Academy including all details of lodgement, response and resolution. The appeals register within RTO Data 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.

- 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 appeals policy must be publicly available. This means that the appeals policy and procedure must be published on the Australian Professional Training Academy website.
- The handling of an appeal is to commence within **seven (7) working days** of the lodgement of the appeal and all reasonable measures are taken to finalise the process as soon as practicable.
- The appellant is to be provided a written response to the appeal, including details of the reasons for the outcome. A written response must be provided to the appellant within **fourteen (14) working days** of the lodgement of the appeal.
- Appeals must be resolved to a final outcome within **sixty (60) calendar days** of the appeal being initially received. Where Australian Professional Training Academy Chief Executive Officer considers that more than 60 calendar days are required to process and finalise the appeal, the CEO must inform the appellant in writing, including reasons why more than 60 calendar days are required. As a benchmark, Australian Professional Training Academy should attempt to resolve appeals as soon as possible. A timeframe to resolve an appeal within thirty (30) calendar days is considered acceptable and in the best interest of Australian Professional Training Academy and the appellant. An appellant should also be provided with regular updates to inform them of the progress of the appeal handling. Updates should be provided to the appellant at a minimum of **two (2) weekly intervals**.
- Australian Professional Training Academy shall maintain the enrolment of the appellant during the appeal handling process.
- Decisions or outcomes of the appeal handling process that find in the favour of the appellant shall be implemented immediately.
- Appeals are to be handled in the strictest of confidence. No Australian Professional Training Academy representative is to disclose information to any person without the permission of Australian Professional Training Academy Chief Executive Officer. A decision to release information to third parties can only be made after the appellant has given permission for this release to occur. This permission should be given using the Information Release Form.

- Appeals are to be considered and handled to ensure the principles of natural justice and procedural fairness are applied at every stage of the appeal handling process. This means that the appellant is entitled to be heard with access to all relevant information and with the right of reply. The appellant is entitled to have their appeal heard by a person that is without bias and may not be affected by the decision. Finally the decision must be made based 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. Further guidance on principles of natural justice and procedural fairness can be accessed at the following link: [Principles of Natural Justice and Procedural Fairness](#)

### Third Party Review

Where the appellant is not satisfied with the handling of the matter by Australian Professional Training Academy, they have the opportunity for a body or person that is independent of Australian Professional Training Academy to review his or her appeal following the internal completion of appeals handling process. Before a person seeks a review by an independent person, they are requested to first allow Australian Professional Training Academy to fully consider the nature of the appeal and to fully respond to the person in writing. If after this has occurred, the person is not satisfied with the outcome, they can then seek a review by an independent person. To request a review by an independent person, the person making an appeal should inform the Office Manager of their request who will initiate the process with the Chief Executive Officer.

In these circumstances the Australian Professional Training Academy Chief Executive Officer will advise of an appropriate party independent of Australian Professional Training Academy to review the appeal outcome (and its subsequent handling) and provide advice to Australian Professional Training Academy in regards to the recommended outcomes. The independent third-party is required to respond with their recommendations **within fourteen (14) working days** of their review being requested. This advice is to be accepted by Australian Professional Training Academy as final, advised to the appellant in writing and implemented without prejudice.

Where the Australian Professional Training Academy appoints or engages an appropriate independent person to review an appeal, the Australian Professional Training Academy will meet the full cost to facilitate the independent review. Where the person seeking an appeal objects to this appointment and requests to engage a person or organisation they nominate to undertake the review, the Australian Professional Training Academy may seek the person seeking an appeal

to contribute to the cost of engaging this person to undertake the review. This is advised to the person seeking an appeal within the Learner Handbook.

Where an appeal is received by Australian Professional Training Academy and the Chief Executive Officer feels that they may be biased or there is a perception of bias, then the appeal is to be referred directly to an independent third-party for consideration and response as outlined above.

### **Unresolved Appeals**

Where the appellant remains not satisfied with the outcome of the appeals handling procedure, the appellant is to be directed to the following external agencies:

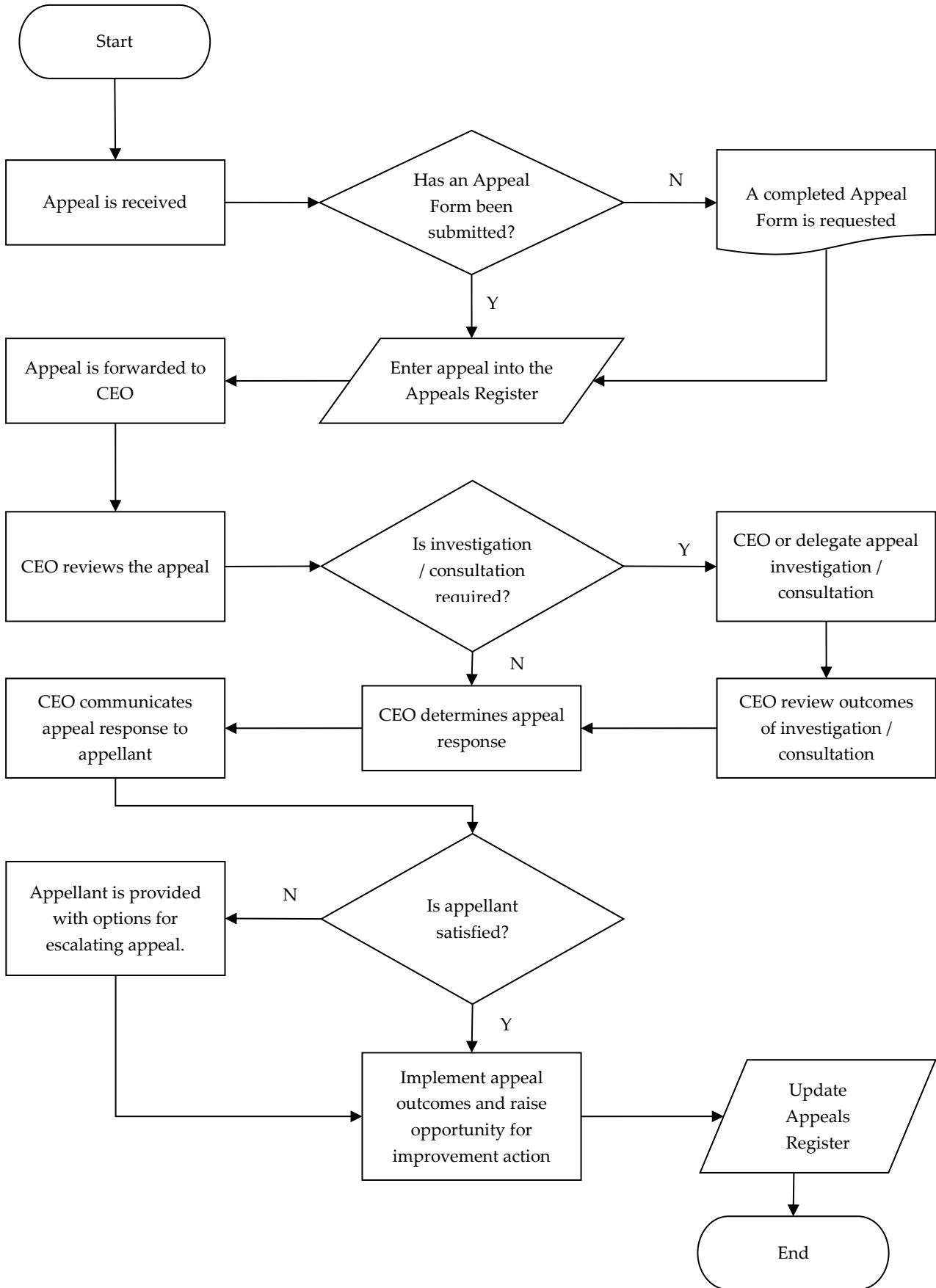
- In relation to consumer protection issues, these may be referred to the **Office of Fair Trading**.
- In relation to the delivery of training and assessment services, these may be referred to the **National Training Complaints Service** via the following phone number: 13 38 73.

This guidance is communicated to learners within the Learner Handbook. It is expected that the above agencies will investigate the person's concerns and contact the Australian Professional Training Academy for information.

The Australian Professional Training Academy is to cooperate fully with agencies such as the National Training Complaints Service or ASQA that may investigate the handling of an appeal. Australian Professional Training Academy considers that it would be extremely unlikely that appeals are not able to be resolved quickly within Australian Professional Training Academy internal arrangements.



### Administrative Appeals Handling Process





### Assessment Appeals Handling Process

