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DOCUMENTS:

- Complaint/Appeal Report Form
- Complaint/Appeal Register
- Complaint/Appeal Schematic

REFERENCES:

- Access Equity Fairness policy
- Student Handbook
- Student Support Services

RELEVANT STANDARDS

- Standards for Registered Training Organisations (RTOs) 2015
- ELICOS National Standards
- Education Services for Overseas Students (ESOS) Act 2000
- National Code Of Practice for Providers of Education and Training to Overseas Students 2018

AUTHORISED:  DATE 04/06/2020

POSITION: CEO



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PURPOSE

This policy is to ensure that Adelaide Institute of Business & Technology (AIBT) stakeholders and in particular Students are aware of the appeals process and the rights and responsibilities afforded to everyone.

POLICY

It is the policy of AIBT to manage its process in a fair and equitable manner that ensures all stakeholders are provided with a timely and transparent framework to lodge appeals.

AIBT provides a process for advocacy, internal mediation and external independent mediation to resolve disputes and appeals.

A stakeholder and/or AIBT may nominate;

- an advocate to accompany, represent and support them
or
- an external independent mediation process

at any stage of the appeal process.

AIBT commits to an appeal process with the following guiding principles.

Confidentiality

Only the parties directly involved in lodging or investigating or mediating an appeal will have access to information about the appeal.

Discussion of the matter by parties to the appeal with other AIBT stakeholders, or other parties either internal or external is not permitted and will breach Privacy Principles. Such discussion may also hamper the effectiveness of the process.

Impartiality

All parties will be provided with equal opportunity for discussion and response. No assumptions will be made and no action will be taken until all relevant information has been collected and considered.

AIBT reserves the right to seek expert advice as to the appropriate action to be taken in regard to the outcome of an investigation.

Stakeholders may have an advocate present throughout the process.

Free from Repercussions

No action will be taken against any individual or entity for lodging a valid appeal or assisting someone to lodge or manage a valid appeal.

AIBT will take all necessary steps to ensure that victimisation does not occur against anyone who lodges or is involved in a valid appeal.

AIBT reserves the right to take appropriate action against an individual or entity that lodges a Frivolous or Malicious appeal, or knowingly lodges a false appeal.

Timely & Transparent

All appeals will be dealt with as quickly and transparently as possible.

An abbreviated description of the appeals process is included in the Student Handbook and Students will be verbally informed of the appeals procedure as part of their induction process.

SCOPE

This policy encompasses:

- current and past students;
- student candidates;
- employees;
- contractors;
- suppliers and providers;
- regulatory authorities.

This policy does not cover complaints. Please refer Complaint Process.

DEFINITION

Advocate	- Individual who accompanies an appellant for the purposes of support throughout the process. An advocate for the purposes of this policy does not include Legal Representation.
Appeal	- An appeal arises when a stakeholder is not satisfied with a decision taken by AIBT.
Appeal Event	- Actual instance of decision that occurred for which the appeals being lodged.
Complaint/Appeal Committee	- A number of persons nominated by the CEO to review decisions that an Appellant does not accept as satisfactory.
Appellant	- Person or entity that lodges an appeal.
Contractor	- Individual or entity engaged by AIBT under contract to deliver specified work on its behalf e.g. Sessional trainer/assessor.
AIBT Representative	- For the purposes of the Appeal Process this will normally be the CEO or their delegate.
Employee	- Person employed by AIBT on a full or part time or casual basis. Does not include Contractors.
Frivolous Appeal	- Fictitious appeal or one made intentionally without foundation or to cause detriment or mischief. Knowingly lodging a false appeal. (without truth or foundation).

- Legal Representation - A lawyer or similar who is engaged by the appellant or AIBT to represent them in a formal and legal process which may be initiated if the appeal process including external mediation fails.
- Malicious Appeal - Fictitious appeal or one made intentionally without foundation or to cause detriment or mischief. Knowingly lodging a false appeal (without truth or foundation).
- Mediation Event - Meeting, intervention or other event specifically designed and arranged with the goal of a satisfactory outcome.
- Non-Employee Stakeholder - Individual or Entity who is not legally employed by AIBT e.g. Supplier, Contractor, Regulatory Authority.
- Parties to the Appeal - All individuals and/or entities who are directly involved in lodging or investigating or mediating an appeal.
- Stakeholder - General term inclusive of any individual or entity with whom AIBT has a relationship including but not limited to employees, students, contractors and suppliers.
- Zero Tolerance - AIBT will not under any circumstances tolerate behaviours that breach the fundamental principles of access, equity and fairness. AIBT will take action against any individual or group of individuals proven to have breached these principles and that action may be to the extent of termination of employment or contract or removal of students from hosting.

PROCEDURE

Documentation

The process must:

- be documented at each step using the Complaint/Appeal Report Form;
- registered in the Complaint/Appeal Register;
- ensure that all parties sign and receive hardcopy of the record within 5 working days of the completion of each step;
- a copy is filed in line with Privacy Principles

Appellant Support

If for whatever reason the stakeholder is unable to undertake any of the following steps, they should speak with a senior staff member with whom they are most comfortable.

NB: The stakeholder is encouraged, at any stage of the process, to invite an advocate or support person to participate.

AIBT will provide assistance throughout the process.

Appeal Process

The process will be:

Learning & Assessment Appeal

The process for appeal for a learning or assessment decision made by AIBT is as follows:

- Appellant (person who is appealing the decision) lodges a verbal or written appeal to AIBT within twenty (20) days of the date of the decision. Where an appeal is made verbally it must be supported in writing within the 20-day appeal period;
- An appeal in relation to a learning or assessment outcome should be directed to the Trainer/Assessor concerned;
- AIBT documents the details of the appeal attaching the original appeal letter from the Appellant if provided;
- Within 5 working days of receipt of the appeal a meeting is arranged by AIBT, between the Trainer/Assessor and the Appellant to discuss the Appellant's concerns. The discussion is recorded by the AIBT Trainer/Assessor and signed off by the Appellant.
- Within 5 working days of the meeting AIBT's Trainer/Assessor informs the Appellant of the decision. The decision may be given verbally or in writing, however, a written notification must be provided to the Appellant supporting a verbal advice.
- If the Appellant is dissatisfied with the decision, they may make an appeal to the Training Co-ordinator. This appeal must be in writing clearly stating the Appellant's concerns.



Policy & Procedure - Appeal Process

- The Training Co-ordinator will meet with both the Trainer/Assessor and the Appellant within 5 working days of receiving the appeal notice. The meeting is to be documented.
- The Training Co-ordinator will advise the Trainer/Assessor and the Appellant within 5 working days of the meeting of the decision.
- If the Appellant is dissatisfied with the Training Co-ordinator's decision, they may make an appeal directly to the CEO. This appeal must be in writing clearly stating the Appellant's concerns.
- The CEO will meet with all parties within 5 working days of receiving the appeal notice. The meeting is to be documented and signed off by all parties.
- The CEO will advise the parties within 5 working days of the meeting of the decision.

In the case of an assessment appeal the determination may be:

- a. that a Student should be reassessed by an alternate assessor; or
- b. that the original decision is correct and will stand; or
- c. that an adjustment to the original decision is warranted.

If the Appellant remains dissatisfied with the process or the decision they may

- a. request that an external mediator agreeable to all parties be engaged. AIBT generally uses the services of.

ACCESS Programs
45 Wakefield Street
Adelaide SA 5000

Phone: (08) 8210 8102
Free Call: 1300 66 77 00
Fax: (08) 8232 8920

Email: enquiries@accesssa.com.au



b. contact:

- Office of the Training Advocate
Ground Floor West
55 Currie Street
Adelaide SA 5000
GPO Box 320
Adelaide SA 5001
Free Call: 1800 006 488
Email: trainingadvocate@sa.gov.au

or

- Australian Skills Quality Authority (ASQA) via the online complaint form at <http://asqa.gov.au/forms.html#complaintforms>

Service or Other Operational Practice Appeal

The process for appeal for any decision related to service provision or operational practice made by AIBT is as follows:

- Appellant (person who is appealing the decision) lodges a verbal or written appeal to CEO within twenty (20) days of the date of the decision;
- AIBT documents the details of the appeal attaching the original appeal letter from the Appellant if provided;
- Within 5 working days of receipt of the appeal a meeting is arranged by AIBT, with the Appellant to discuss the Appellant's concerns. The discussion is recorded by the AIBT representative and signed off by the Appellant.
- Within 5 working days of the meeting AIBT informs the Appellant of the decision. The decision may be given verbally or in writing, however, a written notification must be provided to the Appellant supporting a verbal advice.

Operational Policy

In relation to operational policy the CEO's decision will be final.

Legislated Policy

In relation to decisions taken for areas for which legislation or regulatory authority standards apply the Appellant may access an external appeal process.



External Facilitator

Where it is felt appropriate AIBT may engage the services of an external facilitator to assist the process.

ACCESS Programs
45 Wakefield Street
Adelaide SA 5000

Phone: (08) 8210 8102
Free Call: 1300 66 77 00
Fax: (08) 8232 8920

Email: enquiries@accesssa.com.au.

Unsuccessful Appeal Process

If all AIBT avenues of appeal process are not successful the CEO should advise in writing the appellants of their right to seek an external appeals process as follows:

1. **Students**

Office of the Training Advocate
Ground Floor West
55 Currie Street
Adelaide SA 5000
GPO Box 320
Adelaide SA 5001
Free Call: 1800 006 488
Email: trainingadvocate@sa.gov.au

or

Australian Skills Quality Authority (ASQA) via the online complaint form at <http://asqa.gov.au/forms.html#complaintforms>

or

Australian Skills Quality Authority (ASQA) via the online complaint form at <http://asqa.gov.au/forms.html#complaintforms>

or

Australian Appeals Tribunal <http://www.aat.gov.au/ContactUs.htm>

or

legal intervention;

2. **Employees**

Workplace Ombudsman - 1300 724 200

or

Union Representative

or

Other appropriate regulatory body



3. Other non employee stakeholders

Australian Skills Quality Authority (ASQA) via the online complaint form at <http://asqa.gov.au/forms.html#complaintforms>

or

Office of Consumer & Business Affairs (08) 8204 9777

or

Safe Work SA 1300 365 255 or as may be relevant in the State/Territory

or

Australian Appeals Tribunal <http://www.aat.gov.au/ContactUs.htm>

or

Legal intervention;

or

Other appropriate regulatory body

*****The CEO must be advised of the Appellant's intention to seek external appeal process.**

Process Schematic

A schematic of the above appeals process is attached.

International Students

Where an International Student chooses not to access the Complaint or Appeal process, withdraws from the process, or the process is completed and results in a decision supporting AIBT then AIBT is required to notify the Secretary of DIISRTE via the PRISMS system as soon as is practicable.

- are signed by all parties;
- a copy is filed in line with Privacy Principles;
- Complaint/Appeal Register is to be updated throughout and at the completion of the process;
- Complaint/Appeal Report Form is to be updated and copied to all parties throughout and at the completion of the process.

FRIVOLOUS OR MALICIOUS APPEALS

A 'Frivolous or Malicious Appeal' is a fictitious complaint or one made intentionally without foundation or to cause detriment or mischief.

AIBT maintains a Zero Tolerance policy in regard to frivolous or malicious appeal.

Appellants found to have made a 'Frivolous or Malicious Appeal' will face disciplinary action and dependent upon the appeal the consequences may include termination of employment or contract or expulsion from further studies.

RESPONSIBILITY

CEO through AIBT Staff

It is the responsibility of AIBT to ensure that the appeal process is open, fair and accurate at all times; well documented and that the Appellant signs off and is provided with a copy of each stage of the process.

Appellant

It is the responsibility of the Appellant to ensure that they commence the appeal process within the specified period and that their appeal is supported with a genuine argument and/or evidence.

ACCESS

All AIBT stakeholders have the right to access the appeal process fairly and equitably.

The Appellant has the right to access their personal records as per Records Management Policy.