

NMA

**/ TRAINING
ACADEMY**

APPEALS HANDLING POLICY



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Appeals handling

MA Training Academy is committed to providing a fair and transparent appeals handling process as outlined in this policy.

What is an appeal?

An appeal is a request by a student to have an unfavourable decision or finding reconsidered during their time at MA Training Academy. An appeal must be lodged in writing using the MA Training Academy 'Request for Appeal Form' available on our website and must detail the specifics of the disputed decision or finding. Appeals must be filed within twenty-eight (28) working days of the student being informed of the assessment decision or findings.

It is important to note that a student has the right to appeal any MA Training Academy decision. Contrary to the popular belief that an appeal relates only to assessment decisions, appeals can relate to administrative decisions that MA Training Academy may make. An appeal of a decision to deny a refund or a credit transfer application is an example of this. The method for addressing an assessment appeal differs slightly from the procedure for appealing an administrative decision, this discrepancy has been addressed in this policy with adjusted processes for both scenarios.

Early resolution of appeals

Issues that develop during training and assessment that cause dissatisfaction or are a point of conflict should be handled between the parties concerned as soon as possible. It is usually the case that adequate communication and consultation with students at the time a decision is made can prevent a student from filing an appeal.

Relationship to continuous improvement

Appeals processing procedures can reveal flaws in the training and assessment or administrative systems, which can then be fed into the continuous improvement process as possibilities for improvement. This is a very positive aspect of the appeals process, and it should be actively implemented by all persons involved. As a result, stakeholder appeals should be viewed positively and as opportunities for improvement.

Appeal handling principles

MA Training Academy will apply the following principles to its appeals handling:

- A written record of all appeals is to be kept by MA Training Academy including all details of lodgement, response, and resolution.
- Upon receipt of an appeal, MA Training Academy is to provide the Appellant with a written acknowledgement of receipt.

- The Complaints and Appeals Register 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 with 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 handling policy must be publicly available. This means that the appeals handling policy and procedure must be published on the MA 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 with a written response to the appeal, including details of the reasons for any outcome. A response must be provided to the appellant within fourteen (14) days of the lodgement of the appeal.
- Appeals must be resolved to an outcome within a maximum of sixty (60) days of the appeal being initially received. Where MA 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, MA Training Academy should attempt to resolve appeals as soon as possible.
- A timeframe to resolve an appeal within thirty (30) days is considered acceptable and in the best interest of MA 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.
- MA 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 MA Training Academy representative is to disclose information to any person without the permission of the MA Training Academy Chief Executive Officer. A decision to release information to third parties can only be made after the appellant has permitted 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: [Procedural fairness: the duty and its content | ALRC](#)

Review by an external agency

If the appellant is dissatisfied with MA Training Academy's handling of the situation, they have the option of having their appeal reviewed by someone outside of MA Training Academy after the internal appeal handling process has been completed. In these cases, the Chief Executive Officer of MA Training Academy will nominate an appropriate party outside of MA Training Academy to assess the appeal (and

its subsequent handling) and advise MA Training Academy on the recommended conclusions. This recommendation is to be recognised as final and communicated to the appellant.

If the appellant is seeking a refund of their tuition fees due to a negative outcome, the Chief Executive Officer may consider it on its own merits. If the Chief Executive Officer does not approve a refund and believes MA Training Academy handled the situation properly, the student should be informed of their right to file a complaint with the office of fair trading about the requested refund.

MA Training Academy believes it is highly unlikely that appeals will not be addressed quickly within MA Training Academy's standard processes.

Appeals handling procedure

The following procedure is to be followed when an application to appeal a decision is received:

- An application to appeal a decision is received by MA Training Academy and is to be immediately recorded into MA Training Academy Complaints and Appeals Register. An application to appeal a decision must be submitted in writing using the Request for Appeal Form.
- The application to appeal a decision is to be forwarded to the Chief Executive Officer who is to review the matter and make recommendations as to how to respond to the matter. The Chief Executive Officer may choose to consult with the appellant, with others within MA Training Academy or relevant agencies external to MA Training Academy in determining their recommendations.
- The Chief Executive Officer may choose to make inquiries about the matter or may ask another person to research the matter against the relevant policy or legislation.
- The Chief Executive Officer is to commence their review of an appeal within seven (7) working days from the date the appeal is being submitted.
- The Chief Executive Officer is to prepare their response to the appellant and provide the appellant with a response as soon as possible but no later than fourteen (14) working days from when the appeal was submitted.
- The Chief Executive Officer is to communicate the response to the appellant personally either during a meeting or via the telephone. Appeal responses are not to be provided to the appellant via any third party or via electronic communication such as e-mail. The Chief Executive Officer is to seek feedback from the appellant about their level of satisfaction with the appeal outcome and advise the appellant of their options if they are not completely satisfied with the outcome.
- Where the appellant is not satisfied with the outcome of the appeal handling, the Chief Executive Officer is to arrange for the appeal to be considered by an appropriate independent third party. The independent third party is required to respond with their recommendations within fourteen (14) days of their review being requested.
- Where the appeal is about an assessment decision, a reassessment should be recommended. Students participating in a reassessment should be provided with detailed counselling about the perceived gaps in their skills and knowledge along with additional training to support their improvement and ability to demonstrate competence. Reassessments should be scheduled to occur as soon as practicable following the outcome of an appeal. The reassessment must be undertaken by a different assessor than was used during the initial assessment. Following the reassessment, the student must be provided with detailed feedback about their performance and the outcome.
- An appellant who remains not satisfied with the process applied by MA Training Academy following review by an independent party may make a complaint to the Australian Skills Quality Authority -



ASQA Online Complaint Form. Students are to be advised that ASQA will require the student to have exhausted all avenues through MA Training Academy internal appeals handling procedure before taking this option. The response to the appellant must include information that demonstrates that the matter was thoroughly reviewed and what actions and outcomes have been identified as a result of the appeal.

- Opportunities for improvement that were identified as a result of the appeal are to be recorded in a Continuous Improvement Report and submitted for the next Management Team meeting. The Chief Executive Officer may, at their discretion, follow up with the appellant after consideration by the Management Team to inform the appellant of the improvement actions identified.
- The Complaints and Appeals Register is to be kept up to date at all times to accurately reflect how the matter was responded to and the duration from the date the appeal was received to the date the appeal was resolved.

Version Control

Version No.	Date Reviewed	Approved By	Summary of Changes	Next Reviewed
1.0	31/01/2022	Fiona McLean, General Manager	Change of Management and documents created.	31/01/2023