



Appeals Handling Policy

Skills Compliance is committed to providing a fair and transparent appeals handling process.

What is an appeal?

An appeal is an application by a student for reconsideration of an unfavourable decision or finding during their time with Skills Compliance. 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 student.

It is important to note that a student may appeal any decision made by Skills Compliance or a third party providing services on Skills Compliance's behalf. Contrary to the popular belief that appeal relates only to assessment decisions, appeals can relate to administrative decisions that Skills Compliance 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 student's decision to make an appeal can be avoided by proper communication and consultation with students 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.

Appeal handling principles

Skills Compliance will apply the following principles to its appeals handling:

- A written record of all appeals is to be kept by Skills Compliance 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 Skills Compliance 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) days of the lodgement of the appeal.
- Appeals must be resolved to a final outcome within sixty (60) days of the appeal being initially received. Where Skills Compliance 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, Skills Compliance 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 Skills Compliance 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 four (4) weekly intervals.
- Skills Compliance 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 Skills Compliance representative is to disclose information to any person without the permission of Skills Compliance 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 decision-maker must take account of relevant considerations, must act for a proper purpose and must not take into account irrelevant considerations.

Review by external agency

Where the appellant is not satisfied with the handling of the matter by Skills Compliance, they have the opportunity for a person that is independent of Skills Compliance to review their appeal following the internal completion of an appeal handling process. In these circumstances, the Skills Compliance Chief Executive Officer will advise of an appropriate party independent of Skills Compliance to review the appeal (and its subsequent handling) and provide advice to Skills Compliance in regards to the recommended outcomes. This advice is to be accepted as final and advised to the appellant in writing.

If the appellant is seeking a refund of their tuition fees based on an unfavourable outcome, this may be considered by the Chief Executive Officer on its merits. If the Chief Executive Officer does not approve a refund and considers that Skills Compliance has dealt with the matter appropriately, the student is to be advised of the opportunity to refer the matter to the Office of Fair Trading in relation to their dispute over the requested refund.

Skills Compliance considers that it would be extremely unlikely that appeals are not able to be resolved quickly within Skills Compliance internal arrangements.