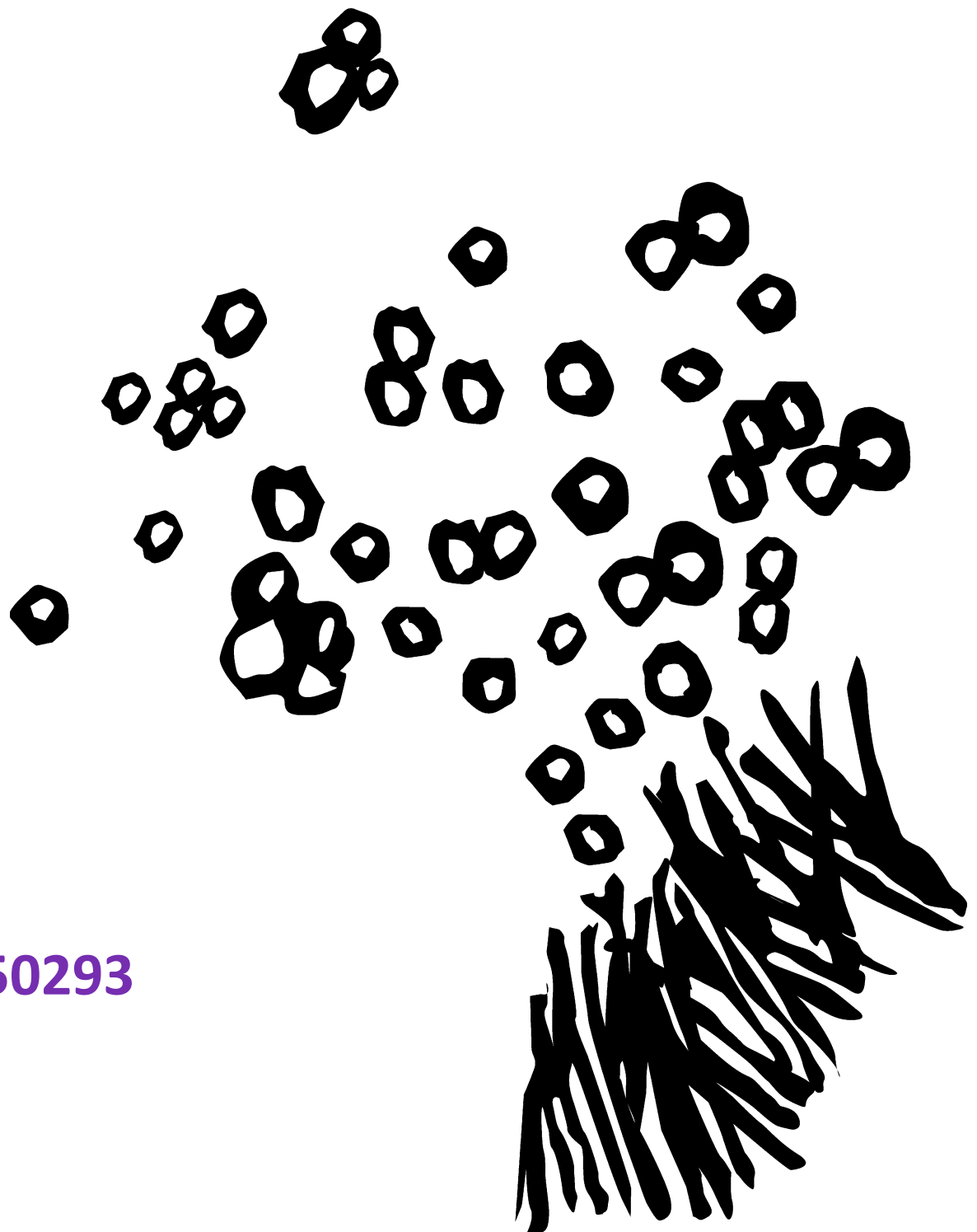




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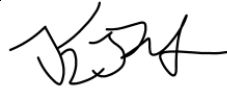


Appeals Policy – Mental Health Commission Registered Training Organisation



RTO - 50293

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Contact for enquiries and proposed changes	
All queries and changes regarding this document should be directed to	
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Introduction

Purpose

This policy and procedure provide clear and practical guidelines to ensure that appeals received about the RTO, relating to its training and assessment can be resolved equitably and efficiently, and in accordance with the principles of natural justice.

Scope

This Policy applies to students submitting assessments to the Mental Health Commissions' Registered Training Organisation (RTO).

Policy Statement

To enable MHC to provide a fair, just and unbiased appeals process for students, ensuring compliance with the Standards for RTO's (2015)

Guidelines

1. At the Enrolment Stage, all students will be provided with information on the Appeals process, including the Policy.
2. If a student wishes to raise an appeal on an assessment decision, they must fill in the appeals form and return to an RTO staff member.
3. The RTO Coordinator and the RTO Manager will meet together to discuss the complaint and come to a fair and equitable resolution. You may be contacted to provide more details on your appeal should they be required. Details of this meeting to be logged on the Appeals register (and the Continuous Improvement Register if it relates to the training and assessment of the RTO.)
4. All matters will be dealt with confidentially without bias and saved in a location only the RTO Coordinator and Manager can access.
5. The MHC will respond to your appeal within fourteen (14) business days. Should the MHC require more than fourteen (14) business days to action your request, you will be informed of this in writing before the fourteen (14) business day period is finished.
6. Appeals will be resolved within the RTO, however, if required, the Director of Community Support Services Management may be informed.
7. If a person is still not happy with the outcome received, they may take their appeal to the VET Regulator – the Australian Skills Quality Authority.

Information about the process can be found at:

<http://www.asqa.gov.au/appeals/make-a-complaint---domestic-students/before-you-make-a-complaint---domestic-students.html>

Definitions

Appeals – is where a student or staff member or stakeholder of the Mental Health Commission or another interested party disputes a decision arising from a complaint, an assessment decision, or another **decision made by the RTO**.

Trainers/Assessors – Mental Health Commission staff that are accredited to deliver Nationally Recognised Training.

Student/Learner – Any person enrolled in training through the Registered Training Organisation Department of the Mental Health Commission.

Standards for RTO's (2015) – Federal legislation on basic requirements of a Registered Training Organisation

RTO – Registered Training Organisation (an entity legally able to train or assess Nationally Recognised Training across Australia)

Natural Justice - is concerned with ensuring procedural fairness. It involves:

- Decisions and processes free from bias
- All parties having the right to be heard
- All parties having a right to know how and of what, they are involved/accused
- Investigating a matter appropriately before a decision is made
- All parties being told the decision and the reasons for the decision

Appeals can arise from matters of concern relating to:

- training delivery and assessment
- the quality of the training
- student support
- materials
- discrimination
- harassment

Roles and Responsibilities

Trainers/Assessors

Trainers/Assessors will be required to present the students with information on the appeals process at the date of Enrolment. Trainers cannot re-assess appeals that relate to their own individual marking. When appeals have been conducted, evidence must be provided as to how the outcome was achieved.

Coordinator/Manager

The Management staff of the RTO are required to:

- Actioning appeals within fourteen (14) business days of receiving, ensuring the appeal is handled in a fair manner at every stage. Providing written notification at the earliest possible moment to a student when their appeal will take longer than the specified fourteen (14) business days. When appeals have been conducted, evidence must be provided as to how the outcome was achieved.

All Employees

All employees are responsible for:

- Understanding and complying with this policy at all times while in the workplace or representing MHC; and
- Advising management if they believe the policy may have been breached.

Relevant Legislation

- **Standards for RTO's (2015) – Standard 6:** Appeals and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively
- **Standards for RTO's (2015) – Clause 6.1:** The RTO has a appeals policy to manage and respond to allegations involving the conduct of:
the RTO, its trainers, assessors or other staff, third party providing services on the RTO's behalf, its trainers, assessors or other staff
- **Standards for RTO's (2015) – Clause 6.3:** The RTO's appeals policy and appeals policy:
 - a) ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process
 - b) are publicly available
 - c) set out the procedure for making a complaint or requesting an appeal
 - d) ensure appeals and requests for an appeal are acknowledged in writing and finalised as soon as practicable
 - e) provide for review by an appropriate party independent of the RTO and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.
- **Standards for RTO's (2015) – Clause 6.4:** Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:
 - a) informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required
 - b) regularly updates the complainant or appellant on the progress of the matter.
- **Standards for RTO's (2015) – Clause 6.5:** The RTO:
 - a) securely maintains records of all appeals and appeals and their outcomes
 - b) identifies potential causes of appeals and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.
- **The National Vocational Educational Training Regulator Act 2011**

Related Policies / Guidelines and Standards

- **Standards for RTO's (2015) – Standard 6:**
- **Standards for RTO's (2015) – Clause 6.1, 6.2, 6.3, 6.4 and 6.5**

Relevant forms

- Appeals Form