



# Appeals Policy

## 1. Purpose

ECB Training Services is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (SRTOs 2015). As such, ECB Training Services is required to have a policy and procedure in place to manage requests for a review of assessment decisions, including those made by third party training and assessment providers who provide services on behalf of ECB Training Services. This policy is based on providing and maintaining training and assessment services that are fair and reasonable and afford a forum where issues or inadequacies regarding assessment can be raised and resolved. The Appeals policy provides opportunity for appeals to be recorded, acknowledged, and dealt with in a timely manner. The object of this policy is to ensure that ECB Training Services staff and third-party partners, act in a professional manner always. This policy provides clients with a clear process to register an appeal. It ensures all parties involved are kept informed of the resulting actions and outcomes.

## 2. Policy Statement

ECB Training Services acknowledges that clients have the right to appeal an assessment decision, based on valid grounds for appeal. ECB Training Services has provision for clients to appeal against assessment decisions, including those made by a third-party partner. ECB Training Services ensures that clients have access to a fair and equitable process for lodging an appeal against an assessment decision.

### 2.1. In doing so, ECB Training Services:

- Has written processes in place for collecting and dealing with appeals in a constructive and timely manner;
- Ensures that these procedures are communicated to all staff, third party partners and clients;
- Ensures that each appeal and its outcome are recorded in writing;
- Ensures that each appeal is heard by an independent person or panel;
- Ensures that each appellant can formally present his or her case;
- Ensures that each appellant is given a written statement of the appeal outcomes, including reasons for the decision;
- Takes appropriate action upon the subject of any appeal that is found to be substantiated; and
- Utilizes outcomes of appeals to review current practices which may potentially lead to continuous improvement.

## 3. Definitions

The following words and expressions have the following specific meaning, as in the SRTOs 2015.

- ❖ **Assessment** means the process of collecting evidence and making judgements on whether competency has been achieved, to confirm that an individual can perform to the standard required in the workplace, as specified in a training package or VET accredited course.



- ❖ **Third-party** means any party that provides services on behalf of the RTO but does not include a contract of employment between an RTO and its employee.

## 4. Policy Principles

### 4.1. Underpinning Principles

- a) Clients have the right to lodge an appeal against an assessment decision if they feel they were unfairly treated during an assessment, and/or where they feel the assessment decision is incorrect and they have grounds for an appeal.
- b) The principles of natural justice and procedural fairness are adopted at every stage of the appeal process.
- c) The appeals policy is publicly available, via ECB Training Services [website](#).
- d) The appellant must provide detail of their appeal in writing using the ECB - Appeals Lodgement Form.
- e) All appeals must be lodged within seven (7) calendar days of the date of the assessment result notification to the client.
- f) If the appeals process fails to resolve the appeal or the appellant is not satisfied with the outcome of the appeal, the matter will be referred to an independent third-party for review, at the request of the appellant. All costs incurred for the third-party review will be advised to the appellant.
- g) Every appeal is heard by a suitably qualified independent assessor or panel, who will be asked to make an independent assessment of the application.
- h) All appeals are acknowledged in writing and finalised as soon as practicable.
- i) ECB Training Services may charge a fee for the appeals process where an external assessor is engaged. Should this be the case, all costs incurred will be advised to the appellant.
- j) If the appeal will take more than sixty (60) calendar days to finalise ECB Training Services will inform the appellant in writing providing the reasons why more than sixty (60) calendar days are required. The appellant will also be provided with regular updates on the progress of the appeal.
- k) ECB Training Services strives to deal with appeal issues as soon as they emerge, to avoid further disruption or the need for a formal complaint process.
- l) All appeals will be handled 'In-Confidence' and will not affect or bias the progress of the participant in any current or future training.

## 5. Grounds for Appeal

### 5.1. Valid grounds for an appeal against an assessment decision could include the following:

- a) The judgement as to whether competency has been achieved and demonstrated was made incorrectly.
- b) The judgement was not made in accordance with the Assessment Plan.
- c) Alleged bias of the assessor.
- d) Alleged lack of competence of the assessor.
- e) Alleged wrong information from the assessor regarding the assessment process.
- f) Alleged inappropriate assessment process for the competency.
- g) Faulty or inappropriate equipment.
- h) Inappropriate conditions.

## 6. Appeal Outcomes

### 6.1. An investigation into an Appeal may result in one of the following outcomes:



- a) Appeal is upheld; in this event the following options will be available:
  - i. The original assessment will be re-assessed, potentially by another assessor.
  - ii. Appropriate recognition will be granted.
  - iii. A new assessment shall be conducted.
- b) Appeal is rejected; in accordance with ECB Training Services assessment policy the client will be required to complete at least one (1) of the following:
  - i. Undertake further training or experience prior to further assessment.
  - ii. Re-submit further evidence.
  - iii. Undertake a new assessment.

## 7. ECB Training Services Responsibilities

The Director of ECB Training Services is the Appeals Resolution Officer. The Director may delegate responsibility for the resolution of the appeal if necessary. Details concerning the scope of the Appeals Policy are to be clearly displayed throughout the organisation and contained within the Staff Induction Process, Client Handbook and ECB Training Services website.

## 8. Appeals Process

### 8.1. All appeals shall follow the below process:

- a) Appeals shall be discussed with
- b) Appeal to be made in writing within 7 calendar days of notification of the assessment decision using the Appeals form.
- c) A submitted Appeals form will constitute a formal appeal from the appellant. Further detail may be provided by the appellant verbally.
- d) The Director ECB Training Services shall be informed of receipt of any appeal.
- e) The Director ECB Training Services may delegate responsibility for the resolution of the appeal, as appropriate.
- f) Appeals will be processed in accordance with ECB – Appeals Procedure.
- g) Appeals, where possible, are to be resolved within twenty-eight (28) days of the initial application.
- h) In all cases the conclusion will be endorsed by the Director of ECB Training Services.
- i) The appellant will be advised in writing of the outcome of their appeal, within seven (7) days of the resolution.
- j) If the outcome is not to the satisfactory of the appellant, they may seek an appointment with the Director of ECB Training Services.
- k) If the appellant is not satisfied with the decision, they have the option to seek outside assistance to pursue the appeal.

## 9. Access and Equity

The ECB Training Services Access & Equity Policy applies. (See Access & Equity Policy)

## 10. Records Management

Records of all appeals and their outcomes are maintained securely.

### 10.1. Records of appeals will include:

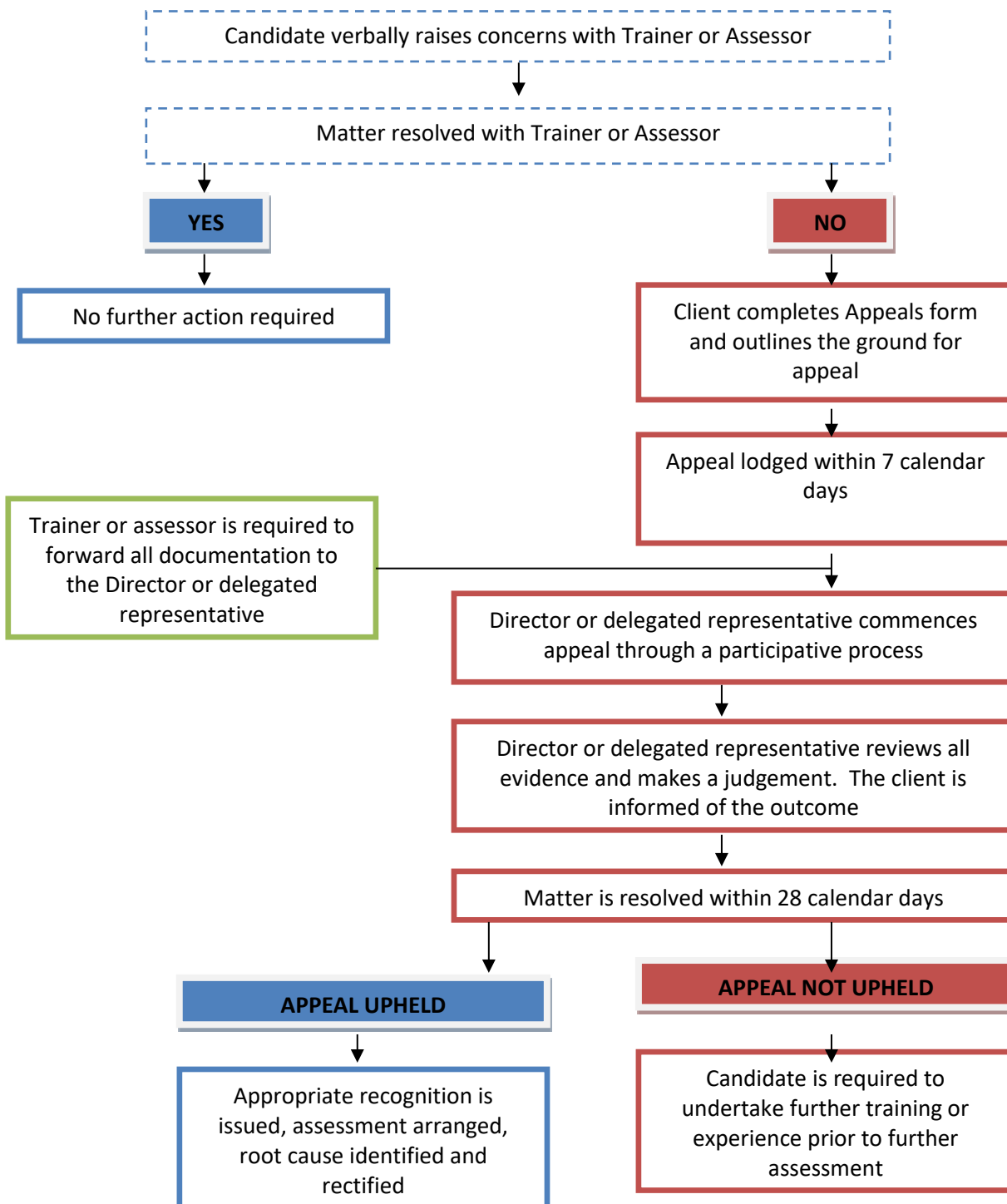
- a) How the appeal was dealt with.
- b) The outcome of the appeal.
- c) The timeframes for resolution of the appeal.
- d) The potential causes of the appeal.
- e) The steps taken to resolve the appeal.



All documentation from Refund processes is maintained in accordance with Records Management Policy. (See Records Management Policy)

**11. Monitoring and Improvement**

All appeals practices are monitored by the Director ECB Training Services and will be discussed at Management Review Meetings with areas for improvement identified and acted upon. (See Continuous Improvement Policy)



**Appeals Process Flow Chart**

