



## APPEALS POLICY & PROCEDURE

ATEL Training Solutions is committed to providing a fair and transparent appeals handling process. ATEL Training Solutions have an appeals procedure to manage and respond to appeals relating to the conduct of, the RTO, Trainers, RTO staff and any third party services we may employ on our behalf.

Students undertaking training with a third party provider, on behalf of ATEL Training Solutions have the same rights and obligations as the students completing their training directly with ATEL Training Solutions. This includes the right to make an appeal about unfavorable decisions being made by third party providers on our behalf.

### What is an Appeal?

An appeal is an application by a student for reconsideration of an unfavourable decision or finding during their time with ATEL Training Solutions. 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 that ATEL Training Solutions may make. Contrary to the popular belief that appeal relates only to assessment decisions, appeals can relate to administrative decisions that ATEL Training Solutions 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 an 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.

### Appeal Handling Principles

ATEL Training Solutions will apply the following principles to its appeals handling:

- A written record of all appeals is to be kept by ATEL Training Solutions including all details of lodgement, response and resolution.
- 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 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 ATEL Training Solutions considers that more than 60 calendar days are required to process and finalise the appeal, ATEL Training Solutions must inform the appellant in writing, including reasons why more than 60 calendar days are required. As a benchmark, ATEL Training Solutions 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 ATEL Training Solutions and the appellant. An appellant should also be provided with regular updates to inform them of the progress of the appeal handling.
- ATEL Training Solutions 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 ATEL Training Solutions representative is to disclose information to any person without the permission of ATEL Training Solutions Team Leader. 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. Further guidance on principles of natural justice and procedural fairness can be accessed at the following link: [Principles of Natural Justice and Procedural Fairness](#)

### **Review by External Agency**

Where the appellant is not satisfied with the handling of the matter by ATEL Training Solutions, they have the opportunity for a person that is independent of ATEL Training Solutions to review their appeal following the internal completion of an appeal handling process. In these circumstances, the ATEL Training Solutions Team Leader will advise of an appropriate party independent of ATEL Training Solutions to review the appeal (and its subsequent handling) and provide advice to ATEL Training Solutions 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 ATEL Training Solutions on its merits. If ATEL Training Solutions does not approve a refund and considers that ATEL Training Solutions has dealt with the matter appropriately and has provided the student all reasonable opportunity to demonstrate their competence, 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.

ATEL Training Solutions considers that it would be extremely unlikely that appeals are not able to be resolved quickly within ATEL Training Solutions internal arrangements.

*(Extract from 2019 Student Handbook)*