

Internal Appeals Procedure

RTO Number 90198

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Consultation	NSW Health RTO Operations and Advisory Committee
Applies to	NSW Health RTO
Related Policies	<ul style="list-style-type: none"> • Complaints and Appeals • Academic Progress • Academic Misconduct
Related Procedures	<ul style="list-style-type: none"> • Complaints • Assessment Decision Appeal • External Appeal • Academic Progress • Academic Misconduct • Cancelling a VSL Student's Enrolment • Re-crediting VSL Balances
Forms and Supporting Documents	<ul style="list-style-type: none"> • Student Handbook • Program Guides • Appeal Form • Complaints Form • Assessment Decision Appeal Form • Complaints and Appeals Register
Review date	May 2021

DOCUMENT HISTORY

Version	Issued	Author	Reason for Change
v1	April 2015	RTOEO	Updated in line with the new National Standards for RTOs 2015
v2.0	February 2017	RTOEO	Added the requirement to invite the student to a meeting to present their case, separated the appeal process to internal and external and appealing an assessment decision.
v2.1	February 2018	RTOEO	Added the requirements to set up a Student Appeal Review Committee (SAC) convened by the RTOEO.
v3.0	August 2018	RTOEO	Major amendments to contents Separated the policy and procedures into separate documents.
v3.1	May 2019	RTOEO	Addition of Cancelling a VSL Student's Enrolment and Re-crediting VSL Balances Procedures
v3.2	May 2020	RTOEO	Updating Forms and Supporting documents sections to reflect Program Guides and Appeal Form.

Issued by the Executive Manager, NSW Health RTO under the authority of the Chief Executive (CE).

Overview

- NSW Health RTO encourages all students to resolve concerns or difficulties directly with the person(s) concerned and to deal with the issue before it becomes a formal complaint. However, NSW Health RTO understands that complaints and appeals may arise that require formal resolution and is committed to resolving these complaints and appeals promptly, objectively, with sensitivity and in confidence.
- The views of each person involved in the complaint and/or appeals process will be respected and no one involved in a complaint or appeal will be discriminated against or victimised. NSW Health RTO will maintain the student's enrolment while the complaints/appeals handling process is ongoing.

This procedure can be used to appeal a decision made after the following decisions:

1. Complaint
2. Assessment Decision Appeal
3. Academic Progress including Dismissals
4. Academic Misconduct

Definitions

Misconduct Matters	Matters associated with cheating, plagiarism, collusion, fraud, bullying and harassment, failure to abide by the NSW Health Code of Conduct Policy Directive, use of drugs and alcohol, sexual harassment, physical harm, and any other matters deemed by the NSW Health RTO as a detriment to the learning environment.
Academic Progress Requirements	Where a student is required to achieve competence in all units of competency undertaken during each study period, as well as achieving the maximum program attendance requirements.
Appeal	A request to review a decision that has previously been made. This includes both assessment appeals, decisions about academic progress and attendance, as well as non-assessment related decisions.
ASQA	Australian Skills Quality Authority
Assessment Decision Appeals	May only occur after a student has received a Not Competent (NC) result for a Unit of Competency (UOC)
Complaint	A person's expression of dissatisfaction with any aspect of the services provided by NSW Health RTO, including the conduct of trainers and assessors, any other staff or any other learner.
RTOEO	NSW Health RTO Executive Office
Appeals Committee	Reviews the complaints and appeals escalated to the RTOEO. It may have the following members: <ul style="list-style-type: none">• Executive Manager, NSW Health RTO• Executive Officer, NSW Health RTO• Director, Education and Training, HETI Higher Education
Student Review Panel (SRP)	Implements a fair process by which students with academic misconduct will be managed and course progression or continuation of enrolment is decided. The SRP comprises:

	<ul style="list-style-type: none"> • Delivery Site Manager / Director - Chair • Program Coordinator • Director/Manager of another Delivery Site, or an Independent Educator
VET	Vocational Education and Training

Procedure

- Where the internal appeals process is expected to take more than 60 days, advise the appellant of this, including the reasons why this is required.
- Provide the appellant with regular updates on the matter, at least once every 10 working days.

Appellant Lodge an Appeal with the RTOEO	Where a student is dissatisfied with the outcome of any of the above decisions the student may: <ul style="list-style-type: none"> • Lodge an appeal in writing to the NSW Health RTO Executive Office within 10 working days of the date of the letter advising them of the decision.
RTOEO Acknowledges Receipt of Appeal and Conducts Investigations	<ul style="list-style-type: none"> • RTOEO Acknowledges the Appeal within five (5) days of receipt. • Reviews the original complaint and decision. • Requests further information over the phone or in writing from the student and relevant staff or relevant parties (delivery site Director/Manager, Program Coordinators, Assessors). • Interviews the SRP Committee and relevant staff who are associated with the complaint or appeal.
RTOEO Convenes the Appeals Committee	<ul style="list-style-type: none"> • Forms an Appeals Committee • Discusses the matter and reviews the evidence
RTOEO Invites the Appellant to Attend a Meeting with AC to present their Case.	<ul style="list-style-type: none"> • Informs the Appellant that they are invited to a face-to-face meeting to present their case. • Informs the appellant that they have the right to be accompanied by a support person, who may be a family member or friend. This person may attend the interview but must not interfere with the proceeding. • Should the appellant refuse to attend the interview or fail to attend without adequate notice to reschedule, the requirement that the student be interviewed prior to the decision being made will be waived. • Makes a decision and requests the RTOEO to communicate it to the appellant
RTOEO Makes a Decision	<ul style="list-style-type: none"> • Communicates the decision in writing to the appellant within 10 working days • Indicates in the letter the reasons for the decision and any actions to be taken • Advises the appellant that if they are still unhappy with the findings of the internal appeal, that they may access an external appeals process.
RTOEO Record Keeping	<ul style="list-style-type: none"> • Records the outcomes in the RTOEO Appeals and Complaints Register. • Updates the student's file with all documentation relating to the internal appeal.

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