

External Appeals Procedure

RTO Number 90198

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Consultation	NSW Health RTO Strategic and Steering Committee NSW Health RTO Operations and Compliance 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 • Internal Appeals • Academic Progress • Academic Misconduct
Forms and supporting documents	<ul style="list-style-type: none"> • Student Handbook • Course Guides • Complaint Form • Assessment Decision Appeal Form • Complaints and Appeals Register
Review date	20 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	Updated to include VET Student Loans Ombudsman Information
v3.2	May 2020	RTOEO	Amended the titles of the RTO new Committees

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

Definitions

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.
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.
RTOEO	NSW Health RTO Executive Office
Student Appeals Committee (SAC)	Reviews the complaints and appeals escalated by the students. 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
VSL	VET Student Loans

Procedure

- NSW Health RTOEO will advise the student of the chosen independent mediator. The NSW Health RTO will pay the independent mediator’s fee for the first two hours work. All other costs of the external appeal process is to be paid by the student. The student will be advised of the costs involved at the time of the appeal.
- Where the independent, external mediator finds in favour of the student, NSW Health RTO will immediately implement the required corrective actions.
- The role of an external appeal person/body is to look at the NSW Health RTO Complaints and Appeals Policy and associated procedures, review the case and provide feedback on whether the NSW Health RTO followed and implemented its internal policy and procedures for the appellant. Written determination is provided including feedback and improvements required.

<p>RTOEO Advise Appellant of the External Appeal Process</p>	<ul style="list-style-type: none"> • Where a student advises in writing that they wish to pursue the external appeals process, advise the appellant that they may take the matter to an independent mediator chosen by NSW Health RTO.
<p>RTOEO Contact the Independent Mediator</p>	<ul style="list-style-type: none"> • Discuss with the Executive Director, Corporate Support and Business Partnership, HETI. • Contact the independent mediator advising them of the external appeal and to confirm details of the appeal process to be followed.
<p>RTOEO Provide students the External Appeal Process</p>	<ul style="list-style-type: none"> • Provide students, in writing, with information on the external appeal process that will be followed, as well as the contact details of the mediator.
<p>RTOEO Fully Cooperate with the External Appeal Process</p>	<ul style="list-style-type: none"> • Cooperate fully in the process of handling the appeal, including providing access to the student’s file and all records associated with the complaint or appeal. • Advise appellants of this on receipt of their intention to use an independent mediator.
<p>Independent Mediator</p>	<ul style="list-style-type: none"> • Review the evidence provided • Provide a report to the RTOEO on their findings.
<p>RTOEO</p>	<ul style="list-style-type: none"> • Communicate the findings to the delivery site Director/Manager <p>Where the mediator finds in favour of the appellant:</p> <ul style="list-style-type: none"> • The delivery site pays the appropriate fees. • NSW Health RTO updates the complaints and appeals register and immediately implement required corrective actions.
<p>RTOEO</p>	<ul style="list-style-type: none"> • Confirm outcome of the external appeal process to the student in writing • Ensure corrective actions identified are implemented across the organisation.

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