

Progressive Training™

(WA) Pty Ltd

Title:	Participant Appeals	Policy/Procedure TA 2.03
Policy:	<p>As part of the approach by <i>Progressive Training (WA) Pty Ltd</i> in providing a fair, safe and productive learning environment, consideration of appeals will be dealt with fairly, consistently, promptly, with sensitivity to all parties and in accordance with the principles of natural justice. Access to information about appeal processes shall be made available fairly, consistently and promptly when necessary.</p> <p>All actions under this Policy/Procedure are based on values that are consistent with <i>Progressive Training (WA) Pty Ltd's</i> Code of Conduct and are underpinned by principles of mutual respect and procedural fairness for, and by, all participants, employees, contractors and others who may be involved.</p> <p>The person/s handling an appeal will deal with the matter as efficiently as possible, consistent with the need to act fairly. They will determine the matter on the basis of evidence provided by the participant and/or the organisation, act fairly and proceed in the way that is appropriate, as per the 'Procedure' section of this document.</p> <p>Meetings or hearings will normally be conducted in closed session and the appeal treated in strict confidence, except as necessary for the discharge of that person's responsibilities or as otherwise required by law.</p> <p><i>Progressive Training (WA) Pty Ltd</i> will take all reasonable steps to prevent participants suffering disadvantage (including through victimisation) as a result of lodging an application for review or appeal.</p> <p>Grounds for a participant appeal include, but are not limited to:</p> <ul style="list-style-type: none"> • Participant progress decisions; • Assessment matters; • An academic decision of a member of academic staff that affects an individual participant or a group of participants; • Content or structure of academic programs or nature of teaching; • Supervision of practical experience; • An academic misconduct matter; • Awards in a course of study. 	

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Prepared by:	Stacey Ackley	Title:	Participant Appeals
Issue Date:	March 2013	Last Reviewed:	Sep 2020
Reviewed by:	Tanja Parry	Code:	TA 2.03
ONCE THIS FORM HAS BEEN UPDATED, ENSURE THE LATEST VERSION IS UPLOADED ONTO THE WEBSITE			

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Purpose:	The purpose of this Policy/Procedure is to provide <i>Progressive Training (WA) Pty Ltd</i> personnel and participants with information about the process of dealing with participant appeals.
Scope:	This Policy/Procedure applies to all participants of <i>Progressive Training (WA) Pty Ltd</i> . It also applies to employees of the organisation as it provides guidelines for dealing with participant appeals.
Definitions:	<p>Participant: any person enrolled as a participant of any accredited training provided by <i>Progressive Training (WA) Pty Ltd</i>.</p> <p>Appeal: an escalation step which may be open to a participant if they are dissatisfied with an adverse decision, or perceives an adverse outcome.</p> <p>Internal Appeal: an appeal against a decision where the appeal is brought under the organisation's procedures.</p> <p>External Appeal: an appeal to an external agency against a final decision made by the organisation.</p> <p>Organisation: in this document, organisation refers to <i>Progressive Training (WA) Pty Ltd</i>.</p> <p>ASQA: Australian Skills Quality Authority.</p> <p>RTO: Registered Training Organisation.</p> <p>Procedural fairness: The procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision.</p> <p>Natural Justice: The rule against bias and the right to a fair hearing.</p>
Procedure:	<p>Preliminary Dialogue A participant who is concerned with any assessment result, or who believes an error has been made, should first consult with the Trainer/Assessor who made the relevant decision. Such consultation should be initiated by the participant within fourteen (14) working days of being notified of the relevant decision.</p>

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Formal Appeal

If a participant wishes to pursue a matter following preliminary dialogue with the Trainer/Assessor, they may submit a formal appeal by completing the 'Participant Appeals' Form (**TA 2.03.01**). This form must be fully completed and signed and either emailed, faxed or hand delivered to *Progressive Training (WA) Pty Ltd's* CEO or, if the CEO is unavailable, to the Administration personnel who will forward it to the CEO.

Appeal Acknowledgement

Formal appeals must be lodged by the participant within fourteen (14) working days of undertaking any preliminary dialogue with the Trainer/Assessor, or within fourteen (14) working days of notification of any decision in respect of which the application for appeal is lodged. The CEO will electronically acknowledge all appeals submitted within three (3) working days of receipt.

Appeal Acceptance

The CEO will determine whether an appeal should be accepted in accordance with the established grounds of appeal as set out in the 'Policy' section of this document. Where an appeal is assessed as having not disclosed any valid grounds or it has not met the submission requirements, the CEO will notify the participant of the decision to reject their appeal accordingly.

Participants will be provided one opportunity to resubmit their appeal within five (5) working days. Any further applications will not be accepted. If the participant does not exercise the opportunity to resubmit their appeal within the stipulated deadline, the CEO will automatically reject the participant's appeal.

Where a participant resubmits their appeal within the stipulated timeframe, to ensure procedural fairness, the CEO will forward this appeal to a Director for a final decision to consider/accept the appeal. The CEO may also provide additional information to the Director such as a copy of the participant's outcomes record sheet, details of the unit/s of competency, assessments, etc. to assist with their final decision making process. Any decision made by the Director shall be final and conclusive.

Appeal Process

When an appeal is accepted, the CEO and/or Director will seek resolution within twenty eight (28) working days. During the course of the resolution, both parties may seek guidance and/or support from a peer, trade association or other relevant personnel. These people have no influencing or implementation power, other than to assist the process through its natural course.

If matters cannot be resolved efficiently and professionally, the participant, demonstrating positive intentions to solve the matter,

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	<p>may request that an independent arbitrator resolve the issue. The arbitrator will be a person whom both parties agree on.</p> <p>Where more than sixty (60) calendar days are required to process and finalise the appeal, <i>Progressive Training (WA Pty Ltd)</i> will inform the appellant in writing, including reasons why more than sixty (60) calendar days are required. <i>Progressive Training (WA Pty Ltd)</i> will regularly update the appellant on the progress of the matter.</p> <p>A written report of the outcomes achieved, including reasons for any decisions made, will be given to the appellant on completion of process. The appeal should be added to the 'Appeals Register' Form (TA 2.03.02). The CEO/Director should also complete page two (2) of the 'Participant Appeals' Form (TA 2.03.01) submitted by the person making the appeal.</p> <p>All appeals received will be reported at the next scheduled Staff Meeting, if appropriate. The identified cause(s) shall be discussed at the meeting and any appropriate corrective action required to eliminate or mitigate the likelihood of reoccurrence will be decided, included on the Continuous Improvement Plan, and actioned. The agreed corrective action will then be noted by the CEO/Director(s) on the relevant report of the appeal.</p> <p>External Appeals Participants of an ASQA RTO such as <i>Progressive Training (WA) Pty Ltd</i>, and who intend to lodge an external appeal, must first follow the RTO's internal appeals procedures.</p> <p>If, after following the RTO's internal procedures, the participant still believes the RTO is breaching or has breached its legal requirements, a complaint can be submitted to ASQA https://www.asqa.gov.au/complaints or the National Training Complaints Hotline 13 38 73.</p>
<p>Documentation:</p>	<p>'Participant Appeals' Form (TA 2.03.01).</p> <p>'Appeals Register' Form TA 2.03.02).</p>
<p>References:</p>	<p>For any complaints or grievances not related to assessment results, refer to 'Complaints and Grievances' Policy/Procedure (HR 4.13).</p> <p>ASQA: http://www.asqa.gov.au</p>