Australasian College of Advanced Education (ACOAE) is committed to providing a fair and transparent appeals handling process.

**What is an appeal?**

An appeal is an application by a student for reconsideration of an unfavourable decision or finding during their time with ACOAE. 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 being informed to the student.

It is important to note that a student may appeal any decision made by ACOAE or a third-party providing services on ACOAE behalf. Contrary to the popular belief that appeal relates only to assessment decisions, appeals can relate to administrative decisions that ACOAE 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 and 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.

**Relationship to continuous improvement**

Frequently, the appeals handling process will expose weaknesses in the training and assessment or administrative system that can flow into the continuous improvement system as opportunities for improvement. This outcome of appeals handling is very positive and should be actively applied by all persons involved. It is for this reason that appeals received from stakeholders should be seen in a positive light and as opportunities for improvement.

**Making and Appeal**

An appeal must be received by ACOAE in writing using the specified form within twenty-eight (28) working days of the decision or finding being informed to the person.

To appeal a decision, the person is required to complete the ACOAE - Request for Appeal of a Decision. This form is available via our website. The completed Request for Appeal form is to be submitted to the Manager either in hard copy or electronically. If a person seeking an appeal has any difficulty accessing the required form or submitting the appeal to ACOAE, they are advised to contact ACOAE immediately at the following phone number:

(02) 9572 3755

**Appeal handling procedure**

ACOAE will apply the following procedure to its appeals handling:

* Appeals must be lodged within twenty-eight (28) working days of the decision or finding being informed to the person. An appeal must be submitted using the Request for Appeal of a Decision Form.
* A person who submits an appeal must be provided a written acknowledgement as soon as possible and not later than twenty-four (24) hours from the time the appeal is received. This acknowledgement is intended to provide the person making an appeal assurance that ACOAE had received the appeal and will review the relevant issues and provide a response as soon as practicable. The acknowledgement must inform the person making an appeal that they will receive a written response within fourteen (14) days and explain the appeal handling process and the persons rights and obligations.
* A written record of all appeals is to be kept by ACOAE including all details of lodgement, response and resolution. The appeals register within college Student Management System (SMS) is to be used to record the details of the appeal and to maintain a chronological journal of events during the appeal handling process. Records relating to appeal handling must be stored securely to prevent access to unauthorised personnel.
* 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 appeals policy must be publicly available. This means that the appeals policy and procedure must be published on the ACOAE website (www.ACOAE.edu.au).
* The handling of an appeal is to commence within ten (10) 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) working days of the lodgement of the appeal.
* Appeals must be resolved to a final outcome within sixty (60) calendar days of the appeal being initially received. Where the ACOAE CEO/PEO considers that more than 60 calendar days are required to process and finalise the appeal, the CEO/PEO must inform the appellant in writing, including reasons why more than 60 calendar days are required. As a benchmark, ACOAE should attempt to resolve appeals as soon as possible. A timeframe to resolve an appeal within thirty (30) calendar days is considered acceptable and in the best interest of ACOAE and the appellant. An appellant should also be provided with regular updates to inform them of the progress of the appeal handling. Updates should be provided to the appellant at a minimum of two (2) weekly intervals.
* ACOAE 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 ACOAE representative is to disclose information to any person without the permission of the ACOAE CEO/PEO. A decision to release information to third parties can only to 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 the decision-maker must take account of relevant considerations, must act for a proper purpose and must not take into account irrelevant considerations.
* Appeals handling procedures should conclude with an analysis of the circumstances to identify any opportunities for improvement.

**Third Party Review**

Where the appellant is not satisfied with the handling of the matter by ACOAE, they have the opportunity for a body or person that is independent of ACOAE to review his or her appeal following the internal completion of appeals handling process. Before a person seeks a review by an independent person, they are requested to first allow ACOAE to fully consider the nature of the appeal and to respond to the person in writing. If after this has occurred, the person is not satisfied with the outcome, they can then seek a review by an independent person. To request a review by an independent person, the person making an appeal should inform the Administration Manager of their request who will initiate the process with the CEO/PEO.

In these circumstances, the ACOAE CEO/PEO will advise of an appropriate party independent of ACOAE to review the appeal outcome (and its subsequent handling) and provide advice to ACOAE regarding the recommended outcomes. The independent third-party is required to respond with their recommendations within fourteen (14) working days of their review being requested. This advice is to be accepted by ACOAE as final, advised to the appellant in writing and implemented without prejudice.

Where the ACOAE appoints or engages an appropriate independent person to review an appeal, the ACOAE will meet the full cost to facilitate the independent review.

Where an appeal is received by ACOAE and the CEO/PEO feels that they may have bias or there is a perception of bias, then the appeal is to be referred directly to an independent third-party for consideration and response as outlined above.

**Unresolved Appeals**

Once the appeals handling process has concluded; where the person seeking an appeal of a decision remains not satisfied with the outcome of the appeals handling procedure, the person is to be advised that they have the right to refer the matter to any external authority/agency who may be relevant to their appeal.

Please note that for international students there is additional information about unresolved matters following this section.

The following external agencies are nominated in the first instance as relevant points of referral the person may consider:

* −  In relation to consumer related issues, the person may refer their matter to the Office of Fair Trading.
* −  In relation to the delivery of training and assessment services, the person may refer their matter to the National Training Complaints Service via the following phone number: 13 38 73 or visit the website at https://www.education.gov.au/NTCH
* −  In relation to matters relating to privacy, the person may refer their matter to the Office of the Australian Information Commissioner via the following details: https://www.oaic.gov.au/individuals/how-do-i-make-a- privacy-complaint or call on 1300 363 992

This guidance is also communicated to students within the Student Handbook. It is expected that the above agencies will investigate the persons concerns and contact the ACOAE for information. External agencies will typically request a copy of any record of how the appeal was handled from the person. ACOAE is to ensure that the person is provided with a written response that they may use for this purpose.

The ACOAE is to cooperate fully with agencies such as the Office of Fair Trading, National Training Complaints Service, Overseas Students Ombudsman or ASQA that may investigate the handling of an appeal. ACOAE considers that it would be extremely unlikely that appeals are not able to be resolved quickly within ACOAE internal arrangements.

**Unresolved International Student Appeals**

Where an international student appeal is unable to be resolved, the international student may refer the matter to the Overseas Students Ombudsman. The Ombudsman’s services are free, independent and impartial.

The Overseas Students Ombudsman can consider matters relating to:

* refusing admission to a course
* fees and refunds
* course or provider transfers
* course progress or attendance
* cancellation of enrolment
* accommodation or work arranged by your provider
* incorrect advice given by an education agent.

The Overseas Students Ombudsman can investigate complaints about education agents who have an agreement with a provider to represent them in Australia or overseas. The following website provides more information about accessing the services of the Overseas Students Ombudsman.

http://www.ombudsman.gov.au/making-a-complaint/overseas-students

The ACOAE is to cooperate fully with agencies such as the National Training Complaints Service, the Office of Fair Trading, Overseas Students Ombudsman or ASQA that may investigate the handling of a complaint. ACOAE considers that it would be extremely unlikely that a complaint is not able to be resolved quickly within ACOAE internal arrangements.

**Record Management of Appeals Records**

Records relating to appeals will present in two formats. There will be electronic records in the form of email correspondence and other documents which are communicated electronically and hard copy records which are submitted by the appellant or generated by ACOAE. There is also a record of the appeal maintained within the ACOAE Student Management System (SMS). This includes the details about the appeal and a diary log, which records the progress of the appeal handling and closure. This record also records identified opportunities for improvement that result from appeals handling.

All records regardless of their format (excluding SMS records) will be saved in a digital format into a secure folder located on the ACOAE file storage. Each file is to be clearly labelled with the document title or subject and the date of which the document was received or generated. This folder must only be accessible to persons authorised by the CEO/PEO. Records stored on the ACOAE SMS are to be accessible only to ACOAE SMS administrators and managers.

To ensure records are maintained in a safe and suitable condition, the following is to apply:

− Records must be kept securely to prevent them being accessed by any non-authorised personnel.

* Records must be kept confidential to safeguard information and to protect the privacy of the appellant.
* Records must be kept to avoid damage by fire, flood, termites or any other pests.
* Electronic data storage must be safe from destruction by fire or flood and should take account of the risk of component failure of a single storage device. Electronic data is also to be backed-up off site.

**Period of retention of Appeals Records**

ACOAE is to retain records relating to appeals handling for a minimum of five (5) years.

**Destruction of Appeals Records**

ACOAE CEO/PEO is the only person who can authorise (in writing) the destruction of appeals handling records. Records are only to be authorised for destruction after the retention period has lapsed. Documents identified for destruction are to be shredded before being recycled.