



APPEALS POLICY

ASSUMPTIONS

Momentum Consulting (Qld) Pty Ltd is a registered training organisation.

Where the words “we”, “our” or “us” have been used in this document they can be assumed to mean the above legal or trading name.

Our policies exist to provide guidance on the behaviour, obligations, responsibilities and culture of our business.

SCOPE

This Policy and Procedure applies to all parties that have dealings with Momentum Consulting, which includes but is not limited to clients, learners, trainers and other employers.

Appeals can include assessment appeals and any other appeals against decisions made by the RTO.

PURPOSE

This policy provides guidance on appeals against any decision made by the RTO, including assessment appeals. By adhering to this policy, we can ensure that all appeals will be handled in a fair, equitable and consistent manner and ensure that the rights of the learner are preserved.

POLICY

In the interest of fairness, we are committed to ensuring that where our clients and other interested parties (as defined in this policy’s scope) do not agree with decisions made by the RTO that they have the opportunity to appeal against these decisions.

We believe appeals are an opportunity to improve the business and training services offered by the RTO.

DELEGATION

This Policy and Procedure is owned by the CEO of Momentum Consulting (Qld) Pty Ltd. Responsibility for ensuring adherence to this Policy and Procedure has been delegated to the Trainer Compliance Specialist for assessment appeals, and the Director of Operations for any other appeals.



ASSESSMENT APPEALS

Grounds for Appeal

A learner may apply for appeal any reason, including but not limited to:

- claims disadvantage because the trainer did not provide, in either written or verbal form, a subject outline;
- claims disadvantage because the trainer varied, without consultation or in an unreasonable way, the assessment requirements as specified in the subject outline;
- claims disadvantage because assessment requirements specified by the trainer were unreasonably or prejudicially applied;
- is of the view that a clerical error has occurred in the documenting of the assessment outcome; or
- claims there is a discrepancy between the practical observation and the formal assessment.

Process for appeals

If a learner wishes to appeal an assessment result, they are encouraged to first discuss the issue with their Training Specialist. If the learner is still not satisfied with the outcome they can proceed with the Assessment Appeals process.

All appeals must be recorded and the result of the appeal process communicated to the learner in writing, including reasons for the decision made.

- The learner must lodge a formal appeal in writing clearly stating the grounds of the appeal.
- Appeals must be submitted within 10 business days from the date of notification of the original assessment decision
- The appeal should be forwarded to the Trainer Compliance Specialist.
- There is no cost for an appeal and the training program will continue without interruption while the appeal is being assessed.
- Written acknowledgement, either letter or email, of the receipt of the request for an appeal will be sent out to the learner within five (5) business days from receipt of the appeal.
- If the Trainer Compliance Specialist believes a review of the result is warranted, a review panel will be formed comprised of the Training Specialist, the Trainer Compliance Specialist and a neutral qualified assessor.
- If the Trainer Compliance Specialist does not believe a review of the result is warranted, the complainant will be notified in writing.
- If the panel determines that the original result should be changed we will amend the learner's records and issue any awards or results the learner is now entitled to.
- If the panel determines that the original result should remain, the panel may suggest that the learner sit for a supplementary assessment. If the learner fails the supplementary assessment, a "Not Competent" result will be shown for that



assessment or unit. This result of “Not Competent” does not prohibit the learner from attempting a future assessment once further training has occurred.

- For either outcome, the participant will be notified of the outcome of their appeal, in writing, within fourteen (14) working days of the panel's decision. The result is final and no further internal appeal can be entered into.
- An external review may be conducted at the expense of the complainant.

The external review will be conducted by

Dispute Settlement Centre

Address: 4/456 Lonsdale St Melbourne 3000 (GPO BOX 4113)

Phone: 9603 8370 (Free call, STD areas only - 1800 658 528)

Email: dscv@justice.vic.gov.au

Website: <http://www.justice.vic.gov.au/disputes>

- If the appeal process is going to take more than 60 calendar days to process, we will notify the learner in writing as to the reasons why, the learner will be updated in writing as to the progress of their appeal fortnightly.
- All stages of the appeal process will be recorded and maintained in the learner's file.
- All Assessment Appeals will be documented on the Complaints Register for monitoring by the Executive team. The Executive team may take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.
- All Assessment Appeals will be deemed as Validation and recorded in the Validation Register.
- Copies of all written communication with the learner and other parties involved are to be kept on the learner's file.

OTHER APPEALS

Grounds for Appeal

Appeals against other decisions made by the RTO could include but are not limited to claims:

- an appeal on the outcome of a decision or complaint
- that a learner was unfairly excluded from entry to a course
- that a student unfairly sanctioned

Process for appeals

All appeals must be recorded and the result of the appeal process communicated to the learner in writing, including reasons for the decision made.

- The learner must lodge a formal appeal in writing clearly stating the grounds of the appeal.
- Appeals must be submitted within 10 business days from the date of the decision
- The appeal should be forwarded to the Director of Operations



- Written acknowledgement, either letter or email, of the receipt of the request for an appeal will be sent out to the learner within five (5) business days from receipt of appeal
- If the Director of Operations believes a review of the result is warranted, a review panel will be formed. The Director of Operations will select three (3) people suitable for the review panel based on the type of appeal.
- If the Director of Operations does not believe a review of the result is warranted, the complainant will be notified in writing.
- The panel will provide the participant will be notified of the outcome of their appeal, in writing, within fourteen (14) working days of the panel's decision. The result is final and no further internal appeal can be entered into.
- An external review may be conducted at the expense of the complainant.

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- If the appeal process is going to take more than 60 calendar days to process, we will notify the learner in writing as to the reasons why, the learner will be updated in writing as to the progress of their appeal fortnightly.
- All stages of the appeal process will be recorded and maintained in the learner's file.
- All Assessment Appeals will be documented on the Complaints Register for monitoring by the Executive team. The Executive team may take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.
- All Assessment Appeals will be deemed as Validation and recorded in the Validation Register.
- Copies of all written communication with the learner and other parties involved are to be kept on the learner's file.