

# Student Appeals Procedure



## **PURPOSE**

To ensure that students are aware of their right to request or reconsider a decision MADEC (MADEC Australia) has made (e.g. Assessment decision) and the appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively and the principles of natural justice and procedural fairness are adopted at every stage of this process.

## **SCOPE**

This procedure includes all MADEC students and staff at all training locations.

## **DEFINITIONS**

Assessment –is the process of collecting evidence and making judgements on whether competency has been achieved, to confirm that an individual can perform to the standard required in the workplace, as specified in a training package or VET accredited course.

## **PROCEDURE**

Students shall be provided with the opportunity to request that a decision be reconsidered/reviewed, this may include issues regarding:

- Assessment methods/outcomes
- Denied or incorrect enrolment
- Denied or incorrect placement
- Denied recognition of prior learning application
- Fees, charges, levies, fines or refund
- Training and academic status
- Unsuccessful admission or selection to a new course
- Disciplinary action
- Trainer and Assessors
- The RTO
- RTO Staff
- Third Parties that have an agreement with the RTO

Students will be encouraged to use the MADEC Feedback form, Comments section on the MADEC website and directly to staff (e.g. their Trainer and Assessor, Manager).

Students will be informed of this process in the relevant Student Handbook and during induction processes.

Any appeal, complaint or grievance (written or otherwise) shall be directed to the relevant state Site Manager /Training Manager. The Manager is responsible for examining the merits of the appeal, setting out a corrective and preventive strategy, ensuring both the student and the assessor are able to 'tell their side of the story' before a decision is made.

All parties to an appeal will have the opportunity to present their case formally and have it considered.

Any appeal made against a staff member shall be made known to the individual concerned. A staff member who initiates or is involved in an appeals process will not to be discriminated against because of their involvement.

The relevant state Site Manager /Training Manager will manage/record the appeal (as per the Comments and Complaints Procedure) to ensure appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence. Documentation gathered during the assessment appeal process must be filed securely and maintained on a confidential file.

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The relevant Site Manager/Training Manager will attempt to resolve the appeal and respond to the student concerned within two working days in writing describing the steps taken to correct the problem.

The appeal process should be completed as soon as possible (no longer than ten working days). Where the Manager considers more than 60 days are required to process and finalise the appeal, they will:

- inform the appellant in writing, including reasons why more than 60 calendar days are required; and
- will regularly update the appellant on the progress of the matter.

If the relevant Manager is not able to settle the appeal (or they are the subject of the appeal) they will submit the appeal and their written response to the CEO for review.

The CEO will follow the appeal through with a final solution for arbitration if applicable.

If the student is not happy with the outcome of the appeal the relevant Manager/CEO must make arrangements for an independent third party to review the appeal. This will be at no cost to the student. The independent person or panel may discuss the disputed issues, consider possible alternatives and should reach a consensual settlement that will accommodate their needs.

Once a satisfactory solution is reached a copy of a written agreement of the appeal outcomes, explaining the reasons for their decision, will be provided to each party as confirmation.

Once settlement is reached at any stage of the process statements of agreement regarding the appeal outcomes, explaining the reasons for their decision, shall be exchanged by the parties to the appeal. This agreement must be kept confidential.

All documentation gathered during the process is to be kept in a confidential secured file.

Complaints about MADEC actions and decisions can be made to The National Training Complaints Hotline (<https://www.education.gov.au/NTCH>). However before taking your complaint to this level, resolution should be initially attempted directly with MADEC.

**MADEC will respond and co-operate in good faith with the Department of Education and Training in its resolution of student complaints made to, or other issues raised with, the Department in relation to MADEC's delivery of the Training Services.**

## References

Standards for NVR Registered Training organisations 2015

2021 Standard VET Funding Contract Skills First Program (Version 1.0)

The National Training Complaints Hotline (<https://www.education.gov.au/NTCH>)

**Custodian** - National Training Manager