



Appeals Policy and Procedure

Appeals Handling:

MTA Institute is committed to providing a fair and transparent appeals handling process.

What is an appeal?

An appeal is an application by a learner for reconsideration of an unfavourable decision or finding during their time with MTA Institute. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within **10 working days** of the decision, or finding, is informed to the learner.

It is important to note that a learner may appeal any decision made by MTA Institute or a third-party providing services on behalf of MTA Institute. Contrary to the popular belief that appeal relates only to assessment decision, appeals can relate to administrative decisions that MTA Institute 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 an assessment appeal compared with an appeal of an administrative decision is slightly different, this difference has been catered for within this policy and adjusted processes for both situations (*refer: Administrative Appeals Handling Process Flow Chart and Assessment Appeals Handling Process Flow Chart*). Throughout this policy we refer to the person making an appeal as simply the appellant.

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 learner's decision to make an appeal can be avoided by proper communication and consultation with learners at the time a decision is made.

Relationship of continuous improvement

The appeals handling process may 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 an appeal

An appeal must be received by MTA Institute in writing within **10 working days** of the decision or finding being informed to the person.

To appeal a decision, the appellant is advised on MTA Institute's website to email the details of their appeal to appeal@mtai.edu.au.

Alternatively, a hard copy of these details may be forwarded to:

Client Services Manager
MTA Institute
Building 8, 2728 Logan Road (PO Box 4530)
EIGHT MILE PLAINS QLD 4113

If the appellant has any difficulty submitting their appeal to MTA Institute, they are advised to contact MTA Institute immediately at the following phone number: (07) 3722 3000.

The Client Services Manager will record the appeal details on an *Appeals Handling Record Sheet (Annexure 2)*.

Appeal handling procedure

MTA Institute will apply the following procedures to its appeals handling:

- Appeals must be lodged in writing within **10 working days** of a decision or finding being informed to the person. An appeal must be submitted in writing and the details recorded on an Appeals Handling Record Sheet.
- The appellant must be **provided a written acknowledgement** as soon as possible, ie. **no later than 1 working day** from the day the appeal is received. This acknowledgement is intended to provide the person making an appeal assurance that MTA Institute has received the appeal and will review the relevant issues and provide a response. The acknowledgement must inform the appellant that they will receive a **written response within 14 days**.
- All appeals are to be recorded on an Appeals Handling Record Sheet, which is used to maintain a chronological journal of events during the appeals handling process. An appeals register is to be kept by MTA Institute's Quality Manager to record details of lodgement, response and resolution. 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 MTA Institute's website.
- The handling of an appeal is to commence within **seven (7) 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 **14 working days** of the lodgement of the appeal.
- Appeals must be resolved to a final outcome within **60 calendar days** of the appeal being initially received. Where MTA Institute's General Manager considers that more than 60 calendar days are required to process and finalise the appeal, the General Manager must inform the appellant in writing, including reasons why more than 60 calendar days are required. As a benchmark, MTA Institute should attempt to resolve appeals as soon as possible. A timeframe to resolve an appeal within 30 calendar days is considered acceptable and in the best interest of MTA Institute 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**.
- MTA Institute shall maintain the enrolment of the appellant during the appeal handling process.
- Decisions or outcomes of the appeal handling process that are in favour of the appellant shall be implemented immediately.
- Appeals are to be handled in the strictest of confidence. No MTA Institute representative is to disclose information to any person without the permission of MTA Institute's General Manager. A decision to release information to third parties can only be made after the appellant has given permission for this release to occur. This permission should be given using the *Information Release Form (Annexure 1)*.
- 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. Further guidance on principles of natural justice and procedural fairness can be accessed at the following link: [Good Decision-Making Guide](#)
- Appeals handling procedures should conclude with an analysis of the circumstances to identify any opportunities for improvement and the completion of a *Continuous Improvement Report (Annexure 3)*.

Third-Party Review

Where the appellant is not satisfied with the handling of the matter by MTA Institute, they have the opportunity for a body or person that is independent of MTA Institute 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 MTA Institute to fully consider the nature of the appeal and to fully respond to the appellant 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 appellant should inform the Client Services Manager of their request who will initiate the process with the General Manager.

In these circumstances MTA Institute's General Manager will advise of an appropriate party independent of MTA Institute to review the appeal outcome (and its subsequent handling) and provide advice to MTA Institute regarding the recommended outcomes. The independent third-party is required to respond with their recommendations **within 14 working days** of their review being requested. This advice is to be accepted by MTA Institute as final, advised to the appellant in writing and implement without prejudice.

Where MTA Institute appoints or engages an appropriate independent person to review an appeal, MTA Institute will meet the full cost to facilitate the review. Where the appellant objects to this appointment and requests to engage a person or organisation they nominate, MTA Institute may request the appellant contributes toward the cost of the review.

When an appeal is received by MTA Institute and the General Manager feels that they may be 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

Where the appellant remains not satisfied with the outcome of the appeals handling procedure, the appellant is to be directed to the following external agencies:

- In relation to consumer protection issues, these may be referred to the **Office of Fair Trading**.
- In relation to the delivery of training and assessment services, these may be referred to the **National Training Complaints Hotline** via the following phone number: 13 38 73.

It is expected that the above agencies will investigate the person's concerns and contact MTA Institute for information.

MTA Institute is to cooperate fully with agencies such as the National Training Complaints Service or ASQA that may investigate the handling of an appeal. MTA Institute considers that it would be extremely unlikely that appeals are not able to be resolved quickly within MTA Institute's 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 MTA Institute. There is also a record of the appeal maintained within MTA Institute's quality management system. 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 will be saved in a digital format into a secure folder located on MTA Institute's 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 General Manager.

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-authorized 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.

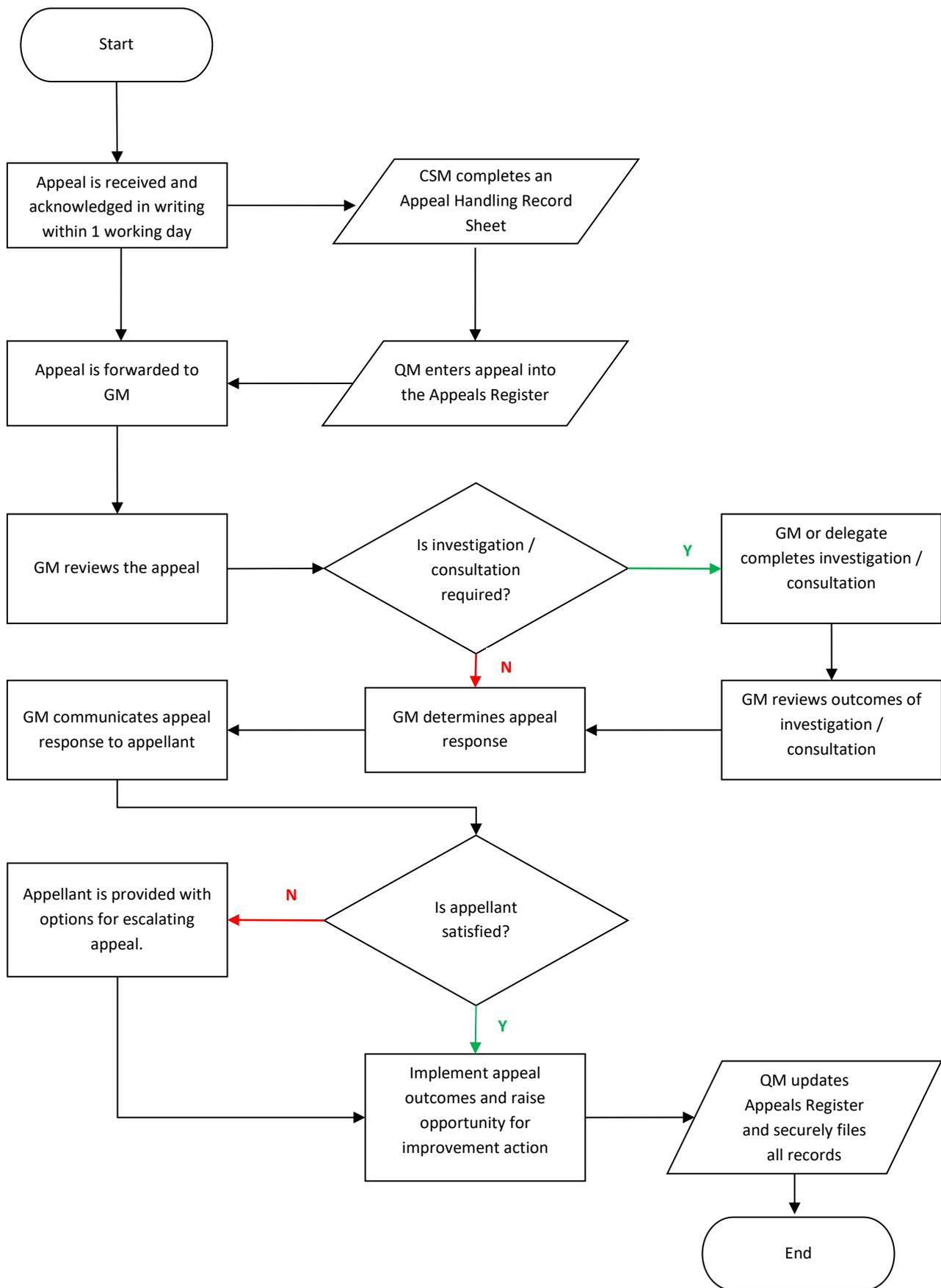
Period of retention of Appeals Records

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

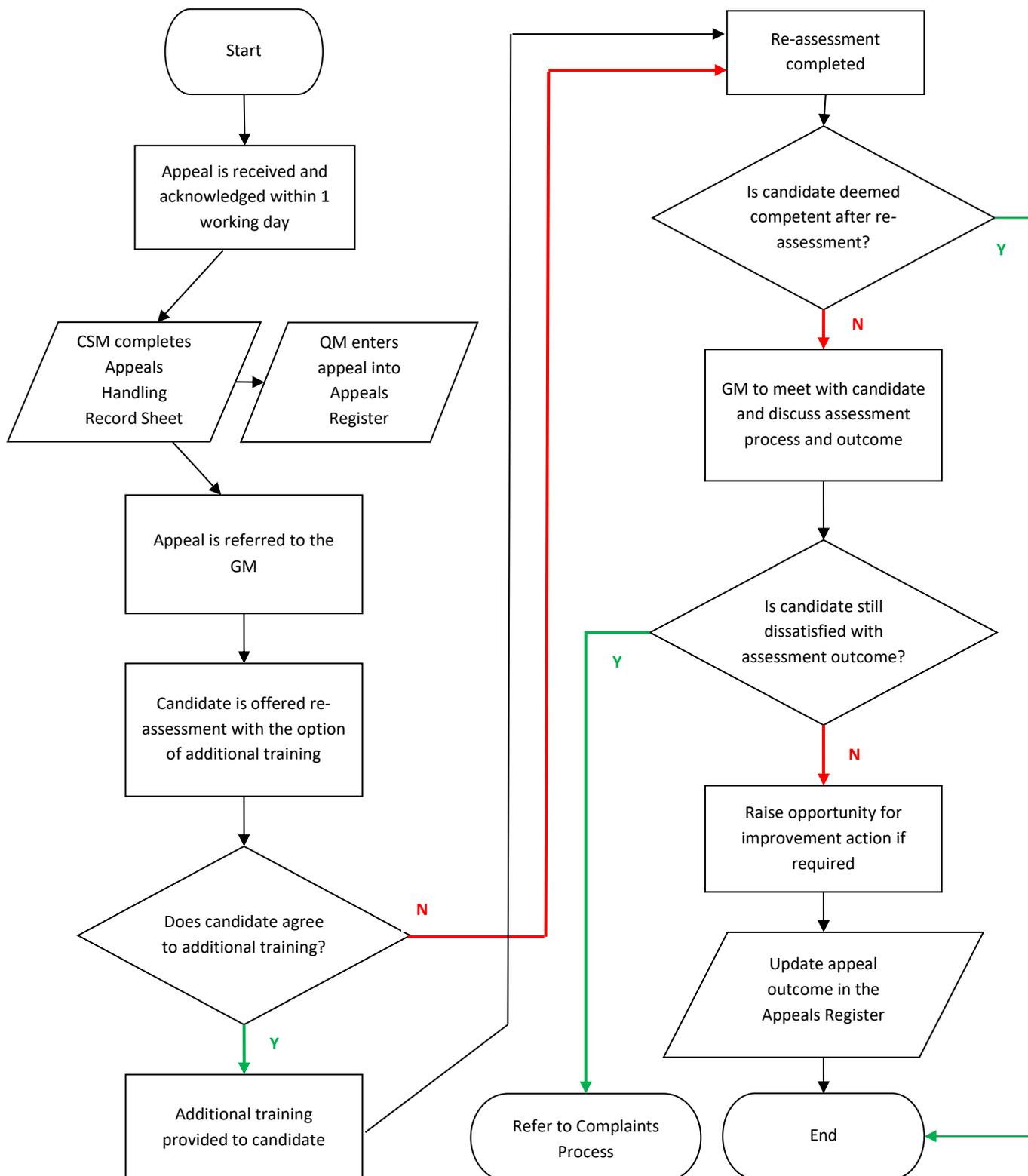
Destruction of Appeals Records

MTA Institute's General Manager 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.

ADMINISTRATIVE Appeals Handling Process Flow Chart



ASSESSMENT Appeals Handling Process Flow Chart





Information Release Form

| Learner Information | |
|---------------------|--|
| Full Name: | |
| Date of Birth: | |
| Address: | |
| Phone No: | |
| Email: | |
| Course: | |

I, the above named person hereby authorise MTA Institute to disclose the information outlined in this release form to the person/organisation identified below. I acknowledge that if I wish to cancel/amend this authorisation I must advise MTA Institute in writing.

Signature: _____

Date: ____/____/____

| Information to be released – Please tick | | |
|--|--|----------------------------------|
| <input type="checkbox"/> Name | <input type="checkbox"/> Date of Birth | <input type="checkbox"/> Address |
| <input type="checkbox"/> Enrolment details | <input type="checkbox"/> Phone | <input type="checkbox"/> Mobile |
| <input type="checkbox"/> Email | <input type="checkbox"/> Emergency contact | <input type="checkbox"/> Other |
| Please specify other: | | |
| | | |
| | | |
| Nominated Person/Organisation | | |
| | | |

Please return completed form to: The General Manager
Freeway Office Park, Building 8, 2729 Logan Road
(P.O. Box 4530) Eight Mile Plains Qld 4113

The personal information supplied and collected on this form is subject to the Privacy Act 1988 (Commonwealth) and will be treated in accordance with MTA Queensland's Privacy Policy, a copy of which is available on request. Please refer to www.oaic.gov.au for further information in relation to privacy laws.

| | | |
|--|---|--|
|  | <h2 style="margin: 0;">Appeals Handling Record Sheet</h2> <p style="margin: 0;">To be used in conjunction with the Appeals Policy & Procedure</p> | |
| Appellant's Name | | |
| Workplace/Location | | |
| Decision Type/Unit/Qualification | | |
| Decision Date | _/_/___ | |
| Date appeal received <i>(Must be within 10 working days of decision)</i> | _/_/___ <input type="checkbox"/> Email <input type="checkbox"/> Letter | |
| Person responsible for handling the appeal | | |
| Date acknowledged <i>(Must be within 1 working day of receipt)</i> | _/_/___ <input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> Appellant informed a written response will be sent within 14 days | |
| Describe details of the appeal and the remedy the appellant is seeking <i>[Attach supporting documentation]</i> | | |
| <p>Details:</p> <p>Remedy:</p> | | |
| Agreed outcome (what are the actions that will be taken to resolve the appeal) <i>[attach correspondence sent to the appellant outlining action to be taken at each stage of the appeals process]</i> | | Date <i>(must be within 14 working days)</i> |
| <p>Actions:</p> <p>Updates provided to appellant every 2 weeks (min.) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> | | _/_/___ |
| Actions Completed by (Name) | | Date Completed <i>(within 60 days)</i> |
| <p>Review by Third-Party sought by appellant <input type="checkbox"/> Yes <input type="checkbox"/> No</p> | | _/_/___ |
| Have any areas for improvement been identified? If so, summarise below and fill out a Continuous Improvement Report | | |
| <p>Areas of Improvement Identified:</p> <p>Continuous Improvement Report Number:</p> | | |

Once the appeal has been finalised, forward this completed form to the Quality Manager, along with any supporting documentation, who will record the information in the Appeals Register.



MTA
INSTITUTE

CONTINUOUS IMPROVEMENT REPORT

To be used in conjunction with the
[Continuous Improvement Policy and Procedure](#)

Date Raised: / /20

Report No: -20

Raised by:

SECTION 1 – Reason for the Report

Why is the report being raised?

SECTION 2 – Suggestion

What is your suggested improvement?

SECTION 3 – CIC Review

What are the agreed actions to be taken? *Is the report compliance related?* YES NO

Person responsible:

Action required by: ____/____/____

SECTION 4 – Implementation

What are the initial outcomes of the actions taken?

Action Completed: ____/____/____

Proposed Validation: ____/____/____

SECTION 5 – Validation

Have the completed actions produced the required improvement? YES NO

Are there any additional actions required? YES NO

Comments:

Validation Completed: ____/____/____

SECTION 6 – Closure

Comments:

Signed: _____

General Manager

Date: ____/____/____