

APPEALS POLICY

Purpose

The describes the way ESS manages student appeals.

Scope

This policy only applies to appeals related to the outcomes of assessments and disciplinary action taken against a student

Outcomes

The intended outcomes of this policy are to provide information to:

- ensure ESS complies with the relevant legislation, policies, and standards.
- ensure consistent application of the policy.
- provide transparency in relation to ESS's approach to managing appeals.

Definitions

In this policy:

Student - means any person participating in an ESS course or assessment. This includes training or assessments conducted by an external training provider on behalf of ESS either at ESS or at another location.

ESS staff - means all staff of ESS (including full-time, part-time, casual staff or contractors).

Legislation

The following requirements are used as the basis for the policy.

- [National Vocational Education and Training Regulator Act 2011 \(NVR Act\)](#)
- Vocational Education and Training Act 1996 (WA)
https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1030_homepage.html
- [Standards for Registered Training Organisations 2015](#)

Principles

ESS offers students a fair and impartial appeals process.

Students dissatisfied with the outcome of an assessment or disciplinary action that they have been subjected to have the right of appeal.

A student who wishes to appeal is encouraged to discuss the issue in the first instance with the trainer. If the student is not satisfied with the outcome, they can proceed with a formal appeal by completing and lodging an ESS Assessment Appeal Form.

Assessment

A student has the right to appeal an assessment outcome on the basis that the:

- assessment process was flawed, was not followed, or applied or was inconsistently applied.
- assessment criteria used for the assessment differs from the agreed assessment criteria.
- assessment method differs from the description in the unit outline.

The student will need to present appropriate evidence to support their appeal.

The assessment appeals process is described in the procedure ESS-PR009 Assessment.

Disciplinary action

A student has the right to appeal any disciplinary action taken against them. This appeal must be on the basis that:

- ESS did not follow its own disciplinary procedure.
- the disciplinary action does not align with the actions or behavior which resulted in the disciplinary action.

Lodgement

The student needs to set out grounds for appeal and lodge the appeal within 30 days of them being notified of the assessment outcome or disciplinary action.

Appeal outcome

Should the outcome of the appeal not be acceptable to the student, ESS will inform the student, in writing of their right to lodge a complaint with the relevant authority/agency.

Costs for the appeal will be covered by ESS if the students appeal is upheld. If the appeal is dismissed the student will be required to cover the cost of the appeal process.

Records

All communication and conversations related to the appeal will be captured and maintained in the appropriate folder in the ESS file management system.

All appeal records will be confidential and managed in accordance with the ESS Privacy Policy.

Responsibilities

ESS management is responsible for:

- implementing the policy
- monitoring compliance with the policy
- addressing any non-compliance to the policy
- reviewing the policy and changes to the policy
- complying with the policy

ESS staff are responsible for:

- identifying changes to the policy
- complying with the policy

All inquiries and issues related to the policy are to be directed to ESS.

Document Management

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Related/referenced documents

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ESS-PR009 Assessment

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(Signature of approving officer)

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