

Appeals Handling

Pinnacle Institute of Education 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 Pinnacle Institute of Education. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within twenty (20) business days of the decision or finding being communicated to the student.

It is important to note that a student may appeal any decision that Pinnacle Institute of Education may make. Contrary to the popular belief that an appeal relates only to assessment decisions, appeals can relate to administrative decisions that Pinnacle Institute of Education may make. Examples of this may include, but are not limited to, 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 with adjusted processes for both situations.

Early resolution to prevent an appeal

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 between the assessor and student at the time a decision is made.

Relationship to continuous improvement

The appeals handling process may expose weaknesses in the training and assessment or administrative systems 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.

Appeal handling principles

Pinnacle Institute of Education will apply the following principles to its appeals handling:

- A written record of all appeals is to be kept by Pinnacle Institute of Education including all details of lodgement, response and resolution. An appeals register is maintained 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 Pinnacle Institute of Education's website.
- The handling of an appeal is to commence within five (5) business 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 ten (10) business days of the lodgement of the appeal.
- Appeals must be resolved to a final outcome within thirty (30) business days of the appeal being initially received. Where Pinnacle Institute of Education Chief Executive Officer considers that more than 30 business days are required to process and finalise the appeal, the CEO must inform the appellant in writing, including reasons why more than 30 business days are required. As a benchmark, Pinnacle Institute of Education should attempt to resolve appeals as soon as possible. A timeframe to resolve an appeal within thirty (30) business days is considered acceptable and in the best interest of Pinnacle Institute of Education and the appellant. An appellant should also be provided with regular updates to inform them of the progress of the appeal handling.

- Pinnacle Institute of Education 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 Pinnacle Institute of Education representative is to disclose information to any person without the permission of Pinnacle Institute of Education Chief Executive Officer. 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.
- 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: [Principles of Natural Justice and Procedural Fairness](#)

Review by external agency

Where the appellant is not satisfied with the handling of the matter by Pinnacle Institute of Education, they have the opportunity for a person that is independent of Pinnacle Institute of Education to review their appeal following the internal completion of an appeal handling process. In these circumstances, the Pinnacle Institute of Education Chief Executive Officer will advise of an appropriate party independent of Pinnacle Institute of Education to review the appeal (and its subsequent handling) and provide advice to Pinnacle Institute of Education in regards to the recommended outcomes. This advice is to be accepted as final and advised to the appellant in writing.

If the appellant is seeking a refund of their tuition fees based on an unfavourable outcome, this may be considered by the Chief Executive Officer on its merits. If the

Chief Executive Officer does not approve a refund and considers that Pinnacle Institute of Education has dealt with the matter appropriately, the student is to be advised of the opportunity to refer the matter to the Office of Fair Trading in relation to their dispute over the requested refund.

Pinnacle Institute of Education considers that it would be extremely unlikely that appeals are not able to be resolved quickly within Pinnacle Institute of Education internal arrangements.

Appeals Handling Procedure

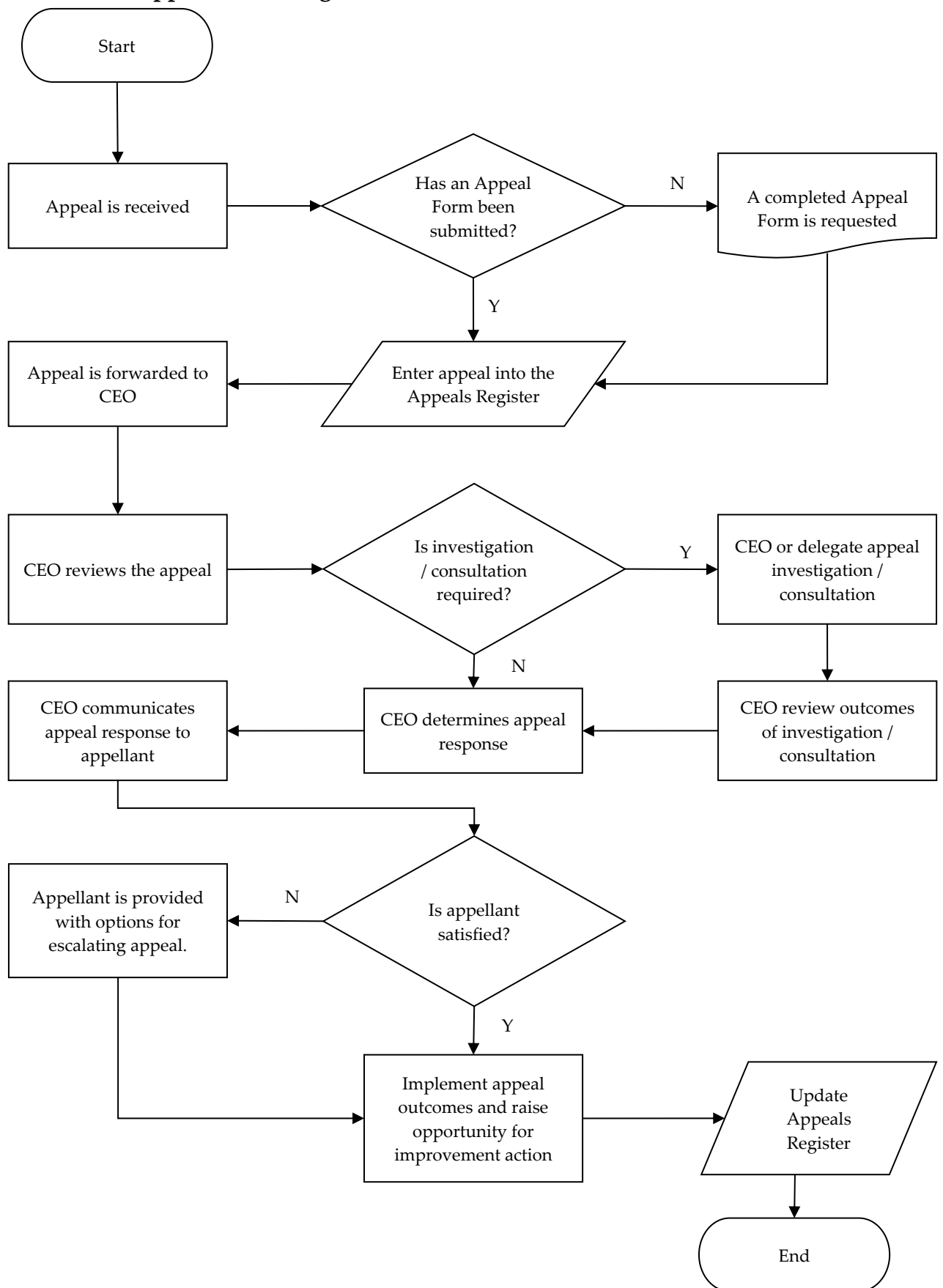
The following procedure is to be followed when an application to appeal a decision is received:

- An application to appeal a decision is received by Pinnacle Institute of Education and is to be immediately recorded into Pinnacle Institute of Education's Complaints and Appeals Register. An application to appeal a decision must be submitted in writing.
- The application to appeal a decision is to be forwarded to the Chief Executive Officer who is to review the matter and make a recommendation as to how to respond to the matter. The Chief Executive Officer may choose to consult with the appellant, with others within Pinnacle Institute of Education or relevant agencies external to Pinnacle Institute of Education in determining their recommendations.
- The Chief Executive Officer may choose to make inquiries about the matter or may task another person to research the matter against relevant policy or legislation.
- The Chief Executive Officer is to commence their review of an appeal within five (5) business days from the date the appeal being submitted.
- The Chief Executive Officer is to finalise their response to the appellant and provide the appellant a response as soon as possible but no later than ten (10) business days from when the appeal was submitted.
- The Chief Executive Officer is to communicate the response to the appellant in writing, thereby creating an evidentiary trail of the decision and communication thereon. This evidence can then be provided in any subsequent independent review of the appeal handling process and outcome. The Chief Executive Officer

is to seek feedback from the appellant about their level of satisfaction with the appeal outcome and advise the appellant of their options if they are not completely satisfied with the outcome.

- Where the appellant is not satisfied with the outcome of the appeal handling, the Chief Executive Officer is to advise the appellant on the steps to have the decision considered by an appropriate independent third-party.
- Where the appeal is in relation to an assessment decision, a reassessment should be recommended. Students participating in a reassessment should be provided with detail counselling about the perceived gaps in their skills and knowledge along with additional training to support their improvement and ability to demonstrate competence. Reassessments should be scheduled to occur as soon as practicable following the outcome of an appeal. The reassessment must be undertaken by a different assessor than was used during the initial assessment. Following the reassessment, the student must be provided with detailed feedback about their performance and the outcome.
- An appellant who remains unsatisfied with the process applied by Pinnacle Institute of Education following review by an independent party may make a complaint to the Australian Skills Quality Authority - ASQA Online Complaint Form [click here](#). Students are to be advised that ASQA will require the student to have exhausted all avenues through Pinnacle Institute of Education's internal appeals handling procedure before taking this option. The response to the appellant must include information that demonstrates that the matter was thoroughly reviewed and what actions and outcomes have been identified as a result of the appeal.
- Opportunities for improvement that were identified as a result of the appeal are to be recorded in the Continuous Improvement Register and submitted for the next Management Team meeting. The Chief Executive Officer may, at their discretion, follow-up with the appellant after consideration by the Management Team to inform the appellant of the improvement actions identified.
- The Complaints and Appeals Registers are to be kept up to date at all times to accurately reflect how the matter was responded to and the duration from the date the appeal was received to the date the appeal was resolved.

Administrative Appeals Handling Process



Assessment Appeals Handling Process

