

Appeals Policy and Procedure

PURPOSE

The purpose of this policy is to provide clear directions for students, staff and other appellants who wish to appeal a decision made by the Music SA training staff, including assessment decisions.

SCOPE

This policy and procedure applies to all individuals and organisations who may have cause to appeal a decision made by the Music SA training staff.

Appellants include (but are not limited to):

- current and past students
- staff
- contractors
- suppliers and providers
- employers
- members of the public; and
- third parties.

Appeals may relate (but are not limited) to:

- formal complaints (refer to the Music SA Complaints Policy and Procedure); and
- assessment decisions.

POLICY STATEMENT

Music SA is committed to recording, acknowledging and dealing with appeals made against any decisions made by the training staff in a confidential, fair, efficient and effective manner.

In particular, Music SA will ensure that:

- the principles of natural justice and procedural fairness are adopted at every stage of the appeals process
- this policy and procedure is publicly available
- there is a clear and concise procedure for making an appeal
- appeals are acknowledged in writing and are finalised as soon as practicable; and
- Music SA's internal appeals resolution processes are unable to resolve the appeal in a satisfactory manner for all parties, an appropriate independent third party e.g. mediator is engaged by Music SA at the request of the appellant or Appeals Committee.

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DEFINITIONS

Appeal means the formal step taken by an appellant if they are dissatisfied with a decision made by the training staff.

Appellant means the person lodging an appeal to a decision made by the training staff.

Complaint means an expression of dissatisfaction about another person's behaviour or actions, or the decisions, services or training products provided by Music SA, or third parties on its behalf.

Complainant means the person making the complaint.

Confidentiality is the process of ensuring that the privacy of all parties involved in a complaint is protected as much as legally possible, to minimise the grounds for possible defamation action, and to facilitate a positive complaint resolution process.

Final decision means the decision made by the Music SA HT or Music SA GM and communicated in writing to the complainant, once all internal appeal avenues have been exhausted.

Malicious appeal means a fictitious appeal or one made intentionally without truth or foundation, for the purpose of causing detriment or mischief.

Mediation is the process established by a mediator to bring together the parties involved in a dispute to try and reach a mutually satisfying solution to the dispute.

Music SA LMS means the online Learning Management System used by Music SA to deliver course materials, assessment tasks and communicate assessment task grades and feedback to students.

Procedural fairness (natural justice) is a duty to act fairly and includes two rules:

- the fair hearing rule i.e. all parties must be given the opportunity to present their case in respect to the appeal; and
- the bias rule i.e. a decision maker must not have any personal interest in the matter.

REFERENCES

- Music SA Appeals Policy and Procedure
- Music SA Privacy Policy
- Standards for Registered Training Organisations (RTOs) 2015
- Users' Guide to the Standards for Registered Training Organisations 2015

DOCUMENTS

- Appeal Form
- Complaints and Appeals Register

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RESPONSIBILITIES

The **Music SA Board** is responsible for:

- approving the Appeals Policy and Procedure and all subsequent revisions.

The **Music SA Board, Chair** is responsible for:

- ensuring that all Board members understand their roles and responsibilities in relation to this policy and procedure; and
- managing the appeals process (for complaints only) when the original decision made by the Music SA General Manager is appealed.

The **Music SA General Manager (GM)** is responsible for:

- presenting any revised versions of this Appeals Policy and Procedure to the Music SA Board for approval
- dealing with any appeals by students, staff and other appellants in accordance with this Appeals Policy and Procedure and the Privacy Policy
- ensuring that all training staff understand their roles and responsibilities in respect to the management and resolution of appeals
- engaging the services of an appropriate independent third party e.g. mediator, where Music SA's internal appeals resolution process is unable to reach a resolution to the appeal in a satisfactory manner for all parties
- engaging the services of suitably qualified Assessors to participate in validation processes where there are appeals against assessment decisions
- establishing an official appeal file (if no complaint file exists) and completing all documentation associated with the appeal process, including logging appeals in the Music SA Complaints and Appeals Register
- ensuring that any continuous improvement recommendations identified during the appeal process are documented and acted upon in a timely manner; and
- ensuring that all appeal-related documentation is safely and securely stored.

All **Music SA Training Staff (TS)** are responsible for:

- ensuring that all students are aware of this Appeals Policy and Procedure and understand their rights and responsibilities in relation to the appeal process, in particular the process for appealing assessment decisions
- participate in processes designed to validate original assessment decisions (if appropriate); and
- only engaging in practices that comply with this Appeals Policy and Procedure and the Music SA Privacy Policy.

All **Appellants** are responsible for:

- lodging appeals in accordance with the principles and procedures outlined in this Appeals Policy and Procedure and the Music SA Privacy Policy; and
- not making any malicious appeals.

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PROCEDURE

Appealing a Decision Made in Relation to a Complaint

Refer to the Music SA Complaints Policy and Procedure.

Informal Appeal of an Assessment Decision

Many appeals of assessment decisions may be quickly and effectively resolved by the appellant:

- discussing the assessment decision with their Assessor; and/or
- indicating that they do not believe that an assessment decision is fair in the Grade Appeals Form in the Feedback section of each Training Program on the Music SA LMS and providing a rationale for their grievance. If their rationale is deemed reasonable, their Assessor will arrange for a suitably qualified third party to independently validate the assessment decision and make a final judgement as to the assessment result to be awarded.

If the appellant does not feel that they have achieved a satisfactory resolution after participating in the informal appeals process, they may choose to make a formal appeal.

Formal Appeal of an Assessment Decision

- 1 A formal appeal against an assessment decision should be submitted in writing using the Music SA Appeal Form and forwarded to the the Music SA GM.
 - The student has the right to withdraw their appeal at any stage of the process.
 - Formal appeals must be made within two working days of the assessment decision.
 - The complainant has the right to be supported by a person of their choice throughout the appeal process.
- 2 Upon receipt of the Appeal Form, the Music SA GM (or their delegate) will establish an official appeal file, allocate the appeal a reference code i.e. MSAT-APP0001 and log the appeal in the Complaints and Appeals Register.
- 3 The Music SA GM (or their delegate) will acknowledge the appeal within three working days of it being received.
- 4 The Music SA GM (or other responsible officer) will organise for a panel of two suitably qualified Assessors to conduct an independent validation of the assessment decision within five working days of receiving the formal appeal. This panel must only be comprised of individuals who were not involved in the original assessment decision, or who participated in the Informal Appeal of an Assessment Decision process.

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PROCEDURE CONT.

- 5 The decision made as the result of this process will be final, and will not be the subject of any further internal investigation by Music SA.
- 6 The Music SA GM (or the responsible officer) will complete any outstanding documentation and make any required final entries in the Complaints and Appeals Register. The complaint will then be deemed to be resolved and closed.
- 7 The Music SA GM will ensure that any continuous improvement recommendations identified by the validation team are documented and acted upon as soon as reasonably practicable, but generally within 30 days of the final decision being made.
- 8 The Music SA GM (or their delegate) will ensure that the official complaint file and all related documentation is safely and securely stored.

STATUS AND DETAILS

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| Reference Code: | MSAT-POLP-LSP:2-V1.3 |
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| Accountable Officer: | Music SA General Manager |