

**APPEALS POLICY**

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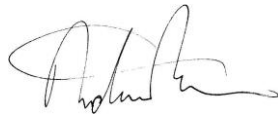
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DOCUMENTS : Appeal/Appeal Report Form  
Appeal/Appeal Register  
Appeal/Appeal Schematic

REFERENCES : Access, Equity & Fairness Policy  
Student Handbook  
Appeal Policy  
Privacy Policy  
Records Management Policy

AUTHORISED :



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CEO

DATE: 06/07/2018

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**PURPOSE**

It is the purpose of this policy to ensure that Municipal Training stakeholders and in particular employees are aware of the appeals process and the rights and responsibilities afforded to everyone.

**POLICY**

It is the policy of Municipal Training to manage its process in a fair and equitable manner that ensures all stakeholders are provided with a timely and transparent framework to lodge appeals.

Municipal Training provides a process for advocacy, internal mediation and external independent mediation to resolve disputes and appeals.

A stakeholder and/or Municipal Training may nominate;

- an advocate to accompany, represent and support them
- or
- an external independent mediation process

at any stage of the appeal process.

Municipal Training commits to an appeal process with the following guiding principles:

**1. Confidentiality**

Only the parties directly involved in lodging or investigating or mediating an appeal will have access to information about the appeal.

Discussion of the matter by parties to the appeal with other Municipal Training stakeholders, or other parties either internal or external is not permitted and will breach Privacy Principles. Such discussion may also hamper the effectiveness of the process.

**2. Impartiality**

All parties will be provided with equal opportunity for discussion and response. No assumptions will be made and no action will be taken until all relevant information has been collected and considered.

Municipal Training reserves the right to seek expert advice as to the appropriate action to be taken in regards to the outcome of an investigation.

Stakeholders may have an advocate present throughout the process.

**3. Free from Repercussions**

No action will be taken against any individual or entity for lodging a bona fide appeal or assisting someone to lodge or manage a bona fide appeal.

Municipal Training will take all necessary steps to ensure that victimisation does not occur against anyone who lodges or is involved in a bona fide appeal.

Municipal Training reserves the right to take appropriate action against an individual or entity that lodges a Frivolous or Malicious appeal, or knowingly lodges a false appeal.

#### 4. **Timely & Transparent**

All appeals will be dealt with as quickly and transparently as possible.

### **SCOPE**

This policy encompasses:

- current and past students;
- student candidates;
- employees;
- contractors;
- suppliers and providers;
- regulatory authorities.

This policy does not cover complaints. Please refer Complaint Process.

### **DEFINITION**

|                                   |  |
|-----------------------------------|--|
| Advocate                          | - Individual who accompanies an appellant for the purposes of support throughout the process. An advocate for the purposes of this policy does not include Legal Representation. |
| Appeal                            | - An appeal arises when a stakeholder is not satisfied with a decision taken by Municipal Training.  |
| Appeal Event                      | - Actual instance of decision that occurred for which the appeals being lodged.  |
| Complaint/Appeal Committee        | - A number of persons nominated by the CEO to review decisions that an Appellant does not accept as satisfactory.  |
| Appellant                         | - Person or entity that lodges an appeal.  |
| Contractor                        | - Individual or entity engaged by Municipal Training under contract to deliver specified work on its behalf e.g. Sessional trainer/assessor.                                     |
| Municipal Training Representative | - For the purposes of the Appeal Process this will normally be the CEO or their delegate.  |

- |                          |   |
|--------------------------|---|
| Employee                 | - Person employed by Municipal Training on a full or part time or casual basis. Does not include Contractors.   |
| Frivolous Appeal         | - Fictitious appeal or one made intentionally without foundation or to cause detriment or mischief. Knowingly lodging a false appeal. (without truth or foundation).  |
| Legal Representation     | - A lawyer or similar who is engaged by the appellant or Municipal Training to represent them in a formal and legal process which may be initiated if the appeal process including external mediation fails.  |
| Malicious Appeal         | - Fictitious appeal or one made intentionally without foundation or to cause detriment or mischief. Knowingly lodging a false appeal (without truth or foundation).   |
| Mediation Event          | - Meeting, intervention or other event specifically designed and arranged with the goal of a satisfactory outcome.  |
| Non Employee Stakeholder | - Individual or Entity who is not legally employed by Municipal Training e.g. Supplier, Contractor, Regulatory Authority.   |
| Parties to the Appeal    | - All individuals and/or entities who are directly involved in lodging or investigating or mediating an appeal.   |
| Stakeholder              | - General term inclusive of any individual or entity with whom Municipal Training has a relationship including but not limited to employees, students, contractors and suppliers.   |
| Zero Tolerance           | - Municipal Training will not under any circumstances tolerate behaviours that breach the fundamental principles of access, equity and fairness. Municipal Training will take action against any individual or group of individuals proven to have breached these principles and that action may be to the extent of termination of employment or contract or removal of students from hosting. |

### **PROCEDURE**

The process must be documented at each step and all parties must receive hardcopy of the record within 5 working days.

If for whatever reason the stakeholder is unable to undertake any of the following steps, they should speak with a senior staff member with whom they are most comfortable.

NB: The stakeholder is encouraged, at any stage of the process, to invite an advocate or support person to participate.



## **POLICY & PROCEDURE**

Municipal Training will provide assistance throughout the process.

The process will be:

1. Appellant lodges a verbal or written appeal to Municipal Training within ten working days of the date of the decision. *Note: **all** verbal appeals (telephone or face to face) must also be formalised in writing within the same ten working day period;*
2. Within 5 working days of receipt of the appeal a meeting will be arranged with Municipal Training representative at which the Municipal Training representative will:
  - Discuss with the Appellant and attempt to resolve the issue
  - document the meeting in the Complaint/Appeal Register.
3. Within 5 working days of the meeting Municipal Training representative will inform the Appellant of their decision. The decision may be given verbally or in writing, however, written notification within the specified 5 working days of the decision must be provided to the Appellant supporting verbal advice.
4. If the Appellant is dissatisfied with the decision, they may make an appeal to the Municipal Training Complaint/Appeal Committee. This appeal must be in writing clearly stating the reasons why the Appellant is dissatisfied with the decision and lodged with 5 working days of receipt of the decision.
5. The Complaint/Appeal Committee will meet with both the Municipal Training representative and the Appellant within 5 working days of receiving the appeal notice. The meeting is to be documented.
6. Within 5 working days of the meeting the Complaint/Appeal Committee will inform the Appellant of their decision to either uphold or set aside the Municipal Training representative's initial decision. The decision may be given verbally or in writing, however, written notification within the specified 5 working days of the decision must be provided to the Appellant supporting verbal advice.
7. If the Appellant is dissatisfied with the Complaint/Appeal Committee's decision or they consider that the appeals process was unsatisfactory they may:
  - a. request that an external mediator agreeable to all parties be engaged. Municipal Training utilises the services of:

South Australian Dispute Resolution Association  
Phone: 0404 766 990  
Email: [info@sadra.or.au](mailto:info@sadra.or.au)  
GPO Box 540, Adelaide 5001
  - b. contact:
    - Training Advocate 1800 006 488 ;  
[www.trainingadvocate.sa.gov.au](http://www.trainingadvocate.sa.gov.au)
    -

- The National Training Complaints Hotline on 1800 000 674
- DFEEST Quality Branch (08) 8226 3065
- Office of Consumer & Business Affairs (08) 8204 9777
- Safe Work SA 1300 365 255
- Workplace Ombudsman – 1300 724 200
- Union Representative
- Or other relevant regulatory body may be available related to the specific issue.

If all Municipal Training avenues of appeal process are not successful the Municipal Training Complaint/Appeal Committee should advise in writing:

- the appellant of their right to seek legal intervention;
- the CEO of the appellant's intention to seek legal action.

All issue, negotiation/mediation, outcome details and agreements;

- are recorded in writing;
- a copy is provided to all parties within seven (7) days of completion of each event;
- are signed by all parties;
- a copy is filed in line with Privacy Principles;
- Complaint/Appeal Register is to be updated throughout and at the completion of the process;
- Complaint/Appeal Report Form is to be updated and copied to all parties throughout and at the completion of the process.

### **APPEAL COMMITTEE MEMBERSHIP**

The Appeal Committee will generally comprise 3 Municipal Training representatives who are not parties to the Appeal.

Where an external mediator or specialist is required one Municipal Training representative will step down in favour of the mediator or specialist.

### **FRIVOLOUS OR MALICIOUS APPEALS**

A 'Frivolous or Malicious Appeal' is a fictitious complaint or one made intentionally without foundation or to cause detriment or mischief.

Municipal Training maintains a Zero Tolerance policy in regards to frivolous or malicious appeal.

Appellants found to have made a 'Frivolous or Malicious Appeal' will face disciplinary action and dependent upon the appeal the consequences may include termination of employment or contract or expulsion from further studies.

**RESPONSIBILITY**

It is the responsibility of the Appellant to ensure that they commence the appeal process within the specified period and that their appeal is supported with a genuine argument and/or evidence.

It is the responsibility of Municipal Training to ensure that the appeal process is open, fair and accurate at all times; well documented and that the Appellant signs off and is provided with a copy of each stage of the process.

**ACCESS**

All Municipal Training stakeholders have the right to access the appeal process and be treated in a fair and equitable manner.

All parties to an Appeal have the right to access their records as per Records Management Policy.