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Appeals Handling Policy and Procedure

ACMUSE provides 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 ACMUSE. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be lodged within twenty-eight (20) working days of the decision or finding is informed to the student.

It is important to note that a student may appeal any decision that ACMUSE may make. Contrary to the popular belief that appeal relates only to assessment decisions, appeals can relate to administrative decisions that ACMUSE 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 and 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 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 student's decision to make an appeal can be avoided by proper communication and consultation with students at the time a decision is made.

Relationship to continuous improvement

Frequently, the appeals handling process will 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.

Appeal handling principles

ACMUSE will apply the following principles to its appeals handling:

- A written record of all appeals is to be kept by ACMUSE including all details of lodgement, response and resolution. The appeals register is to be used 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 the ACMUSE 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 fourteen (14) days of the lodgement of the appeal.
- Appeals must be resolved to a final outcome within sixty (60) days of the appeal being initially received. Where ACMUSE's Chief Executive Officer considers that more than 60 calendar days are required to process and finalise the appeal, the CEO must inform the appellant in writing, including reasons why more than 60 calendar days are required. As a benchmark, ACMUSE should attempt to resolve appeals as soon as possible. A timeframe to resolve an appeal within thirty (30) days is considered acceptable and in the best interest of ACMUSE 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 four (4) weekly intervals.

- ACMUSE 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 ACMUSE representative is to disclose information to any person without the permission of the 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 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 <http://www.decd.sa.gov.au/docs/documents/1/NaturalJusticeandProcedur.pdf>.

Review by external agency

Where the appellant is not satisfied with the handling of the matter by ACMUSE, they have the opportunity for a person that is independent of ACMUSE to review their appeal following the internal completion of an appeal handling process. In these circumstances, the ACMUSE Chief Executive Officer will advise of an appropriate party independent of ACMUSE to review the appeal (and its subsequent handling) and provide advice to ACMUSE 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 ACMUSE has dealt with the matter appropriately and has provided the student all reasonable opportunity to demonstrate their competence, 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. ACMUSE has a formal arrangement in place with a mediator based in Sydney.

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 ACMUSE and is to be immediately recorded in the 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 recommendation as to how to respond to the matter. The Chief Executive Officer may choose to consult with the appellant, with others within ACMUSE or relevant agencies external to ACMUSE 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 seven (7) working 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 fourteen (14) working days from when the appeal was submitted.
- The Chief Executive Officer is to communicate the response to the appellant personally either during a meeting or via the telephone. Appeal responses are not to be provided to the appellant via any third-party or via electronic communication such as e-mail. 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 complaint handling, the Chief Executive Officer is to arrange for the appeal to be considered by an appropriate independent third-party. The independent third-party is required to

respond with their recommendations within fourteen (14) days of their review being requested.

- Where the appeal is in relation to an assessment decision, a re-assessment should be recommended. Students participating in a re-assessment should be provided with detailed counselling about the perceived gaps in their skills and knowledge along with additional training to support their improvement and ability to demonstrate competence. Re-assessments should be scheduled to occur as soon as practicable following the outcome of an appeal. The re-assessment must be undertaken by a different assessor than was used during the initial assessment. Following the re-assessment, the student must be provided with detailed feedback about their performance and the outcome.
- An appellant who remains not satisfied with the process applied by ACMUSE following review by an independent party may make a complaint to the Australian Skills Quality Authority. Students are to be advised that ASQA will require the student to have exhausted all avenues through ACMUSE 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.
- ACMUSE has a formal agreement with a qualified mediator. Both parties are to accept the findings of the mediator and there's no further avenue for appeal other than those legislated.
- Opportunities for improvement that were identified as a result of the appeal are to be recorded in a Continuous Improvement Report 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 Register is 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.