

Policy Document ETQA5 : Appeals



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Policy Overview

Policy Purpose This policy is intended to inform assessors, moderators, verifiers and providers of the appeals policy and process within the THETA ETQA. The policy is aimed at providing a formal communication channel between stakeholders and THETA ETQA in resolving matters arising out of decisions taken by the THETA ETQA and its staff.

Policy Scope This policy describes the policy, process and conditions decisions of appeal that is covered by the Appeals Policy.

Legal Basis ETQA Regulations
Criteria & Guidelines: Quality Management Systems for ETQA's

Policy Statement THETA recognizes the right of any constituent member who has a vested interest in the manner in which the THETA ETQA conducts its business to an appeal, and shall institute operational procedures to this effect.

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Rights and duties of role players The following overarching rights and duties are conditional to the constituent member's appeal, and the THETA ETQA's response thereto:

Constituent Right	Constituent Duty
Any constituent has rights of appeal against decisions made by the THETA ETQA.	Any appeal that is lodged against a decision of the THETA ETQA must be lodged within the framework of this policy.
ETQA Right	ETQA Duty
Any decision taken by the THETA ETQA is considered legally binding until such time that the Appeals Committee recommends an alternative action. Such alternative action will not be applicable in retrospect , but only from that point forward	A decision made by the Appeals Committee shall be accepted by the THETA ETQA, until such decision is overturned by an appeal against the decision.

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Policy Overview, Continued

Scope of Appeals

The Appeals Policy is applicable to any **disputes resulting** out of:

1. Accreditation of providers,
 2. Registration of assessors and/or moderators
 3. Evaluation of learning programmes
 4. Monitoring and auditing of providers,
 5. Monitoring & Auditing of Employers
 6. Certification of learners.
 7. Provision of accredited providers
 8. Use of the THETA Logo
 9. Standard setting & Review
-

Appealing the THETA Appeals Decision

An organization wishing to appeal against the decision of the THETA ETQA may follow the **Appeals Escalation Process** by:

1. Make a **written submission** to the **THETA Executive Committee (EXCO)** to that effect together with reasons for the appeal within **1 calendar month** of such decision being made

An organization wishing to appeal against the Appeals Decision of the Executive Committee may thereafter:

2. Make a **written submission** to the **South African Qualifications Authority (SAQA)** to that effect together with reasons for the appeal within **two calendar months of such decision** being made
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Policy Overview, Continued

The THETA Appeals Decision

- Any Appeal Hearing will result in a clear **Appeals Decision** made by the Appeals Committee, Executive Committee or SAQA Appeal Committee:

No	Decision	Implication
1	Appeal upheld	Original decision causing the appeal is overturned
2	Appeal failed	Original decision causing the appeal is upheld

- Should the applicant's appeal against the decision of the THETA ETQA be upheld, then the ETQA shall...
 - Amend such decisions as was the original cause for appeal
 - Advise all relevant parties of such decision
 - Document the revised decision electronically and physically

... with effect from **that date forward**, and **not in retrospect** from the time of the decision.

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Scope of Appeals

Categories of Appeal The Appeals Policy is applicable to any **disputes** resulting out of:

1. Accreditation of providers,
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 7. Provision of accredited providers
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 9. Standard setting & Review
-

1. Accreditation

Parameters of Appeal:

A provider may access the THETA Appeals Procedure should the organization be dissatisfied with any of the following circumstances during Accreditation:

1. Accreditation Decision
 2. Accreditation Process
 3. Evaluation Team Members' conduct
 4. Evidence Requirements
-

2. Assessor Registration

Parameters of Appeal:

An assessor may access the THETA Appeals Procedure should the assessor or organization be dissatisfied with any of the following circumstances relating to the assessor:

1. Withholding of registration as an assessor
2. Withholding of requested assessor scope of registration
3. De-registration of an assessor
4. Non-renewal of assessor registration

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Scope of Appeals, Continued

3. Programme Evaluation

Parameters of Appeal:

A provider may access the THETA Appeals Procedure should the provider be dissatisfied with any of the following circumstances relating to programme evaluation:

- the manner in which the evaluation was conducted
- the outcome of the evaluation of its programmes,
- the feedback regarding its programme status

Exclusion:

Any potential provider may not appeal against the right and obligation of the ETQA to evaluate the programme, but only against the **procedural fairness** in terms of the Promotion of Administrative Justice Act No.3 of 2000 s3(2,3).

4. Monitoring & Auditing - Providers

Parameters of Appeal:

A provider may access the THETA Appeals Procedure should the provider or employer organization be dissatisfied with any of the following circumstances relating to the monitoring& auditing process

1. Monitoring & Auditing Decision
 2. Monitoring & Auditing Process
 3. Monitoring & Auditing Team Members' conduct
 4. Conditional Compliance - Evidence Requirements
-

5. Monitoring & Auditing – Employers

Parameters of Appeal:

An employer may access the THETA Appeals Procedure should the employer organization be dissatisfied with any of the following circumstances relating to the monitoring& auditing process

5. Monitoring & Auditing Decision
 6. Monitoring & Auditing Process
 7. Monitoring & Auditing Team Members' conduct
 8. Evidence Requirements
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Scope of Appeals, Continued

6. Certification of Learners

Parameters of Appeal:

A provider, assessor or learner may access the THETA Appeals Procedure should the assessor, provider or learner be dissatisfied with any of the following circumstances relating to the certification of learners:

1. Withholding of learner certification
2. De-registration of a learner

7. Provision of accredited providers

Parameters of Appeal:

An employer, provider, assessor or learner may access the THETA Appeals Procedure should the employer, assessor, provider or learner be dissatisfied with any of the following circumstances relating to the quality of provision of an accredited THETA provider:

1. Sub-standard learning provision
2. Sub-standard assessment practices
3. Conduct of the provider / assessor

8. Use of the THETA Logo

Parameters of Appeal:

A stakeholder may appeal against THETA's decision to:

1. Refuse permission for the use of the THETA Logo for marketing purposes by an accredited provider.
2. Refuse the full scope of request for the use of the THETA logo by an accredited THETA provider:

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Scope of Appeals, Continued

9. Standard Setting & Review

Parameters of Appeal:

A stakeholder may access the THETA Appeals Procedure should he/she be dissatisfied with any of the following circumstances relating to the standard setting and review process under THETA's supervision of the SGB generation process:

1. Standard Generation Process
2. Standards Generation Decisions
3. Process of consultation, participation and transparency
4. Conduct of THETA staff and/or facilitators in the standard setting or review process

Exclusion:

The THETA ETQA reserves the right to distance itself from disputes regarding the *content and context of standards* generated within the SGB / THETA process.

The Appeals Policy will not be accessible for use regarding content and contextual disputes regarding standards setting and review.

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ETQA Operational Principles

Appeals Committee

Nature of the Committee

- A neutral Appeals Committee¹ of no more than four people will be established
- Members of the Appeals Committee will be selected from the Quality Committee²:
 - at the discretion of the THETA Quality Committee,
 - from neutral parties that have a defined area of Subject Matter
 - based on expertise relating to the Appeal
 - selected from neutral parties and stakeholders

Duties of the Appeals Committee

- The appeals committee will be responsible for reviewing and/or hearing the evidence of the Applicant and relevant ETQA person
 - Based on the evidence heard the Appeals Committee will make a final and binding decision
-

Appeal Representation

- Should the party lodging the appeal (Applicant) be required to be present at the Appeals Evaluation to state his case or to act as witness to an appeal, he/she will be notified thereof.
 - Unless otherwise decided at THETA's discretion, the onus of cost will be with the Applicant.
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¹ The THETA Quality Committee will perform the function of an Appeals Committee as per their Terms of Reference

² For detail of the Quality Committee function, refer to the THETA Constitution and Quality Committee Terms of Reference

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Provider Operational Principles

Process & Procedures The following process is applicable to the THETA Appeals Policy:

No	Process	Procedure	Resource	Who
Appeals Process				
1	Lodge Appeal	1. Identify scope of appeal	• Appeals Policy	Applicant
2		2. Complete appeal documents	• Appeals Form	Applicant
3		3. Submit to ETQA	• Appeals Form	Applicant
ETQA Appeals Evaluation Process				
4	Process the Appeal	4. Receive Appeals Pack	• Appeals Form, supporting evidence	Personal Assistant
5		5. Process Appeals Pack	• Appeals Summary	ETQA Advisor
6		6. Constitute Appeals Committee	• Standard letter – Appeals Committee	ETQA Manager
7		7. Evaluate Appeals evidence	• Desktop – meeting	Appeals Committee
8		8. Reach a judgement on the appeal		Appeals Committee
9	Communicate Appeal Decision	9. Submit written record of judgement to applicant	• Appeals Report • Standard letter	Appeals Committee
		10. Submit copy of judgement to Board for tabling	• Appeals Report • Standard letter	Appeals Committee

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Policy Maintenance

Quality Assurance

The following quality assurance measures regarding the appeals procedure will be applicable:

Indicators	Description
<ul style="list-style-type: none"> ○ Number of appeals per ETQA area, ○ Number of appeals per ETQA staff member 	<ul style="list-style-type: none"> ○ Annual Appeals Report ○ Performance Appraisals

Continuous Improvement

A yearly audit will be conducted by the ETQA Advisor and Quality Assurors, and random input for the improvement of processes will be obtained from key stakeholders.

The nature of the Audit and Input will be to determine:

- Problems encountered in the Appeals Process and Management System of THETA,
- Patterns in the areas and/or reasons of appeals
- Possible improvements in system, documents, staff expertise and turn around times

Non-Conformance

Any complaint or report from a provider, assessor, learner or stakeholders that indicates:

- access to the appeals process has been denied, or
- an appeal has not been handled in the manner or time frame prescribed in this policy document
- appeals records are not documented and kept in the manner prescribed

Any non-conformance to the Appeals Policy shall be regarded as a serious infringement of the rights of a constituent, and shall result in a full investigation and report of the matter.

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Appeals Form

Section 1: General Information		
<i>Kindly complete the information below:</i>		
Date appeal lodged :		
Trading Name:		
Registered Name:		
Company Registration No:		PAYE No:
Provider registration No:		
Postal Address:		
		Postal Code:
Street Address:		
Province:		
Tel No:		Fax No:
Contact Person:		
e-mail address:	-	
Cell No :		

Section 2: Categories of Appeal		
<i>Kindly select one of the following:</i>		
The Appeals Policy is applicable to any disputes resulting out of:		
	Tick	THETA Comment
Accreditation of providers	<input type="checkbox"/>	
1. Registration of assessors and/or moderators	<input type="checkbox"/>	
2. Approval of learning programmes	<input type="checkbox"/>	
3. Monitoring & Auditing of Providers	<input type="checkbox"/>	
4. Monitoring & Auditing of Employers	<input type="checkbox"/>	
5. Certification of learners.	<input type="checkbox"/>	
6. Provision of accredited providers	<input type="checkbox"/>	
7. Use of the THETA Logo	<input type="checkbox"/>	
8. Standard setting & Review	<input type="checkbox"/>	

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Appeals Form, Continued

Section 3: Reason for appeal

Please expand on the reason for appeal as per the Appeals policy

Section 4: Evidence Attached in Support of Appeal

Please list the document submitted for review in the Appeal

Annexure A	
Annexure B	
Annexure C	
Annexure D	

Section 5: THETA Use Only

5.1 Appeals Committee		
Name	Contact	Role

5.2 Method of Appeal Review		
Method of appeal evaluation:	Date Scheduled:	Date Completed:
Desktop Meeting		
Formal appeals hearing		
Date of meeting:		
Venue:		
Time:		

Should THETA deem it necessary to constitute a formal appeals hearing, the Provider will be notified accordingly

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5.3 Appeals Decision	Appeal Upheld <input type="checkbox"/>	Appeal Failed <input type="checkbox"/>
Summary of Appeals Decision		

5.4 Way Forward	
Actions	By When

Section 6: Appeals Closure		
THETA Representative name	THETA Representative Signature	Date
Applicant Representative name	Applicant Representative Signature	Date