

## COMPLAINTS & APPEALS POLICY

### 1. PURPOSE

---

The purpose of this policy and procedure is to provide information and outline the determination for proceeding with an appeal or complaint. Through this policy and the corresponding procedure, we commit to ensuring that students have the right to natural justice by access to effective, timely, equitable and documented complaints handling and appeals processes

### 2. SCOPE

---

This policy applies to all current and prospective overseas students of Empyrean Education Institute.

### 3. DEFINITIONS

---

<b>Appeal</b>	<ul style="list-style-type: none"> <li>When a student is dissatisfied with a decision made by an RTO, that student has the right to contest it by means of an appeal.</li> <li>The appeal is a process whereby the decision is reviewed and re-evaluated with any evidence or argument that the student wishes to include for consideration.</li> <li>The appeal may have one of two outcomes: <ul style="list-style-type: none"> <li>- <b>Appeal upheld</b> meaning the decision is overturned.</li> <li>- <b>Appeal rejected</b> or <b>not upheld</b>, meaning the original decision stands</li> </ul> </li> </ul>
<b>Assessment</b>	<ul style="list-style-type: none"> <li>the process of collecting evidence and making judgements on whether competency has been achieved, to confirm that an individual can perform to the standard required in the workplace, as specified in a training package or VET accredited course.</li> </ul>
<b>Grievance</b>	<ul style="list-style-type: none"> <li>a concern about academic matters, perceived discrimination, situation, a process, person or people, facility or a support service provided by Empyrean Education Institute. Grievances are less formal/official than complaints, whereby a student brings a matter to the attention of Empyrean Education Institute in an informal way i.e. it is spoken about, not written down</li> </ul>
<b>Complaint</b>	<ul style="list-style-type: none"> <li>a formal complaint takes place if a grievance cannot be resolved informally (for example, the affected parties discussing the matter), and is written down for official processing</li> </ul>
<b>Complainant</b>	<ul style="list-style-type: none"> <li>student or potential student lodging the grievance or complaint</li> </ul>
<b>Internal complaint or appeal</b>	<ul style="list-style-type: none"> <li>means a complaint or appeal made by an employee or staff member of Empyrean Education Institute</li> </ul>
<b>SSO -</b>	<ul style="list-style-type: none"> <li>an acronym for Student Support Officer(s), members of staff providing support for the needs and wellbeing of all overseas students</li> </ul>
<b>Third party.</b>	<ul style="list-style-type: none"> <li>any party (person or group/organisation) providing services on behalf of the RTO but not including a contract of employment between an RTO and its employee</li> </ul>

### 4. POLICY STATEMENT

---

As part of our commitment to providing a fair and equitable student experience, the following complaints handling and appeals system has been developed and is freely and readily accessible and clearly explained to all students and prospective students on our official website, the student handbook and at student orientation.

- Empyrean Education Institute acknowledges that students have the right to raise grievances and make complaint where they see fit.

- 4.2. Empyrean Education Institute also acknowledges that students have the right to appeal a decision, based on valid grounds for appeal.
- 4.3. Empyrean Education Institute has provision for students to appeal against assessment decisions, including those made by staff members or by a third-party partner and will respond to any complaint or appeal made against any of these parties
- 4.4. Empyrean Education Institute ensures that students have access to a fair and equitable process for lodging a complaint or appeal against a decision
- 4.5. In doing so Empyrean Education Institute:
  - 4.5.1. Has written processes in place for collecting and dealing with complaints and appeals in a constructive and timely manner (see Complaints and Appeals Procedure);
  - 4.5.2. Ensures that these procedures are communicated to all staff, third party partners and students;
  - 4.5.3. Ensures that each complaint, appeal and its outcome are recorded in writing;
  - 4.5.4. Ensures that each complaint and appeal is heard by an independent person or panel;
  - 4.5.5. Ensures that each complainant can formally present their case free of cost
  - 4.5.6. Ensures that each complainant is given a written statement of the complaint and appeal outcomes, including reasons for the decision;
  - 4.5.7. Retains written record and statement of the outcome of the appeal or complaint;
  - 4.5.8. Takes appropriate action upon the subject of any complaint or appeal that is found to be substantiated; and
  - 4.5.9. Utilises outcomes of complaints and appeals to review current practices which may potentially lead to continuous improvement.
  - 4.5.10. All appeals must be lodged within 7 calendar days of the date of the decision notification to the student.
  - 4.5.11. All appeals are acknowledged in writing and finalised as soon as practicable.
  - 4.5.12. Empyrean Education Institute may charge a fee for the appeals process where an external assessor is engaged. Should this be the case, all costs incurred will be advised to the complainant.
  - 4.5.13. Empyrean Education Institute strives to deal with appeal issues as soon as they emerge, to avoid further disruption or the need for a formal complaint process.
  - 4.5.14. All appeals will be handled 'In-Confidence' and will not affect or bias the progress of the participant in any current or future training.
  - 4.5.15. If the appeals process fails to resolve the appeal or the complainant is not satisfied with the outcome of the appeal, the matter will be referred to an independent third party for review, at the request of the complainant. All costs incurred for the third-party review will be advised to the complainant.

## 5. RESOLVING GRIEVANCES

---

Students or potential students are encouraged, wherever possible, to resolve grievances directly with the person(s) concerned. For example: if the issue concerns an academic matter, the complainant should talk directly with their trainer. Similarly, any issues relating to fees should be discussed first with accounts.

If the student has attempted to resolve the issue directly but is not satisfied with the outcome or does not wish to approach the person(s) concerned directly, he/she may discuss the issue with a Student Support Officer first or directly with the Compliance Manager. The student may be accompanied by a support person during this process.

The Compliance Manager will consider the issue and may either suggest a course of action to resolve the issue or attempt to mediate between the student and the staff member(s) concerned.

If the matter is not resolved informally the grievance may be put to a complaint, whereby the student can complete a Complaint Form

## 6. TYPES OF COMPLAINTS & APPEALS

---

Students may raise any matters of concern relating to teaching/training delivery and assessment, certification, compliance, student amenities, discrimination, harassment, information given and any other issues that may arise.

### 6.1. Academic

In relation to teaching, learning or assessment; any issue related to a student's course

### 6.2. Administrative

In relation to the management of the Institute; including the administration process, enrolment, induction, withdrawal and completion. This also includes matters related to attendance

### 6.3. Environment/Facilities

In relation to the training environment provided including safety, comfort and general wellbeing whilst attending classes and work experience. Also, facilities supplied and offered to students/staff which assist them with their studies/duties

### 6.4. Other Areas

Any other aspects/issues which a student or staff member feels need to be brought to the attention of the Institute.

## 7. COMPLAINTS PROCESS

---

- 7.1. To commence the formal process, the complainant must complete a Complaint Form (available from Student Services). The following information needs to be provided in writing:
  - outline the details of the complaint;
  - supporting information that the complainant wishes to have considered;
  - an explanation of the steps already taken to try to resolve the complaint informally;
  - why the responses received are not considered satisfactory if applicable and
  - what the complainant thinks needs to be done to address his/her concerns
- 7.2. The Complaint Form will be lodged within 7 calendar days. The Compliance Manager will commence the process of considering the complaint and will acknowledge receipt of the complaint in writing to the complainant.
- 7.3. Compliance Manager will ensure all steps are taken to resolve the complaint as soon as is practical, with the assessment of all complaints and appeals commencing within 10 working days of lodgement

7.4. Complaints wherever possible are to be resolved within 15 working days of the initial application

## 8. COMPLAINTS OUTCOME-UNSUCCESSFUL

---

The student will be notified of their complaint outcome within 20 working days. If the complainant is not satisfied with the outcome of their complaint, they have the option to pursue an appeal against the Empyrean decision.

## 9. COMPLAINT OUTCOMES-SUCCESSFUL

---

Should the decision of the internal complaints handling or appeal process or any external process be in favour of the student, that decision shall be implemented immediately. Any resulting recommendation and/or preventive or corrective action required by the decision shall also be taken as soon as practicable. All decisions and changes/actions will be recorded, and the student will be notified in writing of the action taken

## 10. TYPES OF APPEALS

---

### 10.1. General Appeals

- Where a student has appealed a decision or outcome of a formal complaint, they are required to notify EEI in writing using the Complaints and Appeals form within 20 working days from the Empyrean's decision notification date. Any supporting documentation should also be submitted with the form
- The complaints and appeals form shall be lodged at EEI Student Services in person or via email
- The student will be notified in writing of the outcome

### 10.2. Assessment Appeals

- Where a student wishes to appeal an assessment, they are required to notify their assessor in the first instance. Where appropriate the assessor may decide to re-assess the student to ensure a fair and equitable decision is gained. The assessor shall complete a written report regarding the re-assessment outlining the reasons why assessment was or was not granted.
- If this is still not to the student's satisfaction the student shall formally lodge an appeal by submitting the Complaints and Appeals form outlining their reasons for the appeal. They must lodge the form and associated documentation to EEI student services
- EEI management will be notified and will seek details from the assessor involved, any other relevant parties. A decision shall be made regarding the appeal either indicating the original assessment decision stands or details of a possible re-assessment by a 'third party'. The third party shall be another assessor appointed by the EEI.
- The student shall be notified in writing of the outcome and the student result will be updated accordingly.

### 10.3. Appealing Empyrean's decisions of reporting breach of academic or attendance requirements to DIBP (Notice of Intention to Cancel)

- Where a student wishes to appeal against EEI's decision of cancelling enrolment and informing DIBP via PRISMS for a breach of academic or attendance requirements, the student shall lodge their appeal by submitting the Complaints and Appeals form outlining the details and reasons supporting their appeal
- The student should have extenuating circumstances as to why they have breached their requirements and must be able to provide evidence of these circumstances
- EEI Management will be notified and will seek details regarding the initial documentation of the breach and will decide based on the grounds of the appeal.
- The decision is then conveyed to the student in writing and all relevant documents are kept in student's file.
- Where a student has decided to access the appeals process in relation to the reportable breach, EEI will not report the breach and enrolment will be maintained until the appeals process has been completed

#### 10.4. Appealing deferrals, suspension or cancellation of enrolment decisions

- Where a student wishes to appeal a decision relating to deferment, suspension, or cancellation of their enrolment they are required to lodge the Complaints and Appeals form outlining the details of their appeal. The student should have extenuating circumstances as to why the decision should be reviewed and any supporting documentation supporting their appeal
- The appeal shall be lodged this with the EEI student services department
- EEI Management will be notified and will seek details regarding the initial documentation of the decision and shall decide based on the grounds of the appeal.
- The student will be notified in writing of the outcome
- Where a student has decided to access the appeals process in relation to deferment, suspension or cancellation of their enrolment, EEI will not update the student's status via PRISMS and will maintain the enrolment until the appeals process is completed.

### 11. APPEALS PROCESS

---

- 11.1. To activate the appeals process, the student is required to complete the Complaints and Appeals form and forward it to the Student Services Officer in person or via email
- 11.2. Students are required to clearly explain the reason for appealing a decision in the form and attach any relevant supporting documents. Assistance with this process can be gained from EEI student support at all times
- 11.3. Once the completed form is received, Student Services staff will forward the form to the Empyrean Management who shall organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate
- 11.4. The process for all appeals will begin within 2 working days of the appeal being lodged

### 12. APPEAL OUTCOME UNSUCCESSFUL

---

- 12.1. Once an appeal has been deemed unsuccessful the student will be notified in writing of the outcome and reasons for refusal of appeal. The notification will contain options and recommended action to take next.
- 12.2. In the case of a student that is appealing against a notification of intention to cancel enrolment and the appeal is unsuccessful the student will have 7 days to access the external appeals process. If EEI has not received correspondence from the student or an external source by the end of 7 working days then cancellation of enrolment will proceed via PRISMS which will report student to DIBP.

### 13. APPEAL OUTCOME SUCCESSFUL

---

- 13.1. Where the complaint or appeal is upheld, Empyrean Education Institute will implement the required corrective action within 28 days and advise the student in writing of the outcome.
- 13.2. If you are Under 18 years of age a copy of your Complaint Form will be sent to your Parent or Legal Guardian.
- 13.3. A copy of all outcomes and correspondence raised during the process will also be forwarded to your Parent or Legal Guardian.

## 14. EXTERNAL COMPLAINTS & APPEALS

---

### 14.1. International Students

If the overseas student is not successful in our internal complaints handling and appeals process, they must be advised within 10 working days about their rights as an overseas student to access an external complaint handling and appeals process at minimal or no cost. They may wish to contact the International Overseas Student Ombudsman as an independent reference. Contact details:

Mail: Commonwealth Ombudsman, GPO Box 442, Canberra ACT 2601

Phone: 1300 362 072

Online: <https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form>

If the student remains unhappy with the Internal and External outcome, they may refer the matter to the National Training Complaints Hotline on 13 38 73

### 14.2. Domestic Students

If the domestic student is not successful in our internal complaints handling and appeals process, they must be advised within 10 working days about their rights as a student to access an external complaint handling and appeals process at minimal or no cost. They may wish to contact:

Department of Education Services Conciliation Officer- Phone: (08) 9441 1985

If the student remains unhappy with the Internal and External outcome, they may refer the matter to the National Training Complaints Hotline on 13 38 73

## 15. ACTIONING COMPLAINT & APPEALS

---

- All internal complaints / appeals should be committed to in writing at the earliest possible opportunity utilizing the Complaint Form.
- A submitted Complaint Form will constitute a formal complaint/appeal from the student.
- The Compliance Manager of Empyrean Education Institute will be informed through receipt of all student complaints/appeals.
- The Compliance Manager of Empyrean Education Institute may delegate responsibility for the resolution of the complaint/appeal as required.
- In the case of a complaint/appeal, the Compliance Manager of Empyrean Education Institute will initiate a transparent, participative process to deal with the issues at hand.
- Complaints or appeals where ever possible are to be resolved within maximum 28 working days
- Length of time may vary depending on the complexity of the case
- If you are Under 18 a copy of your Complaint Form will be sent to your Parent or Legal Guardian
- A copy of all outcomes and correspondence raised during the process will also be forwarded to your Parent or Legal Guardian
- In all cases the final conclusion will be endorsement by the Compliance Manager of Empyrean Education Institute.
- The student will be advised in writing of the outcome of their complaint/appeal.
- If the outcome is not to the satisfactory of the Student, he/she may seek an appointment with the Compliance Manager of Empyrean Education Institute.
- The Compliance Manager of Empyrean Education Institute decision will be final..
- If the student is still not satisfied with the decision they may seek outside assistance to pursue the complaint, grievance or appeal.
- All grievances, complaints and appeals will be handled as Staff-In-Confidence.
- All complaints/appeals will be discussed at Management Review meetings for continuous improvement of the processes.

## 16. ACCESS & EQUITY

---

The Empyrean Education Institute Access & Equity Policy applies. (See Access and Equity Policy)

## 17. RECORDS MANAGEMENT

---

Records of all complaints and appeals and their outcomes are maintained securely. Records of appeals will include:

- How the complaint and/or appeal was dealt with;
- The outcome of the complaint and/or appeal;
- The timeframes for resolution of the complaint and/or appeal;
- The potential causes of the complaint and/or appeal; and
- The steps taken to resolve the complaint and/or appeal.

COMPLAINT & APPEALS PROCESS FLOWCHART

