

EEI APPEALS POLICY

1. PURPOSE

- 1.1. EMPYREAN EDUCATION INSTITUTE is committed to providing quality training and assessment, facilities and support following the Standards for Registered Training Organisations (RTOs) 2015. As such, EMPYREAN EDUCATION INSTITUTE must have a policy, and processes to manage requests for a review of decisions that affect students, including those made by third-party providers who provide services on behalf of EMPYREAN EDUCATION INSTITUTE.
- 1.2. This policy is based on providing and maintaining quality assurance systems that are fair, reasonable, and afford a forum where issues or inadequacies regarding Empyrean decisions can be raised and resolved. The Appeals policy provides an opportunity for appeals to be recorded, acknowledged, and dealt with promptly.
- 1.3. The object of this policy is to ensure that EMPYREAN EDUCATION INSTITUTE staff and third-party partners act professionally at all times. This policy provides clients with a transparent process to register an appeal. It ensures all parties involved are kept informed of the resulting actions and outcomes.

2. POLICY STATEMENT

- 2.1. EMPYREAN EDUCATION INSTITUTE acknowledges that clients have the right to appeal any decision made by Empyrean, its staff, or representatives.
- 2.2. EMPYREAN EDUCATION INSTITUTE has provision for clients to appeal against decisions, including those made by a third-party partner.
- 2.3. EMPYREAN EDUCATION INSTITUTE ensures that clients have access to a fair and equitable process for appealing against a decision.
- 2.4. EMPYREAN EDUCATION INSTITUTE:
 - 2.4.1. Has written processes for collecting and dealing with appeals in a constructive and timely manner
 - 2.4.2. Ensures these procedures are communicated to all staff, third-party partners, and clients
 - 2.4.3. Ensures that each Appeal and its outcome are recorded in writing
 - 2.4.4. Ensures that an independent person or panel hears each appeal
 - 2.4.5. Ensures that each appellant has the opportunity to present their case formally
 - 2.4.6. Ensures that each appellant is given a written statement of the appeal outcomes,

including reasons for the decision

2.4.7. Takes appropriate action upon the subject of any appeal that is found to be substantiated

2.4.8. Utilises results of appeals to review current practices, potentially leading to continuous improvement

3. DEFINITIONS

3.1. The following words and expressions have specific meanings, as in the Standards for Registered Training Organisations (RTOs) 2015.

3.1.1. *Appeal*- when a student is dissatisfied with an RTO decision, that student has the right to contest it utilising an appeal. 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.

The Appeal may have one of two outcomes:

3.1.1.1. Appeal *upheld*, meaning the decision is overturned

3.1.1.2. Appeal *rejected*, meaning the original decision stands

3.1.2. *Assessment*- collecting evidence and judging whether competency has been achieved confirms that an individual can perform to the standard required in the workplace, as specified in a training package or VET accredited course.

3.1.3. *Grievance*- concern about academic matters, perceived discrimination, situation, a process, person or people, facility or 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.

3.1.4. *Complaint*- 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.

3.1.5. *Complainant*- means an employee, student or a potential student of EMPYREAN EDUCATION INSTITUTE lodging the grievance or complaint.

3.1.6. *Internal complaint or Appeal*- means a complaint or appeal made by an employee of Empyrean Education Institute.

3.1.7. *SSO*- an acronym for Student Support Officer(s), members of staff providing support for the needs and wellbeing of all overseas students.

3.1.8.Third Party- any party (person or group/organisation) providing services on the behalf of EMPYREAN EDUCATION INSTITUTE.

4. POLICY PRINCIPLES

4.1. Underpinning Principles

- 4.1.1.Clients have the right to appeal against a decision if they feel they were unfairly treated as part of a decision and where they feel the decision is incorrect and have grounds for an appeal.
- 4.1.2.The principles of natural justice and procedural fairness are adopted at every stage of the appeal process.
- 4.1.3.The appeals policy is publicly available via the EMPYREAN EDUCATION INSTITUTE website.
- 4.1.4.The appellant can provide detail of their appeal either verbally or in writing.
- 4.1.5.All assessment appeals must be lodged within seven calendar days of the assessment result notification to the client.
- 4.1.6.If the appeals process fails to resolve the issue or the appellant is not satisfied with the outcome of the appeal, the matter will be referred to an independent third party for review at the appellant's request. All costs incurred for the third-party review will be advised to the appellant.
- 4.1.7.Every appeal is heard by a suitably qualified independent assessor or panel, who will be asked to assess the application independently.
- 4.1.8.All appeals are acknowledged in writing and finalised as soon as practicable.
- 4.1.9.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 appellant.
- 4.1.10. If the Appeal takes more than 30 calendar days to finalise, EMPYREAN EDUCATION INSTITUTE will inform the appellant in writing, providing why more than 30 calendar days are required. The appellant will also receive regular updates on the appeal progress.
- 4.1.11. 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.
- 4.1.12. All appeals will be handled 'In-Confidence' and will not affect or bias the progress of the participant in any current or future training

4.2. Types of appeals

4.2.1. General Appeals

4.2.2. Assessment Outcome Appeals

4.2.3. Appealing against Empyrean's decision to report a breach of academic or attendance requirements (Notice of Intention to Cancel)

4.2.4. Appealing against deferral, suspension, or cancellation of enrolment

4.2.5. Appealing a decision not to accept a change, of course, location or transfer to another provider

5. EMPYREAN EDUCATION INSTITUTE RESPONSIBILITIES

- 5.1. The Director of EMPYREAN EDUCATION INSTITUTE is the Appeals Resolution Officer. The Director may delegate responsibility for the resolution of the appeal if necessary.
- 5.2. Details concerning the scope of the Appeals Policy are to be displayed throughout the organisation and contained within the Staff Induction Process, Client Handbook and EMPYREAN EDUCATION INSTITUTE website.
- 5.3. All details and correspondence are kept private and confidential, and information is not shared with external parties such as agents unless the student agrees.

6. APPEALS PROCESS

- 6.1. To activate the appeals process, the student is required to complete the Appeals form and forward it to the Student Services Officer in person or via email
- 6.2. Students must clearly explain the reason for appealing a decision in the form and attach any relevant supporting documents. Assistance with this process is always available from EEI support staff
- 6.3. Once the completed form is received, Student Services staff will forward the form to Empyrean Management, who shall organise a meeting with all parties involved in the matter and attempt to seek resolution where appropriate
- 6.4. The process for all appeals will begin within two working days of the Appeal being lodged
- 6.5. A detailed analysis of the Appeal, supporting evidence and circumstances are weighed in deciding on the Appeal
- 6.6. Once a decision is made, the student is notified of the outcome in the form of an outcome letter emailed to them that gives reasons for the decision and instructions/ guidance on what

to do next

- 6.7. Students have the right to seek a meeting to discuss the outcome and may have a representative to assist them
- 6.8. If the Appeal is unsuccessful, the student has the right to seek external assistance or complain to the Commonwealth Overseas Student Ombudsman. Students must notify Empyrean within seven days if they have or intend to seek external help or contact the Ombudsman. If this happens, the Appeal is put on hold, and no further action is taken until the Ombudsman communicates with EMPYREAN EDUCATION INSTITUTE.

7. APPEAL OUTCOME – UNSUCCESSFUL

- 7.1. Once an appeal has been deemed unsuccessful, the student will be notified in writing of the outcome and reasons for the Appeal's refusal. The notification will contain options and recommended action to take next.
- 7.2. In the case of a student appealing against a notification of intention to cancel enrolment and the Appeal is unsuccessful, the student will have seven 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 the decision and actions will go ahead as stipulated in the appeals outcome letter.

8. APPEAL OUTCOME – SUCCESSFUL

- 8.1. 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.
- 8.2. If you are Under 18, a copy of your Complaint Form will be sent to your Parent or Legal Guardian.
- 8.3. A copy of all outcomes and correspondence raised during the process will also be forwarded to your Parent or Legal Guardian.

9. RECORDS MANAGEMENT

- 9.1. Records of all appeals and their outcomes are maintained securely. Records of appeals will include:
 - 9.1.1. How the Appeal was dealt with
 - 9.1.2. The result of the Appeal

9.1.3.The timeframes for the resolution of the Appeal

9.1.4.The potential causes of the Appeal

9.1.5.The steps are taken to resolve the Appeal

10. RELATED LEGISLATION & REGULATIONS

- 10.1. The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as ‘the National Code 2018’
- 10.2. Standards for Registered Training Organisations (RTOs) 2015
- 10.3. Education Services for Overseas Students Act 2000
- 10.4. Education Services for Overseas Students Regulations 2001

ANNEX A: Appeals Process

