

## APPEALS POLICY

### 1. PURPOSE

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- 1.1. Empyrean Education Institute (EEI) is committed to providing quality training and assessment, facilities and support following the Standards for Registered Training Organisations (RTOs) 2025. As such, EEI 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 EEI.
- 1.2. This policy is based on providing and maintaining quality assurance systems that are fair and reasonable and afford a forum for raising and resolving issues or inadequacies regarding Empyrean decisions. The Appeals policy allows appeals to be recorded, acknowledged, and dealt with promptly.
- 1.3. This policy aims to ensure that EEI staff and third-party partners always act professionally. It provides clients with a transparent process for registering an appeal and ensures that all parties involved are kept informed of the resulting actions and outcomes.

### 2. POLICY STATEMENT

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- 2.1. EEI acknowledges that clients can appeal any decision by Empyrean, its staff, or representatives.
- 2.2. EEI has a provision for clients to appeal against decisions, including those made by a third-party partner.
- 2.3. EEI ensures that clients can access a fair and equitable process for appealing against a decision.
- 2.4. EEI:
  - 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

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3.1. The following words and expressions have specific meanings, as in the Standards for Registered Training Organisations (RTOs) 2025.

3.2. *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.

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The Appeal may have one of two outcomes:

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

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

3.2.2. *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.

3.2.3. *Grievance*- concern about academic matters, perceived discrimination, situation, a process, person or people, facility or support service provided by EEI. Grievances are less formal/official than complaints, whereby a student brings a matter to the attention of EEI in an informal way, i.e., it is spoken about, not written down.

3.2.4. *Complaint*—A formal complaint occurs if a grievance cannot be resolved informally (for example, by the affected parties discussing the matter) and is written down for official processing.

3.2.5. *Complainant* means an employee, student, or potential student of EEI lodging the grievance or complaint.

3.2.6. *Internal complaint or Appeal*- means a complaint or appeal made by an employee of EEI.

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

3.2.8. *Third Party*- any party (person or group/organisation) providing services on behalf of EEI.

### 4. POLICY PRINCIPLES

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#### 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 think 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 EEI website.
- 4.1.4. The appellant can provide details of their appeal verbally or in writing.
- 4.1.5. All assessment appeals must be lodged within seven calendar days of the client's notification of the assessment result.
- 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. The appellant will be advised of all costs incurred for the third-party review.
- 4.1.7. A suitably qualified independent assessor or panel will hear every appeal, which 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. EEI may charge a fee for the appeals process where an external assessor is engaged. Should this be the case, the appellant will be advised of all costs incurred.
- 4.1.10. If the Appeal takes more than 30 calendar days to finalise, EEI 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's progress.
- 4.1.11. EEI strives to resolve appeal issues as soon as they arise 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. EEI RESPONSIBILITIES

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- 5.1. The Director of EEI 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 will be displayed throughout the organisation and contained within the Staff Induction Process, Client Handbook and EEI 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

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- 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 is 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 EEI.

## 7. APPEAL OUTCOME – UNSUCCESSFUL

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- 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 actions to take next.
- 7.2. If a student appeals 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 seven working days, then the decision and actions will go ahead as stipulated in the appeals outcome letter.

## 8. APPEAL OUTCOME – SUCCESSFUL

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- 8.1. Where the complaint or Appeal is upheld, EEI 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

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- 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

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- 10.1. National Code of Practice for Providers of Education and Training to Overseas Students 2018, known as "**The National Code 2018**".
- 10.2. National Vocational Education and Training Regulator (Outcome Standards for NVR Registered Training Organisations) Instrument 2025, known as "**Outcome Standards 2025**".
- 10.3. Education Services for Overseas Students Act 2000, Known as "**ESOS Act 2000**".
- 10.4. Education Services for Overseas Students Regulations 2019 Known as "**ESOS Regulations 2019**".

*ANNEX A: Appeals Process*

