

# EEI APPEALS POLICY

## 1. Purpose

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EMPYREAN EDUCATION INSTITUTE is committed to providing quality training and assessment, facilities and support and in accordance with the Standards for Registered Training Organisations (RTOs) 2015. As such, EMPYREAN EDUCATION INSTITUTE is required to have a policy and processes in place 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.

This policy is based on providing and maintaining quality assurance systems that are fair and reasonable and afford a forum where issues or inadequacies regarding Empyrean decisions can be raised and resolved. The Appeals policy provides opportunity for appeals to be recorded, acknowledged and dealt with in a timely manner.

The object of this policy is to ensure that EMPYREAN EDUCATION INSTITUTE staff and third party partners, act in a professional manner at all times. This policy provides clients with a clear process to register an appeal. It ensures all parties involved are kept informed of the resulting actions and outcomes.

## 2. Policy Statement

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EMPYREAN EDUCATION INSTITUTE acknowledges that clients have the right to appeal any decision made by Empyrean, its staff or representatives, based on valid grounds for appeal.

EMPYREAN EDUCATION INSTITUTE has provision for clients to appeal against decisions, including those made by a third-party partner.

EMPYREAN EDUCATION INSTITUTE ensures that clients have access to a fair and equitable process for lodging an appeal against a decision.

In doing so, EMPYREAN EDUCATION INSTITUTE:

- has written processes in place for collecting and dealing with appeals in a constructive and timely manner;
- ensures that these procedures are communicated to all staff, third party partners and clients;
- ensures that each appeal and its outcome are recorded in writing;
- ensures that each appeal is heard by an independent person or panel;
- ensures that each appellant has the opportunity to formally present his or her case;
- ensures that each appellant is given a written statement of the appeal outcomes, including reasons for the decision;
- takes appropriate action upon the subject of any appeal that is found to be substantiated; and
- utilizes outcomes of appeals to review current practices which may potentially lead to continuous improvement.

## 3. Definitions

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

### Appeal

- 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.
- 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:

- Appeal upheld meaning the decision is overturned.
- Appeal rejected or not upheld, meaning the original decision stands

### Assessment

- 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.

### Grievance

- 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

### 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

### Complainant

- student or potential student lodging the grievance or complaint

### Internal complaint or appeal

- means a complaint or appeal made by an employee or staff member of Empyrean Education Institute

### SSO -

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

### Third party.

- any party (person or group/organisation) providing services on

## 4. Policy Principles

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### 4.1 Underpinning Principles

- a) Clients have the right to lodge an appeal against a decision if they feel they were unfairly treated during as part of a decision, and/or where they feel the decision is incorrect and they have grounds for an appeal.
- b) The principles of natural justice and procedural fairness are adopted at every stage of the appeal process.
- c) The appeals policy is publicly available, via EMPYREAN EDUCATION INSTITUTE website.
- d) The appellant can provide detail of their appeal either verbally and/or in writing.
- e) All appeals must be lodged within 7 calendar days of the date of the assessment result notification to the client.
- f) If the appeals process fails to resolve the appeal 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 request of the appellant. All costs incurred for the third-party review will be advised to the appellant.
- g) Every appeal is heard by a suitably qualified independent assessor or panel, who will be asked to make an independent assessment of the application.
- h) All appeals are acknowledged in writing and finalised as soon as practicable.
- i) 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.
- j) If the appeal will take in excess of 30 calendar days to finalise EMPYREAN EDUCATION INSTITUTE will inform the appellant in writing providing the reasons why more than 30 calendar days are required. The appellant will also be provided with regular updates on the progress of the appeal.
- k) EMPYREAN EDUCATION INSTITUTE strives to deal with appeal issues as soon as they emerge, in order to avoid further disruption or the need for a formal complaint process.
- l) 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

- **General Appeals**
- **Assessment Outcome Appeals**
- **Appealing against Empyreans decision of reporting breach of academic or attendance requirements (Notice of Intention to Cancel) –**
- **Appealing against deferral, suspension or cancellation of enrolment**
- **Appealing a decision not to accept change of course, location or transfer to another provider**

## **5. EMPYREAN EDUCATION INSTITUTE Responsibilities**

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The Director of EMPYREAN EDUCATION INSTITUTE is the Appeals Resolution Officer. The Director may delegate responsibility for the resolution of the appeal if necessary.

Details concerning the scope of the Appeals Policy are to be clearly displayed throughout the organisation and contained within the Staff Induction Process, Client Handbook and EMPYREAN EDUCATION INSTITUTE website.

All details and correspondence is kept private and confidential and information is not shared with external parties such as agent 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 and Appeals form and forward it to the Student Services Officer in person or via email
- 6.2. 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 is always available from EEI support staff
- 6.3. 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
- 6.4. The process for all appeals will begin within 2 working days of the appeal being lodged
- 6.5 A detailed analyses of the appeal, supporting evidence and circumstances are weighed in deciding on the appeal. Empyrean will always lean in favour of the student's best interest and wellbeing.
- 6.6 Once a decision is made, the student is notified of the outcome in the form of an outcome letter that is emailed to them that gives reasons for decision and instructions/ guidance on what to do next.
- 6.7 Student have the right to seek a meeting to discuss outcome and may have a representative to assist them is they choose.
- 6.8 If the Appeal is unsuccessful, the student has the right to seek external assistance or make a complaint to the Commonwealth Overseas Student Ombudsman. Student must notify Empyrean within 7 days if they have or intend to seek external assistance or contact the Ombudsman. If this happen the Appeal is put on hold and no further action is taken until it is resolved.

## **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 refusal of appeal. The notification will contain options and recommended action to take next.

7.2. 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 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, 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 years of age 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.

## **7. Access & Equity**

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The EMPYREAN EDUCATION INSTITUTE Access & Equity Policy applies. (See Access & Equity Policy)

## **8. Records Management**

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Records of all appeals and their outcomes are maintained securely.

Records of appeals will include:

- a) How the appeal was dealt with;
- b) The outcome of the appeal;
- c) The timeframes for resolution of the appeal;
- d) The potential causes of the appeal; and
- e) The steps taken to resolve the appeal.

All documentation from Refund processes are maintained in accordance with Records Management Policy. (See Records Management Policy)

## **9. Monitoring and Improvement**

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All appeals practices are monitored by the Director EMPYREAN EDUCATION INSTITUTE and will be discussed at Management Review Meetings with areas for improvement identified and acted upon. (See Continuous Improvement Policy)

ANNEX A: Appeals Process

