COMPLAINTS AND APPEALS POLICY AND PROCEDURE

PURPOSE:
Evolve College provides appropriate mechanisms and services for student complaints and appeals to be addressed efficiently and effectively. We maintain a complaints and appeals policy which includes provisions that manage and respond to allegations involving the conduct of the RTO, its Trainers, Assessors or other staff, any third party providing services on the RTO's behalf or its Trainers, Assessors or other staff, or any student of the RTO.

POLICY

1. Who does this policy and procedure apply to?

This policy applies to all current and prospective students and staff of Evolve College and third party staff providing services on the College's behalf.

2. Evolve College’s approach to complaints and appeals

The following applies:

   a) **(Approach to complaints and concerns)** Evolve College uses a systematic approach to dealing with complaints and appeals. All complaints, concerns and appeals are dealt with fairly, honestly and without bias in a professional and documented manner.

   b) **(Availability of policy)** The policy and procedure for handling complaints and appeals is made available to all students and prospective students prior to and at enrolment, via the Evolve College website.

   c) **(Guarantee)** Evolve College guarantees that any student who lodges a complaint or appeal will not have their enrolment cancelled, suspended or deferred whilst their complaint or appeal is being processed.

3. Complaints and Appeals Mechanism

The following applies:

   a) **(Attempt to resolve)** All reasonable effort will be made by Evolve College to resolve any student's complaint.

   b) **(Internal college procedure)** All complaints are to be dealt with according to the Evolve College policy and procedure for handling complaints and appeals.

   c) **(Open view and attempt to resolve)** Evolve College will encourage the parties to any dispute or complaint to approach the matter with an open view and to attempt to resolve problems through discussion and conciliation, in fitting with Evolve College's purpose.

   d) **(No fee)** There is no fee for lodgement of a complaint, or processing of a complaint with Evolve College.

4. Natural justice and procedural fairness

The following applies:

   a) **(Fair process)** Evolve College ensures that all students have access to a fair and equitable process for dealing with complaints and will provide an avenue for students to appeal against decisions which affect the student’s progress.
b) **Opportunity to be heard** The Evolve College decision maker will give a person whose interests may be adversely affected by the decision, an opportunity to be heard.

c) **No bias** The decision maker shall be disinterested and/or unbiased.

d) **Balance of probabilities** The decision that is eventually made must be based on logical evidence proven on the balance of probabilities, i.e. the alleged behaviour is more likely to have occurred than not.

e) **Factors considered** The decision maker shall take into account relevant considerations, not take into account irrelevant considerations, act for a proper purpose, and not be unreasonable in the sense that no reasonable decision maker could have reached such a decision.

5. **Raising concerns**

The following applies:

a) **Course participants may raise any concerns** Course participants may raise any matters of concern relating to training delivery and assessment, the quality of the learning, course participants’ amenities, discrimination, sexual harassment and any other issues that may arise in connection with their study with Evolve College.

b) **Other avenues may be needed** This policy and its related procedure provide an avenue for most complaints and appeals to be addressed. However in some cases alternative measures may need to be explored. It is advisable for the student to contact their Trainer in the first instance or the Student Services Team, before lodging any formal complaint, to discuss what avenues may be available to them. Evolve College will provide students with details of external authorities that they may approach with respect to their complaint if required.

c) **Sensitive matters** If the student believes that the complaint is of a level that is highly sensitive and does not wish to discuss it with their Trainer or submit a complaint form to the Student Services Team, they are welcome to submit a complaint form to Executive Management. Executive Management will consider the complaint in the same manner as outlined in this process.

6. **Lodging a complaint**

Complaints are the expression of dissatisfaction with the quality or any aspect of the business operations and service, including nuisances, discrimination or similar against another person, inclusive of students, staff and contractors. You may lodge a complaint in relation to such matters as:

a) Enrolment;

b) Training delivery and or assessment, including recognition of prior learning;

c) Any other activities associated with the delivery of training and assessment services;

d) Any other student, or your Trainer;

e) Issues such as discrimination, sexual harassment, student amenities and the like; and

f) Any other matter relating to your study with Evolve College.

7. **Assessment related matters**

The Executive Manager – Education and Training will ensure as far as reasonably possible that all students are satisfied with the fairness and accuracy of assessment processes. If a student has been advised that they are ‘Not Yet Competent’ in a unit, or if they receive a ‘not satisfactory’ result in relation to an assessment activity, but they believe that:
a) they genuinely do have the required degree of competency; and
b) they have provided reasonable proof of this to Evolve College,
the student may query or appeal the result.

8. Assessment appeal

An appeal is the expression of dissatisfaction with an assessment result or with any other
decision of Evolve College. This may occur if a student is not satisfied with a decision
pertaining to an assessment, such as the award of a ‘Not Yet Competent’ result or ‘not
satisfactory’ assessment. There are various grounds on which you may lodge an assessment
appeal, including, but not limited to:
   a) not being fully informed of the assessment process;
   b) your needs not having been taken into consideration;
   c) the assessment process being different to that outlined by your Trainer or Assessor;
   d) the assessment process not being based on the training package or course
      requirements;
   e) an inappropriate method being used to assess the unit;
   f) an alleged bias of the Trainer/Assessor;
   g) alleged incompetence of the Trainer/Assessor; and
   h) faulty or inappropriate equipment or facilities.

9. Student Review Policy and Procedure

If a student wishes to request a review of any decision made by Evolve College or the Secretary
of the Department regarding a request for a re-credit of the student's FEE-HELP balance, the
student should follow the Student Review Policy and Procedure, available for download from
our website, at www.evolvecollege.com/policies.

PROCEDURE

10. Overall procedure

The following shall apply in relation to complaints and appeals:
   a) (Provision of documentation to students) A copy of the Complaints and Appeals Policy
      and Procedure will be made available to all prospective course participants via the
      Evolve College website;
   b) (Professional manner) All complaints, or appeals will be handled professionally and
      confidentially in order to achieve a satisfactory resolution;
   c) (Understanding of steps) All parties must have a clear understanding of the steps
      involved in the complaints and appeals procedure. Evolve College will satisfy this
      requirement by readily enabling access to the Complaints and Appeals Policy and
      Procedure by all students;
   d) (Student's case) Each student will be provided with the opportunity to present his or
      her case at relevant stages of the process, as outlined in this policy and procedure;
   e) (Complaint about a student/Trainer) In the event that the complaint is about another
      student and/or Trainer/Assessor, there may be requirements to separate both parties
      until the issue is reviewed and resolved, which Evolve College will determine;
   f) (External authorities) In some cases, there may need to be contact with external
      parties such as police or other authorities. The Executive Manager Education and
Training, Executive Manager Governance and General Counsel and the CEO will decide the seriousness of the issue and required reporting, if any;

g) **(Fair and equitable)** All complaints and appeals will be dealt with fairly, equitably and as efficiently as possible;

h) **(Support person)** The student has the choice to bring one support person to any meeting on the complaint/appeal. Meetings may be held in person, by phone or by technology;

i) **(60 days)** If Evolve College considers that it will take longer than 60 days to process and finalise the complaint/appeal, we will formally advise the complainant/appellant in writing and include reasons why more than 60 days are required, and provide regular updates on the matter;

j) **(Decision maker)** The decision maker will be independent of the decision being reviewed;

k) **(In writing)** All complaints, appeals and outcomes must be documented in writing and the appellant or complainant provided with a written statement of the outcomes, including reasons for the decision;

l) **(ASQA)** Evolve College will endeavour to resolve any complaint referred to it by ASQA within the timeframe prescribed by ASQA;

m) **(Vexatious complaints)** Vexatious, or multiple unfounded complaints may be referred by the Executive Manager Governance and General Counsel to the Academic Board as a potential breach of the Student Code of Conduct. The complaints and appeals policy and procedure shall be followed;

n) **(Record of complaint)** In all cases, in the event that a complaint has been made, the Student Services Team must record the complaint and the resolution in the student’s file and on the Complaints and Appeals Register, even if the situation has been resolved to the satisfaction of all parties.

11. **Complaint procedure**

In order to lodge a complaint, you must follow the procedure below.

a) **(Discuss with Trainer)** You may first wish to discuss the matter with your course Trainer or Assessor. However, if you prefer, you may omit this step and proceed directly to the step outlined in paragraph b), below.

b) **(Submission to Student Services Team)** If you are not satisfied after such discussion, or if you prefer not to discuss the matter with your Trainer/Assessor, you may complete a Complaints and Appeals Form and forward this to the Student Services Team. If you have discussed the matter with your Trainer/Assessor, the form must be lodged within 5 working days of the discussion in paragraph (a). In completing and lodging the form, you must provide sufficient details about yourself, the course, and the circumstances surrounding the concern or complaint, including who was involved, any appropriate evidence and witnesses. The Student Services Team will respond in writing within 5 working days advising that your complaint has been forwarded to the Executive Manager Operations.

c) **(Executive Manager Operations)** The Executive Manager Operations may request further information from you. After receipt of all relevant information, the Executive Manager Operations will respond in writing within 15 working days.

d) **(Escalation to Executive Manager Governance & General Counsel)** If you are not satisfied with the Executive Manager Operations’ decision, you may request that the matter be referred to the Executive Manager Governance and General Counsel, by advice in writing to the Executive Manager Operations within 5 working days. The
Executive Manager Governance and General Counsel may request further information from you. After receipt of all relevant information, the Executive Manager Governance and General Counsel will provide a written statement of the outcome to you, including reasons for the decision, within 15 working days.

e) (Referral to mediator) If a complaint, concern or appeal cannot be resolved through discussion and conciliation internally, you may request to have recourse to an external mediator relevant to the area of your complaint. Evolve College will contract an external person to mediate, as and when required. Evolve College will pay for one mediation session of up to 2 hours. Any further mediation required will be at the cost of the complainant.

f) (ASQA) If the student is still dissatisfied with the outcome after Evolve College has engaged an external mediator, after the student has exhausted the College's internal complaints procedures, they may under the below listed circumstances lodge a complaint with the Australian Skills Quality Authority if the following is alleged:
   a. an organisation is marketing the delivery and/or issuance of nationally recognised training outcomes where the organisation is either not a registered training organisation (RTO), or is an ASQA RTO but is not registered to deliver the specified training outcome; or
   b. an ASQA RTO is delivering or has delivered, training, assessment, support and/or administrative services in breach of the Act, the Standards for NVR registered training organisations 2015 and/or the requirements of a Training Package or accredited course.

12. Appeal procedure

In order to lodge an assessment appeal, you must follow the procedure outlined below:

a) (Discuss with Trainer/Assessor) You may first wish to discuss the matter with the course Trainer/Assessor. However, if you prefer, you may omit this step and proceed directly to the step outlined in paragraph b), below.

b) (Student Services Coordinator) If not satisfied with the outcome of your discussion with the Trainer/Assessor, or if you choose not to discuss the matter with your Trainer/Assessor, you may complete a Complaints and Appeals Form and forward it to the Student Services Team. The form must be lodged within 5 working days of the assessment outcome being advised or the relevant other decision having been made. In completing and lodging the form, you must provide sufficient details about yourself, the course, and the circumstances surrounding the appeal, giving formal reasons. For assessment appeals, you must also attach a copy of the original Assessment Task.

c) (Review) The process is as follows:
   a. For assessment appeals:
      i. (Review) The Assessment Task will be reviewed by another Trainer/Assessor and you will be advised of the outcome within 10 working days.
      ii. (Education and Training Manager and review panel) If you are not satisfied with the review of the Assessment Task, you must advise the Student Services Coordinator within 5 working days, in which case, the Executive Manager Education and Training will send you an acknowledgement letter, record receipt of the Complaints and Appeals Form, and then review. The Executive Manager Education and Training may convene a review panel to examine the appeal. The Executive
Manager Education and Training will advise you of the outcome in writing within 15 working days.

b. For appeals of decisions made on non-assessment matters:
   i. **(Review)** The decision made by Evolve College will be reviewed by the Executive Manager Operations and you will be advised of the outcome within 10 working days.
   
   ii. **(General Counsel and review panel)** If you are not satisfied with the review of the decision under paragraph b(i), you must advise the Student Services Coordinator within 5 working days, in which case, the Executive Manager Governance and General Counsel will send you an acknowledgement letter, record receipt of the Complaints and Appeals Form, and then review. The Executive Manager Governance and General Counsel may convene a review panel to examine the appeal. The Executive Manager Governance and General Counsel will advise you of the outcome in writing within 15 working days.

d. **(Referral to mediator)** If you are still dissatisfied with the outcome, you may request to have recourse to an external mediator relevant to the area of your appeal. Evolve College will contract an external person to mediate, as and when required. Evolve College will pay for one mediation session of up to 2 hours. Any further mediation required will be at the cost of the appellant. The mediator will encourage the parties to approach an appeal with an open view and to attempt to resolve problems through discussion and conciliation.

e. **(ASQA)** If the student is still dissatisfied with the outcome after Evolve College has engaged an external mediator, after the student has exhausted the College’s internal complaints procedures, they may under the below listed circumstances lodge a complaint with the Australian Skills Quality Authority if the following is alleged:
   
   a. an organisation is marketing the delivery and/or issuance of nationally recognised training outcomes where the organisation is either not a registered training organisation (RTO), or is an ASQA RTO but is not registered to deliver the specified training outcome; or
   
   b. an ASQA RTO is delivering or has delivered, training, assessment, support and/or administrative services in breach of the Act, the Standards for NVR registered training organisations 2015 and/or the requirements of a Training Package or accredited course.

13. **VET Student Loans Ombudsman**

The following applies:

   a) All complaints must be dealt with in accordance with this policy and procedure.
   
   b) Students are also advised that on 1 July 2017 the Government established the office of a VET Student Loans Ombudsman, however the existence of this office does not remove the requirement for providers to have a decision on appeal reviewed by an appropriate external independent person in accordance with the provisions of this policy and procedure.

   c) The VET Student Loans Ombudsman will act as the external dispute resolution body to conduct investigations, and make recommendations in relation to VET loan assistance (i.e. VET Student Loans and VET FEE-HELP) and compliance by VET providers with the VET Student Loans Act, the HESA and any legislative instruments under either of those Acts. The Ombudsman will report on its investigations and may make recommendations to providers.
d) For matters which do not fall within the scope of the VET Student Loans Ombudsman's jurisdiction (for example matters relating to personal information held by the provider or matters that do not relate to loan assistance disputes), the internal followed, if needed, by the external stage of the grievance procedure should be used, as outlined in this policy and procedure.

14. The Provider’s obligations

The following applies:

e) Evolve College as an approved VSL provider is taken to be a member of the external dispute resolution scheme (the VET Student Loans Ombudsman) for the purpose of meeting the obligation on providers under the Act [as per the Act s 25(2)(h); s 42BA Ombudsman Act 1976 (Ombudsman Act)].

f) Evolve College, as an approved VSL provider must:
   a. comply with the requirements of the VET Student Loans Ombudsman; and
   b. fully cooperate with the VET Student Loans Ombudsman to ensure compliance with the Ombudsman Act including through the production of information as relevant on request by the Ombudsman.

g) Evolve College must take adequate and appropriate action within a reasonable time following any recommendations made by the VET Student Loans Ombudsman.

15. Records and follow-up

The following applies:

a) (Filing) Evolve College will file records of all informal and formal discussions regarding complaints and appeals and will record such evidence on the student files kept by Evolve College. Evolve College will retain all such records for at least five years.

b) (Complaints Register) The Executive Manager Governance and General Counsel shall establish and maintain a Complaints Register.

c) (Appeals Register) The Executive Manager Education and Training shall establish and maintain an Appeals Register.

d) (Corrective Action) If required, a Corrective Action will be raised and actioned, and detailed in the Continuous Improvement Register for future reference. Evolve College will take actions or implement improvements to ensure that the complaint is fully documented to reduce or prevent the same issue occurring.

e) (Due consideration) If any recommendations are given as part of any external review, Evolve College will duly consider such recommendations in the context of its whole business.

f) (Security of records) All complaint and appeals records and their outcomes are securely maintained. The Student Management System is password locked. Complaints and appeals and their written documentation of process are accessible only by the CEO and Executive Managers.