COMPLAINTS AND APPEALS POLICY AND PROCEDURE

PURPOSE

Evolve College welcomes feedback from students and staff at all times. We have an organisational make-up that is focused on the quality of everything we do and provide. If you at any time have any feedback you would like to give us, we would love to hear from you. Comments and feedback can be provided to us by email at evolve@evolvecollege.com or by phone on 1300 880 885. If you would like your comments or feedback to be kept confidential, please let us know and we will fully respect this.

This policy and procedure sets out the manner in which Evolve College deals with complaints and appeals. If you have any questions about anything in this policy or procedure, or your studies with us, please do not hesitate to contact us.

You can use this complaints and appeals policy and procedure in relation to absolutely anything about your studies with Evolve College, whether that be about Evolve College as a Registered Training Organisation (RTO), our Trainers, Assessors or other staff, any third party providing services on our behalf or its Trainers, Assessors or other staff, or any other 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

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, caring 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 before 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 while their complaint or appeal is being processed.

d) (**Internal college procedure**) All complaints and appeals are to be dealt with according to this policy and procedure.

e) (**No fee**) There is no fee for lodging, or processing, a complaint or appeal with Evolve College.

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

g) (**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 keeping with Evolve College's purpose.

3. Natural justice and procedural fairness

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 carry out their duties free of bias or discrimination.

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.

4. Raising concerns

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) (**Avenues for addressing complaints or appeals**) All complaints and appeals shall be dealt with in accordance with this policy and procedure, which outlines fair and comprehensive internal steps that are taken in full respect of any matter raised by a person to whom this policy and procedure relates. Any complaint raised is to be dealt with in the order of steps outlined in this document. Students may at any time contact their Trainer/Assessor or the Evolve College Student Services Team if they have any queries or wish to discuss any aspect of a complaint or appeal they may have, any feedback in general, or this policy and procedure.

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

5. 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, national recognition, recognition of prior learning, or any other aspect of learning or assessment;

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

d) any other student, or your Trainer/Assessor or any member of staff;

e) any issues such as discrimination, sexual harassment, student amenities or any other conduct, facility or resource of the College or its staff; and

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

6. 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 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.

7. Appeals

An appeal is the expression of dissatisfaction with an assessment result or with any other decision of Evolve College. For example, a student may appeal if they are not satisfied with a decision about an assessment, such as the award of a 'Not Yet Competent' result or a '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.

8. 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 HELP balance, the student should follow the *Student Review Policy and Procedure*, available for download from our website, at www.evolvecollege.com/policies.

PROCEDURE

9. Overall procedure

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 and 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* for all students via its website.

d) (**Student's case**) Each student will be provided with the opportunity to present their case at relevant stages of the process, as outlined in this policy and procedure.

e) (**Complaint about a student/Trainer**) If the complaint is about another student and/or a Trainer/Assessor, the parties may need to be separated until the issue is reviewed and resolved. Evolve College will determine this at its discretion, in the interests of all parties and others (for instance, others in the class).

f) (**External authorities**) In some cases, there may need to be contact with external parties such as police or other authorities. The Executive Manager Governance and General Counsel will decide the seriousness of the issue and the required reporting, if any.

g) (**Decency and respect**) Evolve College will always act with absolute care, decency and respect, taking into account the interests of all students, members of the public receiving services from our students and graduates, and Evolve College and its staff.

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

i) (**Support person**) The student has the choice to bring one support person to any meeting about the complaint or appeal. Meetings may be held in person, by phone or online.

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

k) (**Decision maker**) The decision maker will be independent of the decision being reviewed.

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

m) (**ASQA**) Evolve College will use its best endeavours to resolve any complaint referred to it by the National VET Regulator, the Australian Skills Quality Authority (ASQA), within the timeframe prescribed by ASQA.

n) (**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 (in the Student Handbook). This complaints and appeals policy and procedure shall be followed.

o) (**Formal complaint**) To trigger a complaint under this policy and procedure, a formal complaint must be recorded on the Evolve College *Complaints & Appeal Form* (available at www.evolvecollege.com/policies), in accordance with the complaint procedure below, and submitted to Evolve College.

p) (**Record of complaint**) In all cases where 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.

10. Complaint procedure

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 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 & Appeal Form* and forward it 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 that discussion. 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 receiving all relevant information, the Executive Manager Operations will respond in writing within 15 working days.

d) (**Escalation to Executive Manager Governance and 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 advising the Executive Manager Operations in writing within 5 working days. The Executive Manager Governance and General Counsel may request further information from you. After receiving all relevant information, the Executive Manager Governance and General Counsel will provide you with a written statement of the outcome, including reasons for the decision, within 15 working days.

e) (**Referral to mediator**) If a complaint, concern or appeal cannot be resolved internally through discussion and conciliation, you may request 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, and will pay for one mediation session of up to 2 hours. Any further mediation required will be at the cost of the complainant. The mediator will encourage the parties to approach a complaint with an open view and to attempt to resolve problems through discussion and conciliation.

f) (**ASQA**) If you are still dissatisfied with the outcome after Evolve College has engaged an external mediator, and you have exhausted the College's internal complaints procedures, you may lodge a complaint with the Australian Skills Quality Authority (ASQA) if it is alleged that:

   i. 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 registered RTO but is not registered to deliver the specified training outcome; or

   ii. an ASQA registered RTO is delivering or has delivered training, assessment, support and/or administrative services in breach of legislation, the Standards for RTOs and/or the requirements of a Training Package or accredited course.

   Information about complaining to ASQA is at www.asqa.gov.au/complaints/complaints-about-training-providers.

11. Appeal procedure

To lodge an appeal (about an assessment or any other decision of Evolve College), you must follow the procedure 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 paragraph (b) below.

b) (**Student Services Team**) If you are 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 & Appeal 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:

   i. For assessment appeals: the Assessment Task will be reviewed by another Trainer/Assessor and you will be advised of the outcome within 10 working days. If you are not satisfied with that review, you must advise the Student Services Team within 5 working days. The Student Services Team will record receipt of the form and refer it to the Executive Manager Education and Training, who will review it and 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 of receiving the request.

ii. For appeals of decisions on non-assessment matters: the decision will be reviewed by the Executive Manager Operations and you will be advised of the outcome within 10 working days. If you are not satisfied with that review, you must advise the Student Services Team within 5 working days. The Student Services Team will send you an acknowledgement letter, record receipt of the form, and forward it to the Executive Manager Governance and General Counsel, who 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 of receiving the request.

d) (**Referral to mediator**) If you are still dissatisfied with the outcome, you may request 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, and 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 you are still dissatisfied after mediation and have exhausted the College's internal procedures, you may lodge a complaint with ASQA in the circumstances set out in section 10(f) above.

12. VET Student Loans Ombudsman

a) All complaints must be dealt with in accordance with this policy and procedure.

b) Since 1 July 2017, the Commonwealth Ombudsman has acted as the VET Student Loans Ombudsman. The existence of this office does not remove the requirement for Evolve College to have a decision on appeal reviewed by an appropriate external independent person in accordance with this policy and procedure.

c) The VET Student Loans Ombudsman acts as the external dispute resolution body to conduct investigations and make recommendations in relation to VET Student Loans and compliance by education and training providers with the *VET Student Loans Act 2016*, the *Higher Education Support Act 2003* and any legislative instruments under either of those Acts. The Ombudsman reports on its investigations and may make recommendations to providers. Information about complaining to the VET Student Loans Ombudsman is at ombudsman.gov.au/complaints/vet-student-loan-complaints.

d) For matters which do not fall within the VET Student Loans Ombudsman's jurisdiction (for example, matters relating to personal information held by Evolve College, or matters that do not relate to loan assistance disputes), the internal stages and then, if needed, the external stage of this policy and procedure should be used.

13. Evolve College's obligations

a) 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 *VET Student Loans Act 2016* (s 25(2)(h)) and the *Ombudsman Act 1976* (s 42BA).

b) Evolve College, as an approved VSL provider, must:

i. comply with the requirements of the VET Student Loans Ombudsman; and

ii. fully cooperate with the VET Student Loans Ombudsman to ensure compliance with the Ombudsman Act, including by producing relevant information on request by the Ombudsman.

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

14. Records and follow-up

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 a Complaints Register, which the Executive Manager Operations shall maintain.

c) (**Appeals Register**) The Executive Manager Operations shall establish and maintain an Appeals Register.

d) (**Corrective action**) Upon review of a complaint, if Evolve College considers improvement is required, the Executive Manager Operations will detail any corrective action taken in the Continuous Improvement Register.

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 appeal records and their outcomes are securely maintained. The Student Management System is password protected. Complaints and appeals, and the written documentation of their process, are accessible only by authorised members of Evolve College staff.

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Related documents: Complaints & Appeal Form, Student Review Policy and Procedure, Student Handbook (Student Code of Conduct), Zero Tolerance Policy on Inappropriate Conduct, VSL Policy and Procedure.