

## Complaints & Appeals

### 1. AIM

1.1 To ensure any complaint or appeal is dealt with in a fair and timely manner. In the process Brisbane College of Horticulture will:-

- ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;
- are publicly available;
- set out the procedure for making a complaint or requesting an appeal;
- ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and
- provide for review by an appropriate party independent of the RTO and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal

### 2. APPEAL PROCEDURE

2.1 A participant enrolled in a course, who is seeking to appeal against an **academic decision** or other procedural matter, will be given the opportunity to present their case. The appellant should undertake the following steps:

- a. In the first instance an informal approach is to be made to the course facilitator with any new evidence or clarification of existing evidence.
- b. Assessment will be reviewed having due regard to submissions made by the participant.
- c. Where the participant is still dissatisfied with the decision a request is to be made to BNB, in writing, for a facilitator who has not been involved in the original decision, to review the decision.
- d. If the participant is dissatisfied with the decision of the independent facilitator, a written notice of appeal may be lodged to BNB requesting an independent review by an external appeal consultant.

2.1 Appeals will be accepted up to fourteen (14) days from the date an assessment result was received.

2.2 All appeals received will be written into the Improvement Log and recorded for Management Review follow up at the next meeting.

2.3 A written response, advising of the outcome of the appeal, will be provided to the participant, within 21 days of finalising the process.

2.4 Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:

- informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
- regularly updates the complainant or appellant on the progress of the matter

### 3. COMPLAINT PROCEDURE

- 3.1 A participant enrolled in a course who has a complaint, on any matter, **other than academic decisions**, will be given the opportunity to present their case. The participant should undertake the following steps.
1. In the first instance, an informal approach is to be made to the person with whom the participant has the complaint, in order to see if the matter can be resolved in a mutually satisfactory way.
  2. If the matter is not resolved to the satisfaction of both parties, a request must be made to BNB, in writing, for a facilitator who has not been involved in the complaint, to review the complaint and have the matter resolved.
  3. If the participant is still dissatisfied, a written notice of appeal may be lodged with BNB requesting an independent review by an external grievance consultant, or appropriate body.
- 3.2 A complaint, if not resolved informally, must be lodged in writing no later than (14) days from the date of the incident considered to have caused the complaint.
- 3.3 Any complaint received by the BNB office, will be written into the Improvement Log.
- 3.4 Where possible the complaint will be dealt with immediately. In all other cases the complaint will be referred to BNB's CEO.
- 3.5 All complaints will be dealt with within 21 days of receipt of the written details. A written response, advising of the outcome of the complaint, will be provided.
- 3.6 Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:
- informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
  - regularly updates the complainant or appellant on the progress of the matter
- 3.7 Any substantiated complaint will be acted upon. All complaints will be recorded on an Improvement Log for the annual Review follow up at the next meeting. Improvement Logs will be dealt with as detailed in the improvement procedure.
- 3.8 The situation/circumstances leading to the complaint will be investigated to reduce/eliminate the possibility of the problem reoccurring. Where this results in revision to information and/or processes/services provided to clients, an improvement request will be completed.
- 3.9 Should a learner wish to speak with someone about a complaint they can contact the National Training Complaints Hotline, <http://vetreform.industry.gov.au/national-vet-complaints-hotline>.

### 4. EXTERNAL CONSULTANT APPEALS

- 4.1 Mutual agreement is to be reached between BNB and the relevant participant regarding the external consultant to be engaged for use in the external appeal process. Consultants

engaged to conduct the appeal process are to hold recognised qualifications that meet the human resource requirements for the relevant course.

- 4.2 Where participants wish to use an external consultant who is not approved by BNB they are responsible for the payment of all costs associated with the use of the external consultant in the appeal process.

## **5. APPEAL DECISIONS**

- 5.1 All assessment action will be suspended pending determination of the appeal process. All decisions will be immediately communicated to participants and, subject to the provisions of the Judicial Review Act 1991, the decision of an external consultant conducting an appeal will be final.