

# Staff Complaints Resolution Policy

## 1. Purpose and Scope

- 1.1 The Staff Complaints Resolution Policy supports the management and resolution of staff complaints in a fair, impartial, sensitive and expeditious manner.
- 1.2 This policy applies to all academic and non-academic staff (including continuing, fixed-term, sessional and casual staff members) in relation to complaints about work-related issues such as but not limited to:
  - 1.2.1 decisions, acts or omissions; and/or
  - 1.2.2 perceived unfair decisions or treatment.
- 1.3 This policy:
  - 1.3.1 Does not apply to Board or committee members (who are not otherwise staff members). Complaints made against them should be referred to the CEO or Chair of the respective committee in the first instance.
  - 1.3.2 Does not apply to students. Students should refer to the Student Complaints and Appeals Policy and related procedures if they are seeking to raise an issue or make a complaint about a staff member.
- 1.4 The requirements of this policy should be read in conjunction with other policies or procedures in place for dealing with specific matters. This includes:
  - 1.4.1 Dealing with Unsatisfactory Performance and Misconduct (Staff) Procedure.
  - 1.4.2 Discrimination, Bullying and Harassment Prevention Policy.

## 2. Definitions

Refer to *Glossary of Terms* for commonly used terms. The definitions below are those specific to this policy.

**Complainant** means the staff member notifying or lodging a complaint.

**Complaint** means raising a matter or issue of concern about any type of work-related problem that is causing distress or concern for a staff member. A complaint may be informal or formal.

**Respondent** means the staff member against whom the complaint is made.

## 3. Policy Statement

- 3.1 Staff members are encouraged to try to resolve issues of concern or complaints informally and in a respectful manner with the parties concerned.
- 3.2 When making a complaint in good faith, staff members have the right for it to be dealt with fairly, constructively, in a timely manner and without reprisal.

- 3.3 All staff are required to participate in complaint processes in good faith, and to provide information or evidence when requested of them.
- 3.4 AIAT is guided by the principles of procedural fairness during the staff complaints process. This includes:
  - 3.4.1 Staff members being informed of allegations made against them.
  - 3.4.2 Parties to the complaint being advised of the process, expected timeframes and responsibilities during the complaint process. This includes maintaining confidentiality.
  - 3.4.3 Parties to the complaint having a right to be heard and to be able to respond to allegations made against them.
  - 3.4.4 Ensuring the decision-maker acts impartially at all times and does not have an actual or perceived conflict of interest in the matter.
  - 3.4.5 The decision-maker making their decisions based on the facts and merits of the case (that is, fully considering the available information and submissions made by all parties to the complaint) and doing so in a timely manner. The decision-maker should be satisfied that it is 'more probable than not' that the alleged incident/conduct did happen.
  - 3.4.6 Providing the outcome of a complaint to relevant parties: such as the complainant, the respondent and their managers. The level of detail provided will be balanced against the need to respect other persons' privacy.

## 4. Policy Principles

- 4.1 A staff complaint should be raised as early as possible following the incident or conduct that has given rise to the concerns. As far as possible, complaints should be dealt with promptly and cooperatively, with an emphasis on seeking an early resolution of the matter where appropriate.
- 4.2 AIAT may decline to consider a staff complaint where:
  - 4.2.1 It is lodged more than 3 months from the date the decision, incident or conduct occurred, or it was reasonable for the staff member to be aware of the matter.
  - 4.2.2 It is being assessed under another AIAT process or has been previously assessed under an AIAT process.
  - 4.2.3 It is subject to an external review or other legal process.

### **Informal complaints**

- 4.3 An informal complaint is a complaint that is normally dealt with at the work-unit level and may arise from minor interpersonal conflicts or work-unit decisions (such as complaints about staff duties).
  - 4.3.1 The complainant notifies their manager about the complaint either verbally or in writing. In so doing, the complainant should be able to outline their complaint, the grounds for making it, and if possible, their preferred outcomes.
    - a. The usual practice is for the work-unit manager to seek to resolve the matter directly.

- b. If the complaint is about the actions of the work-unit manager and it is not appropriate or reasonable to expect the work-unit manager to resolve the matter, the complaint is normally referred to the relevant Executive Management Group member.
- 4.3.2 The complaint may be dealt with informally by the manager and/or relevant Executive Management Group member.
- 4.3.3 An informal complaint will be escalated when required. For example:
- a. Where the manager considers that the complaint requires the input of a more senior manager (an Executive Management Group member).
  - b. All complaints that involve serious allegations (for example, about harmful or potentially unlawful behaviour or other serious misconduct) should be immediately referred to the CEO for managing as a formal complaint.
- 4.3.4 The relevant manager should:
- a. keep a written record of the complaint and the outcome/s; and
  - b. communicate the outcomes to the complainant, respondent and other relevant parties (including the senior officer responsible for human resources if appropriate).
- 4.3.5 The senior officer responsible for human resources may provide advice to the parties involved in informal complaints when requested.
- 4.3.6 If the complaint remains unresolved after involvement by the relevant manager, the relevant manager may refer it to the CEO for their authorisation that the matter requires consideration as a formal complaint.

### **Formal complaints**

- 4.4 A formal complaint is a more serious complaint relating to perceived unfair decisions, unfair treatment or serious misconduct, or unresolved informal complaints (as authorised by the CEO). While a formal complaint may be initially notified verbally, the complainant is required to document their concerns in order for the formal complaint process to proceed.
- 4.5 The decision-maker for formal complaints is the CEO.
- 4.5.1 The senior officer responsible for human resources provides assistance to the CEO in the discharge of their duties.
- 4.5.2 Where the respondent to a complaint is the CEO, or there is a perceived or real conflict of interest that prevents the CEO being involved in the complaint process, the Chair of the Board of Directors, or their delegate, will act as decision-maker under this policy. This includes all decisions in relation to investigations and other aspects of the complaint management process as required.
- 4.6 Where an investigation is required in order to respond to a formal complaint:
- 4.6.1 the CEO may undertake the investigation; or
  - 4.6.2 the CEO may appoint a suitable internal or external investigator to undertake the investigation. The CEO's decision about the appointment of an investigator is final.

- 4.6.3 The senior officer responsible for human resources will normally assist the investigator undertake the investigation.
- 4.6.4 The CEO or investigator must undertake their investigation in line with the principles of procedural fairness and finalise their written report (including findings and recommendations) expeditiously.
  - a. Written reports must be provided to the CEO within any required timeframes.
- 4.7 The CEO's decision in relation to findings and recommendations from a formal complaint investigation is final.
- 4.8 Records of formal complaints, including all investigation reports, will be maintained by the senior officer responsible for human resources.
- 4.9 Parties involved in a formal complaint process may seek assistance from, or be accompanied by, a support person of their choice, excluding a person who is currently a practising legal practitioner.

#### **Matters relating to complaint processes**

- 4.10 At any stage during the complaint process, examples of the strategies that may be used to seek a resolution of a complaint include:
  - 4.10.1 individual or group interviews;
  - 4.10.2 using an impartial third person to talk with the parties involved in order to find a solution;
  - 4.10.3 mediation and/or conciliation meetings;
  - 4.10.4 counselling services;
  - 4.10.5 investigation; and/or
  - 4.10.6 referral for disciplinary action.
- 4.11 AIAT recognises the importance of respecting confidentiality subject to the need to fully investigate a complaint.
  - 4.11.1 Parties to a complaint are required to maintain confidentiality regarding the issues, subject to seeking support or advice in relation to the matter.
- 4.12 AIAT aims to protect staff members from any victimisation or repercussions from reporting issues in good faith. Victimisation of any person involved in a complaint process (as a complainant, respondent, investigator or other witness) will not be tolerated and the matter may be dealt with as a misconduct or serious misconduct disciplinary matter.
- 4.13 Staff members should not instigate complaints that are frivolous, vexatious or malicious, or they have reason to believe is based on false information. Such complaints will not be tolerated and the matter may be dealt with as a misconduct or serious misconduct disciplinary matter.
- 4.14 AIAT will not generally act on anonymous complaints under this policy, unless the issues raised are serious and there is sufficient information provided to warrant further enquiry.

- 4.15 Depending on the nature of the complaint, AIAT may refer details to an external agency (such as the South Australian Police) for investigation as necessary.
- 4.16 In some cases, for example, if a complainant considers they have been denied procedural fairness or that their workplace entitlements have been ignored, a complainant may lodge a complaint with an external agency. External avenues of complaint that are available include:
- 4.16.1 Fair Work Ombudsman.
  - 4.16.2 Fair Work Commission.
  - 4.16.3 South Australian Equal Opportunity Commission.
  - 4.16.4 Australian Human Rights Commission.

## REPORTING

- 4.17 The CEO will provide regular reports to the Executive Management Group regarding staff complaints.
- 4.18 The Executive Management Group will monitor progress regarding actions addressing underlying causes of staff complaints.
- 4.19 The CEO will provide an annual report to the Board of Directors regarding staff complaints and their resolutions.

## 5. Roles and responsibilities

- 5.1 The CEO is responsible for:
- 5.1.1 Making decisions in relation to formal complaints. This includes conducting or appointing another person to undertake a formal complaint investigation.
  - 5.1.2 Reporting matters to the South Australian Police, or other external authorities when required by law.
  - 5.1.3 Maintaining records of meetings and decisions.
  - 5.1.4 Providing an annual report to the Board of Directors regarding staff complaints.
- 5.2 Members of the Executive Management Group and other managers are responsible for:
- 5.2.1 Fostering respectful behaviours within their team and with other colleagues.
  - 5.2.2 Receiving and taking immediate action in response to informal complaints notified to them. This includes taking steps in seeking an early resolution of complaints if appropriate.
  - 5.2.3 Escalating matters to be dealt with as a formal complaint promptly.
  - 5.2.4 Maintaining records of meetings and outcomes.
- 5.3 The senior officer responsible for human resources is responsible for:
- 5.3.1 Supporting the CEO, the Executive Management Group and other managers meet their responsibilities under this policy, the industrial award and relevant matters.
  - 5.3.2 Implementing appropriate record-keeping practices for information gathered as part of a complaints process.

5.3.3 Monitoring issues raised during complaint processes for the purpose of identifying risks and facilitating continuous improvement of workplace practices and policies.

5.4 All staff are responsible for:

5.4.1 Ensuring their behaviour aligns with the Staff Code of Conduct and other policies and procedures at all times.

5.4.2 Participating in the complaints process in good faith when requested to do so.

## 6. Policy Details

Institution	Australian Institute of Advanced Technologies (AIAT)
Policy name	Staff Complaint Resolution Policy
Policy Reference No.	POL – 52
Policy Approval	Board of Directors
Policy Authority	Executive Management Group
Responsible Officer	CEO
Governance Reference Threshold Standards	Not applicable
Related Documents	Staff Code of Conduct Dealing with Unsatisfactory Performance and Misconduct (Staff) Procedure Discrimination, Bullying and Harassment Prevention Policy Student Complaints and Appeals Policy and related procedure Privacy Policy Responding to Sexual Assaults Policy and Procedure
Related Legislation	Fair Work Act 2009 (Cth) Higher Education Standards Framework (Threshold Standards) 2021
References	AIAT has referred and benchmarked with the following institutions and policies during the creation of this policy:  Australian Human Rights Commission (November 2014) Good practice guidelines for internal complaint processes Adelaide Institute of Higher Education (May 2019) Staff Grievances Policy Southern Cross University (April 2020) Complaint Policy - Staff Southern Cross University (April 2020) Complaint Procedure – Staff University of Newcastle (February 2019) Complaint and Grievance Policy University of Sunshine Coast (December 2020) Guidelines for the Resolution of Complaints - Staff

	University of Technology Sydney (May 2021) Staff Complaints Policy
Date of approval	3 February 2022
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Policy Category	Operational

## 6. Document Version Control

Document No	POL - 52	Last Modify Date	Summary of Changes
Version No	1.0	NA	Initial version approved by Board of Directors
	1.01	31/3/2022	Added reporting; modified policy number
Created Date	Feb 2022		