

# Staff Complaints Policy

## 1. Purpose

- 1.1 UTS is committed to providing a productive, respectful and harmonious work environment but acknowledges that issues may arise from time to time. The Staff Complaints Policy (the policy) outlines how work-related complaints are supported and managed at UTS. Grievances as defined in the relevant UTS [enterprise agreements](#) are managed in line with this policy.
- 1.2 This policy outlines how to manage and, where possible, resolve the following work-related complaints either formally or informally, depending on the type and nature of the complaint.
- 1.3 Complaints that are normally resolved informally include:
  - role specific complaints (including complaints in relation to staff duties, functions, unsafe work practices, application of work practices or policies, and misuse of technology)
  - interpersonal complaints (including disagreements between staff, between managers and staff, rude or hostile behaviour in a work context).
- 1.4 Complaints that may require a more formal complaints resolution process include:
  - harmful and potentially unlawful behaviour (including, but not limited to, bullying, discrimination, sexual assault or harassment, discrimination, or any other type of harassment, breach of confidentiality or issues relating to foreign interference).

## 2. Scope

- 2.1 This policy applies to all staff and affiliates (hereafter staff).
- 2.2 This policy does not apply to:
  - allegations of corruption, maladministration, modern slavery breaches and serious waste (refer to the [Fraud and Corruption Prevention and Public Interest Disclosures Policy and Guidelines](#))
  - work health and safety complaints or incidents (refer to the [Health and Safety Policy](#))
  - concerns over conduct involving children (under 18 years of age) (refer to the [Child Protection Policy](#))
  - student complaints (refer to the [Student Complaints Policy](#))
  - any associated or controlled entities of the university (refer to individual entity for guidance).

### 3. Principles

- 3.1 Staff must act in accordance with the behavioural requirements and expectations outlined in the [Code of Conduct](#) and [Equity, Inclusion and Respect Policy](#).
- 3.2 UTS acknowledges that work-related issues may arise from time to time despite the best endeavours of the university and its staff. UTS aims to manage any resulting complaints in an appropriate and timely manner.
- 3.3 Complaints (and complaint management processes) are used by UTS as an opportunity for improvement and enhancement of the university experience. All complaints, whether managed via a formal or informal resolution process, are taken seriously and managed with respect.
- 3.4 UTS encourages healthy communication between UTS community members and informal resolution of complaints (at the lowest level of management) wherever possible to minimise the potential for escalation of issues.
- 3.5 Complaints are handled in an unbiased and fair manner, taking into account procedural fairness, natural justice, equity principles and any legislative requirements.
- 3.6 Confidentiality is respected at all times subject to the need to fully investigate a complaint.
- 3.7 Malicious or vexatious complaints are a waste of university resources and may be treated as a matter of misconduct.

### 4. Policy statements

#### **Behavioural expectations for disputes or complaints**

- 4.1 Effective dispute resolution and complaints handling is an important feature of a healthy workplace culture. UTS will seek to resolve issues in a fair, timely and considered manner in line with this policy and the [Staff Complaints Procedures](#) (the procedures).
- 4.2 All parties involved in a work disagreement and/or a complaint must:
  - engage in the process constructively, and with a clear desire to resolve the issues at hand
  - act in a cooperative, fair and respectful manner to achieve a resolution
  - maintain regular, honest, open and unbiased communication
  - maintain confidentiality regarding the issues and the processes involved in the complaint by not discussing them with others (except to obtain any necessary support or advice)
  - comply with the [Code of Conduct](#) and [Equity, Inclusion and Respect Policy](#)
  - identify any actual, perceived or potential conflict of interest that may impact the complaint management process.

## Complaint management process

- 4.3 Staff complaints at UTS are managed via either an informal or formal resolution process and may shift from one category to another during the lifetime of the complaint.
- 4.4 The informal resolution processes are normally used for:
- normal work-related issues handled quickly and resolved locally
  - complaints made to line managers or supervisors handled quickly and resolved locally
  - informal complaints submitted via the [Complaints portal](#) (SharePoint, staff only) (the portal) managed either centrally by the Staff Complaints Officer (SCO) or triaged by the SCO for local level management.
- 4.5 Formal resolution processes are normally used for complaints relating to harmful and potentially unlawful behaviour. These may be submitted via [the portal](#) (SharePoint, staff only) or progressed from an informal complaint. Formal complaints are managed by the SCO in consultation with appropriate staff and/or internal and external advisors.

## Making a complaint

- 4.6 In the first instance, staff should raise any work-related issues with their manager or seek advice from the People Unit or the Centre for Social Justice and Inclusion (CSJI) (as outlined in [the procedures](#)).
- 4.7 If an issue cannot be resolved immediately through normal workplace discussions, or where discussion with a manager is not appropriate (eg the complaint is about a manager), staff may submit a complaint via [the portal](#) (SharePoint, staff only).
- 4.8 When making a complaint, staff should identify themselves, rather than remain anonymous. In the interest of procedural fairness, the individual making the complaint (the complainant) may have to be identified when allegations are put to the person against whom the complaint is being made (the respondent). However, UTS will consider sensitivities that might be involved, and may take steps to ensure that the identity of the complainant is not disclosed.
- 4.9 Only in exceptional circumstances will anonymous complaints be accepted and/or investigated. It should be noted that anonymity of either complainant and/or respondent may impact the extent to which a complaint can be fully investigated and/or resolved.
- 4.10 Staff may, in making a complaint, make a specific request that identified staff members not be involved in the complaint management process. The SCO, in consultation with the Director, People or the Director, Equity, Diversity and Inclusion (CSJI) (or their nominees), will determine the most appropriate resolution process.

## Informal complaints resolution process

- 4.11 In the first instance, complaints should be raised at the lowest appropriate level of management. For example, an interpersonal complaint may be raised with a line manager who has the resources and authority to resolve the complaint in a timely manner.

4.12 Complaints can also be submitted via [the portal](#) (SharePoint, staff only). The SCO will assess all complaints received in the portal and determine how best to proceed with and appropriately triage the complaint in line with this policy and the procedures.

### **Formal complaints resolution process**

4.13 Formal complaints resolution processes may be required based on the nature and content of the complaint. Advice on the need for a formal resolution process is available from the SCO and CSJI. This resolution process involves:

- investigation by a faculty, unit, and/or an independent investigator, or
- an internal or external dispute resolution process such as mediation or conciliation.

4.14 Complaints of a serious nature will usually be referred elsewhere for advice and the specifics of the resolution process may be predetermined based on this feedback. If this occurs, the complainant will be informed of the referral, the process for resolution and be kept informed about the matter as it progresses by the SCO or external agency as appropriate. Complaints that involve allegedly unlawful behaviour may be referred to an external agency (eg the New South Wales Police).

### **Outcomes of the complaint resolution process**

4.15 Complainants will receive written advice of the outcome of their complaint. The outcome will be in keeping with the nature of the complaint.

4.16 The Director, People or the Director, Equity, Diversity and Inclusion and the complainant (and, in some cases, both the complainant and respondent) may make recommendations to the Chief Operating Officer (COO) or the Provost, as appropriate, based on the findings of the formal complaints process. The COO or the Provost will make a final determination.

4.17 Possible outcomes include, but are not limited to:

- the complainant gains a better understanding of the situation so that their concerns are addressed
- a mutually acceptable resolution is achieved through conciliation or mediation
- the complainant receives an apology and/or the issue or behaviour that was the basis of the complaint is modified
- a university process or activity is modified to avoid further negative consequences
- in instances where the facts surrounding a complaint cannot be substantiated no further action will result
- in cases where the facts are substantiated through investigation, and circumstances warrant, the final outcome of a complaint resolution process may be:
  - formal disciplinary processes as prescribed in the university's enterprise agreements are invoked (this may result in formal warnings about inappropriate behaviour and, in the most serious cases, the dismissal of the staff member concerned), or
  - referral or reporting to an external agency for further investigation, management or action in line with any obligations or duties of care incumbent on the university.

## Internal and external reviews

- 4.18 Staff (either the complainant or respondent) may request a review of the outcome of a complaint resolution process to the Provost or the COO as appropriate.
- 4.19 Staff may request a review or appeal via an external agency if they are dissatisfied with the internal review and all internal processes have been exhausted. UTS will advise complainants and/or respondents in writing of avenues of external reviews at the time the complaint is finalised.
- 4.20 Externally, the options normally include the [NSW Ombudsman](#) for complaints relating to administrative decisions or the [NSW Anti-Discrimination Board](#), [Fair Work Commission](#) and [Australian Human Rights Commission](#) for complaints relating to discrimination and/or harassment.
- 4.21 Where external agencies are engaged, staff should notify the Director, People or the Director, Equity, Diversity and Inclusion so that the university can cooperate appropriately with the relevant external agency/agencies.

## Withdrawal of a complaint

- 4.22 Staff may withdraw their complaint at any time during the process. Staff who wish to withdraw a complaint should advise their manager and/or the Director, People or the Director, Equity, Diversity and Inclusion in writing.
- 4.23 If a complaint is withdrawn, no further action should be taken unless the complaint is related to possible physical danger, criminal investigation, disciplinary action or employer liability, in which case UTS will act in respect of withdrawn complaints if appropriate or required by the appropriate legislation.

## Recordkeeping

- 4.24 Staff managing the complaints resolution process are to keep full, accurate and secure official records in line with [the procedures](#), [Records Management Policy](#) and [Privacy Policy](#).
- 4.25 The People Unit will ensure data is collected in order to facilitate any required reporting on trends and outcomes. All data will be deidentified and managed in line with the [Data Governance Policy](#).
- 4.26 All documentation relating to a complaint will be confidential and will be accessible on an as-needed basis or as required by law in line with the UTS Information Security Classification Standard (available at [Information security](#) (SharePoint, staff only)) and [Privacy Policy](#). Documentation relating to the complaint is placed on a confidential university file.
- 4.27 Where a complaint has been withdrawn or identified as vexatious, records will be managed in accordance with advice from the Legal Unit and Corporate Information.

## Breaches

- 4.28 Breaches of this policy will be managed via the [Code of Conduct](#) or the relevant [enterprise agreement](#).

## 5. Policy ownership and support

5.1 **Policy owner:** The Director, People is responsible for enforcement and compliance of this policy, the approval of university level procedures and the resolution of formal complaints in consultation with the Director, Equity, Diversity and Inclusion ([Centre for Social Justice and Inclusion](#)) and the senior executive where appropriate.

5.2 **Policy contact:** The Director, Equity, Diversity and Inclusion ([Centre for Social Justice and Inclusion](#)) and the Staff Complaints Officer (SCO), People Unit are responsible for the implementation of this policy, including complaint management, triage and review and for coordination of the portal in line with this policy and its procedures, and act as points of contact for advice on implementing its provisions.

### 5.3 Others

All supervisors, managers and staff have a responsibility to contribute to a productive, safe and equitable work environment at UTS. Supervisors, managers and other designated staff are responsible for taking all complaints seriously and for:

- responding appropriately to complaints and managing the process according to UTS policies, procedures, enterprise agreements and guidelines (refer also [the procedures](#))
- informing the staff member of their right to procedural fairness and their right to have a support person (not to be a legal representative) attend meetings with them throughout the complaint process
- responding appropriately to equity-related complaints to eliminate and prevent discrimination and harassment in the workplace
- referring certain complaints to specialist units for advice as detailed in the procedures.

Staff raising a complaint are responsible for:

- participating in the complaint resolution process in good faith
- cooperating fully in the investigative process
- avoiding making vexatious complaints or raising complaints with malicious intent, and
- avoiding reporting a complaint to several different units or individuals at the same time.

Complainants, respondents and those responsible for managing the complaints process may request support from the People Unit, the [Centre for Social Justice and Inclusion](#) and/or the Employee Assistance Program.

## 6. Definitions

The following definitions apply for this policy and all associated procedures. Definitions in the singular also include the plural meaning of the word.

**Affiliate** is defined in the [Code of Conduct](#).

**Complainant** means the individual who is making a complaint.

**Complaint** means a statement of dissatisfaction made by staff or affiliates about their work environment or individual treatment by UTS, another staff member, student or affiliate in

order to bring the treatment to the university’s attention for action or response. This includes grievances as defined by the relevant enterprise agreements. UTS defines the process of resolution, rather than the complaint itself, as either formal or informal. Appropriate resolution mechanisms are recommended following an assessment of the particulars of the complaint to determine the appropriate response.

- Complaints are normally managed informally where staff or affiliates make or address a complaint to the individual, faculty or unit that is the subject of the complaint and the issues are managed and/or resolved locally (see [the procedures](#)). This represents the majority of complaint management processes at UTS.
- Complaints that include harmful and/or potentially unlawful behaviour are managed formally. These complaints may originate with, or are escalated to, the SCO in line with this policy and the procedures.

**Grievance** is defined in the relevant [enterprise agreements](#).

**Procedural fairness** means ensuring that all participants are aware of the complaints process and are kept informed of and throughout the process. It also means that the person subject to the complaint is informed in sufficient detail so they understand the complaint and how they might respond. There must be a proper investigation of the facts.

**Resolution** is defined in the [Student Complaints Policy](#).

## 7. Approval information

Policy contacts	Staff Complaints Officer Director, Equity, Diversity and Inclusion
Approval authority	Vice-Chancellor
Review date	2024
File number	UR20/1794
Superseded documents	Handling Staff Grievances Vice-Chancellor’s Directive (UR 16/887)

### Version history

Version	Approved by	Approval date	Effective date	Sections modified
1.0	Vice-Chancellor	07/04/2021	08/04/2021	New policy.
1.1	Director, Governance Support Unit (Delegation 3.14.1)	19/05/2021	17/06/2021	Changes to reflect new organisational structure of the Centre for Social Justice and Inclusion.
1.2	Vice-Chancellor	28/04/2022	28/04/2022	Changes and updates to reflect new ownership under portfolio realignment under Fit for 2027 project.

## Web version

[Staff Complaints Policy](#)

## References

[Anti-Discrimination New South Wales](#)

[Australian Human Rights Commission](#)

[Centre for Social Justice and Inclusion](#)

[Code of Conduct](#)

[Complaints portal](#) (SharePoint, staff only)

[Enterprise agreements](#)

[Equity, Inclusion and Respect Policy](#)

[Fair Work Commission](#)

[Guidelines to Counter Foreign Interference in the Australian University Sector](#)

Information Security Classification Standard, available at [Information security](#) (SharePoint, staff only)

[NSW Ombudsman](#)

[Privacy Policy](#)

[Records Management Policy](#)

[Staff Complaints Procedures](#)

[Student Complaints Policy](#)