



# Complaints Handling Policy

## Background and context

Our Centre is committed to providing a learning and working environment in which complaints are responded to promptly and with minimum distress and maximum protection to all parties. As part of its commitment to creating a supportive and open organisational culture, the Centre is committed to ethical and responsible management, transparency in its decision-making processes, and a visible, accessible and fair complaints process. The Centre views student complaints as providing an opportunity to review and improve its policies and practices, and also to gain insight into student levels of satisfaction.

## Purpose and scope

This policy applies to all aspects of a student's educational experience at this ITEC Centre. Students may make a complaint about:

- other students at the centre
- academic and support staff (including continuing, contract, sub-contract or casual, visiting appointments, guest lecturers)
- visitors to the centre or
- people external to the centre that students interact with as part of an approved external program of study such as work experience, industrial or clinical placements, exchanges or work-based learning units.

Students may make a complaint about any matter which relates to their program of study, even if the incident which is the basis of the complaint did not occur at the centre. The scope of this policy includes incidents arising from field trips, external placements, exchanges, UTS social functions, off-shore or distance education courses, etc.

# Definitions

## What is a complaint?

A complaint is a statement expressing dissatisfaction made, that requires action or response. The person making the complaint ("the complainant") will have to be identified to the person complained about ("the respondent"), unless the facts of the complaint are not disputed.

The centre seeks feedback from students about administrative and academic programs and services using a range of surveys and other feedback mechanisms, and acts to address any issues identified. The centre recognises that critical comment and response are an important part of the collective endeavour to improve the quality of educational programs and community life, and such feedback would not normally be viewed as a complaint unless specific action was requested. In some cases however, students may feel that they have experienced unreasonable treatment, disadvantage or distress which they want to make a complaint about.

## Policy provisions

### Principles for complaint handling at the centre

The centre procedures for handling student complaints are based on confidentiality, impartiality, procedural fairness, protection from victimisation and prompt resolution.

Where appropriate, complaints will be resolved at the lowest possible level of management. However, the centre recognises that some complaints are most appropriately dealt with at a more senior level, e.g. complaints of victimisation or unlawful discrimination or harassment, complaints that could lead to a finding of misconduct or disciplinary action being taken against a staff member or student. Procedural fairness will be observed in all aspects of handling a complaint. In practice, this means that all parties to a complaint will be informed of the complaint, the specific allegations being made, and all parties will be given the opportunity to respond to any allegations made. Procedural fairness usually requires that the complainant must be willing to be identified to the subject of the allegation unless the facts of the matter are not in dispute, or where the matter involves allegations of corruption, maladministration, serious waste of public money or child abuse.

All parties to a complaint may, if they choose, seek advice from and/or be assisted and/or represented by their chosen representative. Such representatives will not be a barrister or solicitor in private practice.

The centre will usually not accept anonymous complaints. Possible exceptions include where matters involve allegations of corruption, maladministration, serious waste of public money. Such matters could involve significant public interest issues or a serious abuse of power. The identity of the person making the claim is not always essential for the proper investigation of such a complaint.

### ***No complaint will be pre-judged.***

Staff have a responsibility to respond to complaints within a reasonable timeframe. Complaints will be responded to as quickly as possible in the circumstances, and complainants will be advised of the proposed timeframe for resolution. Unless a complaint is unusually complex or involves allegations of misconduct, the centre will achieve resolution of a complaint within 4 weeks of the complaint being lodged with the appropriate person in authority. If it is not possible to achieve resolution within this timeframe the complainant will be advised of this, and will be kept informed of the progress of the matter. Students should be aware that if the matter has been lodged initially at an inappropriate level of authority, it may take longer to respond to the complaint.

Staff will ensure that they have no conflict of interest or bias in relation to any party to the complaint, and that there is no perception by the parties that they have a conflict of interest or bias. If the person in authority does not believe they can handle the complaint in an impartial way, they will exclude themselves from the process, and refer the matter to their supervisor. If one of the parties to the complaint believes that the person in authority has a conflict of interest or bias, they should refer the matter to that person's supervisor.

Confidentiality will be respected wherever possible within the constraints of the need to fully investigate the complaint, and matters pertaining to the complaint will not be discussed beyond the parties to the complaint, their chosen representatives (where applicable) and staff involved in resolving the complaint. In some cases resolution of the complaint may also involve appropriate bodies external to the centre, e.g. statutory bodies.

Resolution of the complaint will usually take into account the preferred process of resolution of the person who made the complaint. However, there may be instances where a complaint is of such a serious nature that formal action is required that is beyond the wishes of the complainant, e.g. when a complaint raises or relates to allegations of unlawful behaviour or corruption or when the Centre's duty of care to staff or students may be compromised if no action is taken.

## **Responsibilities of managers, staff and students**

Managers and other designated staff at the centre are responsible for responding appropriately to complaints and managing the resolution process in keeping with the centre's complaint handling principles, relevant policies and procedures. They are also responsible for ensuring that staff and students involved in the complaint resolution process understand their rights and responsibilities in relation to this policy.

All students and staff have a responsibility to contribute to the achievement of a productive, safe and equitable study and work environment at the centre. In particular, students and staff have a responsibility to:

- participate in the complaint resolution process in good faith

- cooperate fully in any investigation process
- assist the complaint handler in reaching satisfactory resolution wherever possible
- avoid complaining about the same matter to several different units or individuals at the same time
- avoid making complaints or counter-complaints with a mischievous or malicious intent.

## **Accountability for student complaints**

A key principle in the centre complaint resolution process is that complaints are resolved wherever possible at the lowest appropriate level of management. A good guiding principle is for students to consider who would be the person most likely to have the relevant information to assist them in resolving their concern.

Students are encouraged to raise their complaint in the first instance directly with the person concerned. This is appropriate in matters where the student feels comfortable with making a direct approach, or where the complaint does not relate to allegations of unlawful behaviour (e.g. assault, illegal discrimination or harassment, corruption).

## **How to make a complaint**

A complaint to a person in authority will usually be in writing or discussing, and due to the requirements of procedural fairness the complainant will have to be identified unless the facts of the matter are not in dispute.

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

Students will receive written advice of the outcome of their complaint. The outcome will be in keeping with the seriousness of the incident which was the basis of the complaint, and outcomes will be applied consistently across the University. Some of the possible outcomes of a student complaint include:

- Through the resolution process the student gains a better understanding of the situation so that his/her concerns are addressed.
- A mutually acceptable resolution is reached through conciliation or mediation.
- The student receives an apology, and/or the issue or behaviour that was the basis of their complaint is modified.

In some cases, the complaint cannot be substantiated and no further action will result.

In more serious cases, the centre's formal disciplinary processes will be invoked. Any disciplinary action will be undertaken in accordance with the processes. Formal warnings about inappropriate behaviour are a common outcome in the first instance, unless the behaviour is of a very serious nature (for example,

involving repeated incidents of inappropriate behaviour or serious breaches of the code of conduct). The most serious breaches may result in expulsion (for students) or dismissal (for staff).

## **Further action**

Students unsatisfied with the outcome of a complaint can pursue the complaint through other appropriate internal or external processes.

## **Documentation**

All documentation relating to complaints will be kept strictly confidential and will not be accessible to anyone who is not directly involved in handling the complaint. Any material about the outcome of the complaint will be placed on the appropriate student and/or personnel file in accordance with the requirements of the Policy on Employee Records and the Policy on the Privacy of Student Records, and will only be accessible to authorised officers at the centre and the individual concerned.