



Staff Complaints and Appeals Procedure

Purpose

This Procedure is intended to enable uniform resolution of complaints by the staff of Victorian School of Commerce (VSC). It sets out the procedures staff should follow so that VSC can deal with these complaints effectively.

Scope

This Procedure applies to all complaints made by the academic and professional staff, contractors and volunteers of VSC, except for those matters that are outlined in the Exclusions below. The procedure includes:

- a. Complaints about the behavior of any other person (but not limited to bullying, sexual harassment or discrimination)
- b. Complaints made about the administrative practices of VSC.
- c. Complaints about the application or misapplication of VSC's policies and procedures.
- d. Complaints made by Students (See *Student Complaints and Appeals Policy*)
- e. Any other complaint not excluded

This Procedure does not apply to:

- Complaints made by members of the public
- Complaints about Academic Integrity (See *Academic Integrity Policy*)
- Complaints about Conflict of Interest (See *Conflict of Interest Policy*)
- Complaints about Equity and Diversity (See *Equity and Diversity Policy*)
- Complaints about Health and Safety (See *Health and Safety Policy (Staff and Students)*)

Definitions

Appeals – a request to consider a result or decision arising from a complaint.

Complainant is the staff member(s) who makes or raises a complaint and who is seeking a resolution

Complaint is a grievance about any work issue, problem or dissatisfaction related to the management of administration of their work.

Conflict of Interest – in this context where the person handling the complaint may be perceived as not impartial because of previous or current involvement in the matter being complained about.

Formal Complaint means the complaint is issued in writing because it cannot be resolved by the Informal Complaint process. Formal Complaints are usually managed by Human Resources or through conciliation or mediation.

Informal Complaint means that parties to the complaint will deal directly with each other and/or any person/s involved and is resolved without a Formal Complaint being raised.

Conciliator is an appropriately qualified person, usually appointed by the Director of Human Services, to conciliate in a non-judgmental manner between the persons involved in the complaint in order to discuss options and come to an effective solution.



Mediation encourages discussion and negotiation in a non-threatening manner and is to enable parties to reach an agreement and settle the dispute.

Respondent refers to the staff member or members against whom the complaint has been made

Procedure

All complaints lodged at VSC are to be dealt with fairly, constructively, confidentially and expeditiously, through the application of the principles of procedural fairness and justice.

Any breaches of confidentiality, whether careless or otherwise, on the part of the parties involved in the resolution of the complaint may be considered as serious misconduct and subject to further action by the Institute. (See *Academic Integrity Policy*)

The process and procedures for academic and non-academic complaints set out in the *Staff Complaints and Appeals Policy* is as follows:

1. Informal Complaint or Self-Resolution
2. Formal Complaint
3. Investigation of Formal Complaint
4. Initial Outcome of Formal Complaint
5. Internal Appeal of Initial Outcome
6. Outcome of Appeal and Review
7. External Appeal and review

Depending on the seriousness of the matter, a staff member will decide to either raise the matter informally or formally.

Informal Complaint Local or Self Resolution

- a. When an issue arises or a complaint is made, staff of VSC are encouraged to attempt to resolve the issue through informal resolution as early as possible before the situation escalates. An informal complaint does not require any lodgment of the complaint in writing.
- b. In the first instance staff may seek to resolve the issue by speaking directly to the person involved. They may seek appropriate advice from a specialist in the area. Staff may decide to choose another staff member to raise the complaint on their behalf.
- c. Staff are encouraged to speak to their CEO or Administration Manager in the first instance if this is appropriate in the circumstance, in order to seek information to resolve the matter quickly.
- d. Staff may also seek assistance from the Employee Assistance Program (EAP). The EAP is a confidential, externally managed program of qualified professional and consultants who are employed by the Institute to give assistance to staff and work with them to develop strategies needed to enable them to solve their problems.

Formal Complaint

- a. Formal complaints are commenced when a staff member lodges a written complaint with the CEO or Administration Manager. Once received, it must be lodged in the Complaints Register and then is generally addressed by the CEO or the Administrative Officer, unless the complaint is against the Administrative Manager. It will then be addressed by the CEO



Investigation of the Formal Complaint

- a. Evidence is to be gathered by the person charged with the investigation and an outcome is to be provided within 21 business days of the Formal Complaint being lodged. A written report needs to be provided including the outcome and the reasons given for this.
- b. The Complainant needs to be informed of the outcome in writing and given the opportunity to discuss this with the CEO.

Initial Outcome of Formal Complaint

Within two (2) business days of any investigation and report being finalised, the Complainant will be informed of the outcome in writing. Due to the principles of Privacy and in the interests of a fair, robust and independent investigation, details of the investigator will not always be disclosed to the parties.

Internal Appeal of Initial Outcome

Where a complainant remains unsatisfied with the outcome, they will have 10 business days to lodge any appeal in writing. The matter is then uplifted to the next level above. For example, if the investigating office is the Administrative Manager, the appeal will then go to the CEO. It is recommended that Human resources develop a process for internal mediation if this is required.

Mediation will be arranged at either the request of the parties involved or at the discretion of the CEO. Mediators will be neutral and independent including at least one VSC staff member. Mediation will be arranged, where practicable, within five business days of the request or decision.

Outcome of Appeal and Review

The review officer for any Appeal must report in writing his or her findings. The evidence and the outcomes and factors which impinge on the case need to be taken into account. The Staff member will be notified within 15 business days of the review. If the Staff member is not satisfied with the Internal Review they are recommended to apply for an external review.

External Appeal and Review

A dissatisfied member may seek external review of the decision. The finding will be recorded in the Staff personnel file. The finding must also be recorded in the Complaints register. All recommendations made by the relevant external authority will be binding on the parties involved in the staff complaint process and will constitute a settlement of the matter.

Related policy instruments

Academic Integrity Policy

Bullying, Discrimination and Harassment Prevention Policy

Code of Conduct

Conflict of Interest Policy

Delegations Policy

Delegations Register

Equity and Diversity Policy

Health and Safety Policy (Staff and Students)

Privacy Policy

Professional Development Policy



Recruitment and Selection Policy

Risk Management Policy

Scholarly Activity Policy

Staff Complaints and Appeals Policy

Student Complaints and Appeals Policy

Student Complaints and Appeals Procedure

Student Wellbeing and Support Policy

Student Wellbeing and Support Procedure

Teaching and Learning Policy

Related documents and legislation

Australian Government Fair Work Ombudsman

Equal Opportunity Act 2010

Health and Disability Services (Complaints) Act 1995

Higher Education Standards Framework (Threshold Standards) 2021 Part 19 Mental Health Act 2014

Victorian Equal Opportunity and Human Rights Commission

Administration

Revision History

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| 0.1 | 15/04/2019 | Board of Directors | |
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