

Staff Complaint Policy and Procedure

This policy and procedure is a replacement to sections 6.8 Problem Resolution (guideline and procedure) and 14.1 Grievance Procedure of the Employee Manual.

1. Purpose

The purpose of this policy and procedure is to manage staff complaints, grievances and problems effectively and efficiently. All attempts should be made to resolve the issue informally, and as soon as practicable, at the level of the local workplace. The Institute will deal with grievances expeditiously, impartially and fairly.

2. Scope

This policy and procedure applies to all staff members of the Institute.

2.1. Exclusions

This policy and procedure does not apply to:

- complaints of unlawful discrimination, harassment, sexual harassment, bullying or victimisation (covered under section 9 of the Employee Manual);
- academic promotion (covered under Academic Promotion Policy);
- matters dealt with under the relevant disciplinary or termination processes (covered under section 10 of the Employee Manual).

3. Definitions

Term	Definition
Complainant	the person making the complaint.
Complaint	an expression of dissatisfaction, discontent or unhappiness with an action, decision or omission within the control or responsibility of the Institute in the delivery of academic, administrative or support services and includes an unresolvable problem or dispute. Complaints must be made in writing.
Grievance	a complaint to be investigated according to formal complaint processes. This includes complaints that are not able to be resolved through informal processes or mediation, and matters relating to allegations of misconduct where disciplinary action against a student or staff member

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Term	Definition
	may be an outcome of the investigation.
'High Risk' complaint	a complaint that has the potential to involve significant risk to the Institute or its students and staff. A significant risk means a high probability that is likely to create an impact of some size financially, physically and/or to the health and welfare of students and staff.
Institute Secretary	Means the person holding the position as Secretary of the Board of Directors within the Institute
Local level	the area of the Institute, such as a Department, Division or a School, within which the complaint is being made.
Natural Justice	<p>the natural justice principles including:</p> <ul style="list-style-type: none">• The respondent shall have a right to be heard before the decision is made;• All parties to a complaint shall have the right to be heard;• All relevant submissions and evidence shall be considered;• Matters that are not relevant shall not be taken into account; and <p>The decision-maker shall not be biased or appear to be biased.</p>
Senior officer	The Group General Manager/Academic Registrar, Director Marketing and Engagement and Campus Director(s) or nominees and such other staff designated senior officers by the Institute, who is independent of the subject of the complaint.
Supervisor	Means the person who directs the staff member and to whom that staff member reports
Responsible officer	an Institute staff member or external party independent of the subject of the complaint, nominated by Human Resources (HR).

4. Policy statement

The intent of this policy and procedure is to provide staff members with a complaint resolution process that is flexible and aims to resolve complaints in the best interest of all parties involved in work related issues and to:

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- encourage all staff members to raise issues that are of concern as soon as possible
- provide a process that aims to resolve complaints informally (where possible) but still allows for formal resolution or use of mediation if required.
- ensure that the Institute will follow transparent, fair and timely procedures for addressing complaints, grievances and problems in accordance with principles of natural justice, ensuring that all parties are treated equally and fairly.
- ensure that no staff member is penalised or disadvantaged resulting from the raising of a complaint.
- ensure information will only be disclosed to the parties directly involved in the complaint.

5. Procedure

5.1. The complaints process is contained in clause 5.8 detailing the procedure, responsibility and timeline for:

- informal complaints received by the supervisor; and
- complaints and grievances received by HR.
- Other complaints are investigated in accordance with clause 5.9. Any complaints forwarded directly to the CEO, senior officers or other staff will be referred to the appropriate supervisor to be evaluated and investigated in accordance with this policy and procedure.

5.2. In the first instance for an informal complaint, the parties to the complaint should discuss the issue in an attempt, in good faith, to reach agreement or otherwise resolve the complaint. There is no requirement to make a record of these informal discussions.

5.3. If the informal complaint is not resolved under 5.2 above, the complaint in relation to an individual staff member may initially be discussed between the staff member and his or her supervisor, or where this is not appropriate, with an HR Officer. The supervisor who receives the complaint will acknowledge the complaint to the staff member and then evaluate the risk level of the complaint. With the exception of high-risk complaints (which are referred to the Institute Secretary), the supervisor will investigate the complaint and notify the staff member of the outcome of the investigation.

5.4. If the outcome is not accepted, the staff member may seek a review by contacting HR.

5.5. On receipt of a complaint, HR will acknowledge the complaint in writing to the staff member and then appoint a responsible officer to investigate the complaint.

5.6. The responsible officer will determine the course of action under clause 5.8 or, where the facts of the issue cannot be established or there is no policy or principle to draw on in determining an outcome, the complaint may be referred to a senior officer. A person will

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not be appointed as the senior officer to investigate the complaint if that person has had any prior involvement in the matter forming the subject of the complaint, or where for any other reason it would be inappropriate for the person to be appointed.

5.7. The responsible officer or the senior officer will submit a report and recommendation to the CEO, on conclusion of the investigation, and the CEO will determine the action to be taken.

5.8. Complaints process:

5.8.1. Informal complaint received by supervisor

Procedure	Responsibility	Timeline
a) The parties discuss the issue to resolve complaint. Acknowledge complaint to staff member. Ensure that the staff member is directed to make the complaint to his/her supervisor.	Parties to the complaint Supervisor who receives complaint	As soon as possible Within 5 working days
b) Evaluate risk level. High-risk complaints must be referred to the Institute Secretary. c) Investigate complaint. Ensure the staff member is kept informed. d) Provide notification of outcome to staff member. e) If the outcome is not accepted by the complainant, advise them of the opportunity to seek a review by HR.	Supervisor who receives complaint	In a timely manner
f) Provide information on written complaint details and outcomes to HR.	Supervisor who receives complaint	In a timely manner
g) Record information about written complaint details and outcome in complaint records.	HR office	In a timely manner

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5.8.2. Complaint or Grievance received by HR

Procedure	Responsibility	Timeline
a) Acknowledge complaint.	HR	Within 5 working days
b) Appoint a responsible officer to investigate the complaint and take one of the following actions:	HR	Commence investigation immediately
<ul style="list-style-type: none">transfer responsibility for dealing with complaint to local level if the complaint has not been considered at the local level and it is appropriate for the complaint to be handled locally, or	Responsible officer	In a timely manner
<ul style="list-style-type: none">make a determination on practice / process consistent with Institute policy principles; or	Responsible officer	In a timely manner
<ul style="list-style-type: none">refer the matter to a senior officer where the facts of the issue cannot be established or there is no policy or principle to draw on in determining an outcome.	HR on advice from responsible officer	In a timely manner
c) The responsible officer or the senior officer will submit a report and recommendation for action to the CEO, on conclusion of the investigation.	Responsible officer or senior officer	Within 5 working days
d) The CEO will, having due regard for the recommendations of the report: <ul style="list-style-type: none">confirm the action;vary the action; orset the action aside and substitute a new action.	CEO	Within 5 working days
e) Notify the staff member in writing of the outcome of the investigation undertaken. Should a complex complaint not be resolved within 20 working days a formal written progress report	Responsible officer or senior officer	Within 20 working days.

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Procedure	Responsibility	Timeline
will be provided to the complainant within this timeframe.		
d) Record information about complaint details and outcome in the Institute complaint records. If the outcome is not accepted by the complainant and/or the respondent either party may seek the services of an external mediator. Where MIT is the respondent to a complaint or grievance sent to external mediation, MIT will pay 50% of the cost associated with the mediation. LEADR provides a mediator service. Website: www.leadr.com.au Email: leadr@leadr.com.au		Within 5 working days of the complaint outcome advice.

5.9. Other complaints will be investigated as follows:

- A complaint concerning the staff member's supervisor should be referred to a senior officer of the Institute.
- A complaint concerning a senior officer should be addressed to and dealt with by the Managing Director of the Institute.
- A complaint concerning the Managing Director or CEO of the Institute should be addressed to and dealt with by the Chair of Institute Board of Directors.

5.10 The Human Resources office will present an annual report of the staff complaint records, including complaint outcomes, to Board of Directors and the Executive Management, for consideration as part of their quality improvement feedback cycle.

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