



Complaints Handling Procedure

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Our Values

LTSA values a safe, inclusive, respectful workplace with a focus on providing our team members with an environment that supports their health, wellbeing, productivity, and effectiveness.

At LTSA we aim to foster professional, respectful, inclusive and effective relationships amongst team members and between team members, management, Governing Board of Directors and elected student representatives. We acknowledge that the enjoyment ALL experience in our roles is fundamental to individual and team success and the success of LTSA.

LTSA also acknowledge that problems can arise at work that may sometimes cause team members to feel aggrieved.

The purpose of this policy is to allow the team to have such problems, referred to as complaints, addressed internally in a timely and confidential manner.

A complaint may be about anything done, or not done, by management or another team member or team members, or elected student representatives which you feel affects you unfairly or unjustly. A complaint can also be about discrimination, harassment, bullying or any other employment related decision or behaviour that you think is unfair, unjust or upsetting.

This Complaint Handling Policy outlines the procedures you should follow to try to resolve a complaint and outlines the steps LTSA will take to resolve the matter if you make a formal complaint.

The procedure seeks to ensure that all complaints are handled sensitively, confidentially and in a manner consistent with principles of procedural fairness and natural justice. This document is to be read in conjunction with any relevant industrial instrument.



Policy Application

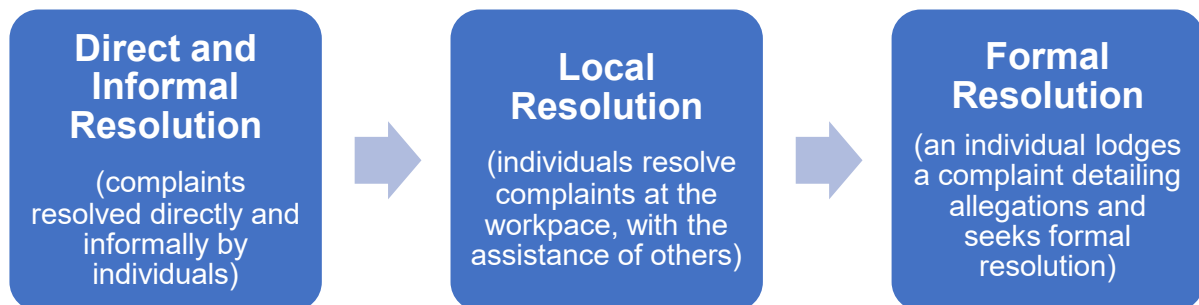
This policy does not form part of any contract of employment or any industrial instrument. It will be subject to regular review and may be amended by LTSA from time to time

This policy applies to the following persons, collectively referred to in this policy as 'team members':

- a) prospective and current full-time, part-time and casual employees;
- b) Governing Board of Directors;
- c) volunteers;
- d) agents and contractors engaged from time to time; and
- e) elected student representatives and members of LTSA bodies

Process for Managing Complaints

Early resolution provides the parties with a facilitated non-judgmental process in a safe environment to reach a mutually agreed solution. Matters resolved at this level will enable the issue to be addressed without the need for higher authority intervention and aims for a normal working relationship to be continued. LTSA encourages individuals to follow the three stages of the resolution process and to attempt genuine resolution at each stage, prior to moving to the next.



Direct and Informal Resolution

Direct and informal resolution focuses on solving the problem rather than substantiating something inappropriate happened. Therefore, individuals should attempt to resolve concerns regarding unacceptable behaviour or discrimination directly with the person. In doing so, individuals should:

- a) tell the person which behaviour or decision they consider unreasonable and unacceptable;
- b) ask them to stop or to behave or decide differently; and
- c) keep a written record of this action.

Local Resolution

Where an individual does not feel comfortable raising the matter directly with the person, they should raise it with the GOO.

If the GOO is the subject of the complaint, or is perceived to be in some way associated with it, or the individual does not feel comfortable approaching the GOO, then the individual may seek assistance from the Governing Board of Directors Chair as the GOO's employer.

If the complainant involves either a Governing Board Director and/or elected student representative, they should raise their complaint with the GOO.

The GOO and the Chair of the Governing Board Directors have a responsibility to monitor the workplace and to seek to prevent or identify and respond to conflict and to assist individuals to resolve conflict directly. Each are encouraged to work through a local resolution framework. They should focus on the identification of the cause(s) of the issue identified or the complaint and implementing strategies to address them at the local level.

To protect the rights and privacy of all involved, to maximise the prospect of successful resolution and to ensure a comfortable and productive environment, those involved in the complaints handling process should only discuss the complaint with persons legitimately and directly involved in the complaint or in its resolution.

Both parties to the complaint will be informed of the outcome of the complaint.

Formal Resolution

Where resolution at the local level is not possible or is not appropriate due to the serious or complex nature of the complaint, a formal complaint should be reported to the GOO.

Formal complaints should contain:

- a) a description of the complaint, incident(s), decision, behaviour in question;
- b) the time and date of the incident(s);
- c) the names of any witnesses; and
- d) signature and date of the complaint.

A formal complaint triggers a procedure which includes:

- a) investigation;
- b) decision-making about whether the complaint can be substantiated; and
- c) the implementation of an action to remedy the complaint as authorised by the LTSA GOO, or if against the GOO by the Chair of the Governing Board of Directors, or, where this power has been explicitly delegated, their delegate.

Investigation

An appropriate person appointed by the GOO or if against the GOO, the Governing Board of Directors Chair, will be responsible for investigating any formal complaints. How the investigation is to be conducted is at the complete discretion of LTSA. It is most likely that an independent investigator will be brought in and they may or may not be a LTU staff.

A formal investigation usually involves interviews being conducted with the complainant, with the subject of the complaint and with any witnesses. There will also be the need for any formal investigation to have a written scope to be undertaken as part of the investigation prior to it commencing.

General Principles for Investigations

- a) **Confidentiality** – Only the persons directly involved in making or investigating a complaint, witnesses, or any other person who needs to be involved in the complaint to ensure a suitable resolution is achieved, will be involved in the complaints process and / or have access to information about the complaint.

- b) **Impartiality** – Both sides will have an opportunity to present their version of events. No assumptions will be made, and no action will be initiated until all relevant information has been collated and duly considered.
- c) **Support** – Both sides are entitled to have a support person present during the complaint process. Support can be provided by any person chosen by the parties, including a union representative or work colleague.
- d) **Victimisation** – No action will be taken against anyone for making a genuine complaint or helping someone make a complaint. Employees who engage in the victimisation of persons who have made a complaint and/or against an alleged harasser will be subject to a disciplinary process.
- e) **Timeliness** – All complaints are to be dealt with as expeditiously as is practicable.
- f) **Records** – formal records will be kept of the investigation
- g) **Notification** - Both sides to the complaint will be informed of the outcome of the complaint.

Investigation Outcomes

Typically, the investigation will determine whether:

- a) the complaint is substantiated;
- b) the complaint is unsubstantiated; and
- c) the complaint is found to have been fabricated or vexatious.

Unsubstantiated Complaints

If a complaint is not substantiated (or otherwise is inconclusive as a result of insufficient detail or evidence provided) the following actions may be initiated:

- a) training or retraining; and
- b) ongoing monitoring of behaviour.

Substantiated Complaints

If a complaint is substantiated, one or more of the following actions may be initiated:

- a) a written apology to the complainant;
- b) training or re-training;
- c) performance management, counselling or other disciplinary action up to and including termination of employment or engagement;
- d) a change in working arrangements; and
- e) facilitated discussion or mediation between the parties.

In some cases, a person may also be held personally liable for their actions and/or behaviour, in which case, they may face external legal action where it is initiated by the aggrieved party. In such circumstances LTSA will neither pay nor reimburse individuals for personal monetary penalties or legal fees.

Vexatious Complaints

Reports of complaints must be genuine and honest. If any team member is found to be making a malicious complaint, or a complaint without substance, they may be subject to disciplinary action in accordance with LTSA's ***Disciplinary Policy***.

External Assistance and Advice

If the complainant is not satisfied with the way complaint was handled, they may have the option of raising the complaint with an outside agency, such as the Australian Human Rights Commission the Fair Work Ombudsman or the relevant State Anti-Discrimination Board and other bodies.

Direct Action by LTSA

There are instances where LTSA will act on a matter without a complaint, or even if the person making a complaint does not want further action taken, LTSA will act on the complaint. These are serious allegations of unacceptable behaviour or discrimination where LTSA feels or is legally obligated to act. Some matters may also be considered a criminal offence and may be reported to the Police or other relevant body. For example, physical molestation or assault, indecent exposure and stalking or assault or sexual assault.

Breach of Policy

LTSA treats any breach of its policies or procedures seriously. LTSA encourages reporting of concerns about non-compliance and will manage compliance in accordance with the *Higher Education General Staff Award 2020*, National Employment Standards (NES), Disciplinary Policy and employment contract terms.

Governance

Related Policies & Procedures	<ul style="list-style-type: none"> • LTSA Code of Conduct • LTSA Anti-Bullying Policy • LTSA WHS Policy • LTSA Equal Opportunity Policy • LTSA Freedom from Harassment Policy
Legislation Mandating Compliance	<ul style="list-style-type: none"> • Equal Opportunity Act 2010 (VIC) • Age Discrimination Act 2004 (Cth) • Disability Discrimination Act 1992 (Cth) • Sex Discrimination Act 1984 (Cth) • Racial Discrimination Act 1975 (Cth) • Australian Human Rights Commission Act 1986 (Cth) • Fair Work Act 2009 (Cth)
Policy Owner	Governance and Operations Officer (GOO)
LTSA Governing Board of Directors Approval	15 th March 2021
Review Date	15 th March 2024
Version	2