

# Complaint Management Policy

## Section 1 - Purpose and Context

- (1) This policy explains how the University deals with complaints from current and prospective students, staff and members of the public.
- (2) The University's approach to complaints aims to:
- provide a free, fair, timely, efficient and accessible facility to lodge a complaint;
  - enable the University to respond to problems appropriately;
  - assure people that complaints will be dealt with impartially;
  - identify potential improvements in the University's programs, services and performance; and
  - empower people to resolve concerns at the point of origin (with the exception of serious complaints which must be submitted to the Complaints Resolution Unit).
- (3) There are separate policies and procedures to review and investigate:
- handling of personal and health related information;
  - marks and grades;
  - staff performance and misconduct;
  - student misconduct;
  - whistleblowing (including public interest disclosures);
  - student residential accommodation; and
  - exclusion for non-progression.
- (4) The complaint management process set out in this document does not normally apply to the above types of matters. The Director, Complaints Management and Resolution has discretion to accept a complaint pertaining to a breach of procedural fairness in an appeals process, if the complainant provides relevant evidence. Further, the University recognises that a complaint about student or staff behaviour may be received under this policy, but then transferred to the relevant staff or student process set out above.
- (5) This policy applies to complaints about incidents or matters that:
- relate directly to University business decisions or operations, whether on or off campus (including field trips, conferences, practicum and clinical placements); and
  - involve people who are officers of, are employed by, or otherwise engaged by the University (such as contractors and agents) and/or involves behaviour of current students; and
  - have already been dealt with at the point of origin for response, but where the complainant remains dissatisfied; or
  - meet the definition of a serious matter.
- (6) Complaints pertaining to the behaviour of employees of placement organisations or third party providers will be received under this policy, but will be referred to the relevant organisation for investigation under their employment

procedures. The University will investigate to the extent possible, provide support to the complainant where appropriate and report back to the complainant at the conclusion of the University's investigation. In these circumstances, the University expects the placement organisation or third party education provider to advise the Complaints Resolution Unit when the investigation has concluded, including whether the substance of the complaint was found to be true. The University does not expect to be advised of any outcome applied within the employment context, due to privacy constraints.

## Section 2 - Definitions

(7) In this Policy, the following words have these meanings unless the context requires otherwise:

- a. complaint means an expression of dissatisfaction about the University that requires review, investigation and/or action, and that is drawn to the attention of the University;
- b. complaint management system means all procedures, policies, practices, staff and software that the University uses in managing complaints;
- c. complainant means a person who makes a complaint under this policy;
- d. concern means an issue that has arisen but has not yet been addressed at the level of origin;
- e. CRU means the Complaints Resolution Unit of the University;
- f. feedback means matters that may be presented as a complaint, but do not warrant action beyond noting and referral to the relevant management area for consideration;
- g. frivolous means a complaint that lacks substance, or is trivial in nature, or has no serious purpose or value;
- h. legitimate complaint means a complaint that fits the definition of complaint and is not otherwise frivolous or vexatious;
- i. level of origin means the level of the University where the initial concern arose;
- j. policy means a statement that sets out how the University should fulfil its vision, mission and goals;
- k. procedure means a statement that sets out how the University's policies will be implemented and by whom;
- l. serious complaint refers to a complaint that:
  - i. if proven, could involve an offence under law (e.g. assault, sexual assault, theft etc); or
  - ii. obliges the University to act (e.g. sexual harassment, harassment, victimisation etc); or
  - iii. may otherwise present a significant risk to the University, its students, staff or community;
- m. support person means a person whom the complainant or respondent appoints to provide personal support only throughout the process of managing a complaint under this policy;
- n. Vexatious means a complaint that is assessed as being made for the purpose of either or any combination of the following: annoying, bothering, embarrassing, harassing, causing trouble for and/or unfairly damaging the respondent.

## Section 3 - Policy Statement

(8) The University will accept legitimate complaints submitted under this policy. Legitimate complaints enable the University to identify and act on inconsistencies between the standards promised and/or provided and reasonable expectations.

(9) The University encourages its students and staff to be independent and effective problem solvers. Therefore, attempts to resolve concerns at the local level of origin should be made before lodging a complaint. Serious complaints are an exception to this requirement.

(10) All complaints must:

- a. clearly state:
  - i. what occurred that the complainant believes should not have;
  - ii. what the complainant seeks as an outcome; and
  - iii. what action the complainant took at the point of origin to try to resolve the matter;
- b. be accompanied by relevant evidence and/or indicate the existence of relevant evidence in the University's possession that is accessible through reasonable inquiry; and
- c. be lodged with the CRU within six months of the incident, subject to clause (14) below.

(11) A complaint will not normally be accepted if:

- a. it is considered frivolous or vexatious; or
- b. the subject matter of the complaint has been dealt with previously under an appropriate process of the University; or
- c. it is more appropriate to be dealt with as feedback; or
- d. it is made by a third party on behalf of a student/staff member and that student/staff member subsequently decides not to pursue it. The exception will be any instance where the University considers further action is warranted either to comply with the University's own obligations at law or is in the public interest; or
- e. it fails to meet the acceptance criteria in Clause (5) of this policy.

(12) Complaints made by a third party on behalf of another will be considered by the Director, Complaints Management and Resolution, who will determine if the complaint will be accepted for review.

(13) Where a complainant submits repeated complaints about a matter that has previously been dealt with and responded to, the Director, Complaints Management and Resolution may refer the behaviour for consideration under the relevant misconduct procedure.

(14) Complaints lodged after six months from the date of the relevant incident(s) or decision will be assessed by the CRU and only investigated where:

- a. it is a serious complaint as defined in this policy; and
- b. the complainant can demonstrate that circumstances beyond their control prevented them from lodging the complaint within the six month deadline; and
- c. it is still practical for the University to investigate the complaint.

(15) Anonymous complaints will be accepted, reviewed and investigated to the extent possible, but only where sufficient information has been provided.

(16) The University will attempt to protect the identity of people making a complaint where it is practical and appropriate, taking into account any requirements of procedural fairness.

(17) Complainants will be:

- a. listened to and treated with respect by staff involved in the complaint process;
- b. provided with information about the complaint handling process;
- c. provided with information on external agencies that may review their complaint;
- d. provided with written advice of the outcome of their complaint, including reasons;
- e. protected, to the extent possible, from any detrimental action related to them having made a complaint;
- f. allowed to have a support person accompany them to any meeting or interview required under this policy and/or to be included in any correspondence relating to their complaint;

- g. allowed to appoint an advocate or independent advisor to act on their behalf;
- h. be provided with information on any support services available via the University;
- i. be provided with information on external agencies that may review the complaint outcome, once determined.

(18) Complainants and respondents are expected to:

- a. treat University staff with respect at all stages of the complaint process and not behave in an unreasonable or unreasonably persistent manner;
- b. respond to requests for additional information in a timely manner.

(19) Respondents will:

- a. be afforded procedural fairness, which includes being advised of the substance of any complaint that they are asked to provide response and/or input to;
- b. be allowed to have a support person accompany them to any meeting or interview required under this policy and/or to be included in any correspondence relating to the complaint;
- c. be provided with information on any support services available via the University.

(20) Making a complaint under this policy is a serious matter with potentially serious consequences for those involved. Persons who provide information are expected to be honest and not provide information that is false or misleading. The University reserves the right to take appropriate action (including disciplinary action or reports to the NSW Police or the [NSW Independent Commission Against Corruption](#)) if this occurs.

## Section 4 - Procedures

(21) There are five stages in the complaint management procedures.

### Stage 1 - Receipt and Acknowledgement

(22) Complaints may be submitted using the form on the CRU web site.

(23) Where this is not possible, complainants may email [complaints@westernsydney.edu.au](mailto:complaints@westernsydney.edu.au) or they may call (02) 9678 7900 to lodge their complaint.

(24) When the complaint is received in writing by the CRU, it will be recorded and acknowledged in writing the same or next working day.

### Stage 2 - Assessment

(25) The complaint will be assessed by the CRU to determine whether the issues raised in it are within the University's control and/or meet the criteria set out in this policy.

(26) A complaint accepted for review will be allocated to a CRU Complaints Case Manager who will commence action on the complaint within 10 working days of it being made, and finalise the outcome as soon as practicable.

(27) Where it is determined the issues are not within the University's control and/or the complaint does not meet the acceptance criteria, the CRU will write to the complainant and provide reasons.

(28) When a complaint is accepted by the CRU for inquiry under this policy, it will consider:

- a. how serious or urgent the complaint is;
- b. whether the complaint raises concern about people's health or safety;

- c. how the complainant is affected;
- d. the risks involved if attempted resolution of the complaint is delayed;
- e. whether the attempted resolution requires the involvement of other areas of the University, or other organisations;
- f. to the extent possible, the capacity of the complainant and respondent to engage in the process.

### **Stage 3 - Dealing with the Complaint**

(29) Following receipt and initial assessment of a complaint, the CRU will decide the most appropriate way to try and deal with the complaint. This could mean referring it to be dealt with under another process (including by an external body, such as a placement agency or third party provider of education), depending on the type of complaint and against whom it is made. For complaints involving behaviour required to be handled under the [Academic Staff Agreement 2022](#) or [Professional Staff Agreement 2022](#), the CRU will refer the matter to the Office of People after taking a preliminary statement.

(30) Where appropriate, the CRU will inquire into some or all aspects of the complaint and may require the complainant to provide a detailed statement before referral.

(31) The relevant CRU Complaints Case Manager will update the complainant at key points of the process, particularly if there are delays.

### **Stage 4 - Resolution and Outcomes**

(32) The CRU will work with the relevant school, business unit or staff member(s) to which the complaint relates to find out what happened. Depending on the seriousness and complexity of the complaint, this may involve CRU undertaking a detailed investigation and interviewing witnesses.

(33) The role of the CRU is to make findings of fact in the course of any inquiry or investigation. It is not the role of the CRU to decide how an individual complaint is to be ultimately resolved.

(34) If the University appears to be at fault, the CRU will try to resolve the matter in a way that is mutually acceptable to the University and to the complainant.

(35) Any agreed resolution is to be implemented by the relevant School or business unit in a timely manner.

(36) At the conclusion of the complaint/investigation process, the CRU will write to the complainant to address the substance of their complaint and advise them of:

- a. the outcome of the complaint and any action taken or agreed to be taken;
- b. the reason(s) for the outcome;
- c. any remedy for them, or change to process that has been put in place as a result of the complaint; and
- d. any options for review of the outcome, including by an external agency.

(37) If there are, or may be, adverse findings about a particular individual, the University will consider any applicable privacy obligations under the [Privacy and Personal Information Protection Act 1998](#) and any applicable exemptions in or made pursuant to that Act, before sharing any findings about that individual with the complainant.

(38) This may mean, for example, advising a complainant that their complaint was dealt with under the misconduct provisions of the relevant Staff Agreement or [Student Misconduct Rule](#), but not advise the particular findings or outcomes of that process.

(39) Written advice concerning the outcome of the complaint will normally be provided within 20 working days of

receipt.

## **Stage 5 - Record Keeping**

(40) The CRU will keep a comprehensive record including:

- a. a copy of the complaint;
- b. a copy of the acknowledgement;
- c. correspondence relevant to the assessment, remedy and outcome;
- d. any recommendations for systemic or policy change arising from the complaint; and
- e. a copy of the letter of outcome to the complainant.

## **Reporting on Complaints**

(41) The CRU will report on a regular basis to:

- a. the University's Executive;
- b. the University's Audit and Risk Committee; and
- c. relevant sub-committees and/or task forces.

(42) Reports are de-identified and may include information such as:

- a. number and categories of complaints received;
- b. outcome of complaints, including corrective action taken at an individual or systemic level;
- c. trends;
- d. average time to resolution and actual time to resolution viz target time; and
- e. changes arising from recommendations of any external review or audit findings.

## **Section 5 - Guidelines**

(43) Nil.

## Status and Details

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