

# Complaints Framework for Staff Policy

## Section 1 - Purpose

- (1) QUT is committed to managing and resolving staff complaints (Complaint) in an unbiased and fair manner, and in a way that ensures the health and safety of all parties involved, as far as reasonably practicable.
- (2) The University has established a complaint handling framework that encourages resolution of the matter at the most appropriate level and at the earliest opportunity.
- (3) As part of managing the health and wellbeing of all parties involved, the process is underpinned by the principles of natural justice and procedural fairness, and supports continuous improvement by identifying any systemic issues arising from a Complaint.
- (4) Complaints will be addressed under the resolution framework outlined in this Policy.
- (5) The University has also engaged external and independent complaint management service called [YourCall](#).
- (6) Staff have the option to utilise the existing internal pathways to lodge a complaint (e.g. with an appropriate Supervisor or leader) or to make a Complaint directly to [YourCall](#). If [YourCall](#) receives the Complaint it may act as the intermediary at all times, receiving and forwarding communication between the complainant and QUT.
- (7) [YourCall](#) has protocols in place to protect the anonymity of staff making complaints, noting there may be limitations on the extent to which anonymous complaints can be fully investigated and/or resolved.
- (8) Importantly, [YourCall](#) will refer all matters back to QUT for resolution in accordance with this Policy, where relevant, and updates on the complaint resolution process will be provided to [YourCall](#) for sharing with the complainant. Conflict of interest, Code of conduct and Confidentiality provisions apply to all those involved in handling Complaints.

## Section 2 - Application

- (9) This Policy applies to a Complaint made by current ongoing, fixed-term and casual/sessional staff of the University. If the Complainant ceases to be a staff member at any time during the resolution of the Complaint, this Policy has no further application because they are no longer bound by the policies and procedures of the University. The Vice-President (People) and Chief People Officer will determine if further action is required by the University.
- (10) There are two formal levels to the resolution of a Complaint. The levels are not necessarily linear and the Vice-President (People) and Chief People Officer may determine which stage to commence or proceed under at any time during the Complaint resolution process (including the informal resolution stage outlined at Section 4 below). Factors that may be relevant to the Vice-President (People) and Chief People Officer's decision, include (but are not limited to):
- wishes of the Complainant;
  - previous attempts to informally resolve issues the subject of the Complaint;
  - where facts are contested or likely to be contested;
  - previous relevant complaints;

- e. likelihood of successfully resolving the Complaint at the First Level;
- f. seriousness of the Complaint;
- g. complexity of the Complaint;
- h. any concerns about the wellbeing and safety of the Complainant, another party to the Complaint, or another member of the QUT community; and
- i. any other relevant matter.

(11) Complaints should be raised as soon as possible to allow effective resolution and fairness for all parties involved. The Vice-President (People) and Chief People Officer may refuse to accept a Complaint where it is made more than six months after the matter occurred that gives rise to the Complaint.

(12) This Policy does not apply if the subject matter of the Complaint relates to the following:

- a. University actions required by legislation (including workplace health and safety, industrial legislation and regulations), awards or agreements which require the University to handle a matter in a particular way;
- b. decisions of University Council;
- c. the content of approved University policy or procedures;
- d. matters which are being or will be handled in accordance with an alternative process set out in an [enterprise agreement](#) (for example, managing unsatisfactory performance, academic promotion, probation and redundancy processes);
- e. matters which are being or will be handled under another University policy (for example research misconduct, discrimination, or a public interest disclosure), unless a determination is made by the Vice-President (People) and Chief People Officer that this Policy applies; or
- f. disciplinary matters, i.e. misconduct and serious misconduct.

## Section 3 - Roles and Responsibilities

Position	Responsibility
Vice-President (People) and Chief People Officer	In accordance with the provisions of this Policy: <ul style="list-style-type: none"> <li>1. determines the application of this Policy to a Complaint made by a current staff member;</li> <li>2. receives Second Level formal complaints in writing;</li> <li>3. determines and responds in writing to Second Level formal complaints;</li> <li>4. in consultation with other relevant parties, takes steps to ensure the health and safety of all parties involved;</li> <li>5. receives relevant complaints via <a href="#">YourCall</a>.</li> </ul>
Supervisor	In accordance with the provisions of this Policy, notifies the Vice-President (People) and Chief People Officer that a Complaint has been received.
Complainant	In accordance with the provisions of this Policy: <ul style="list-style-type: none"> <li>1. considers informal resolution of a Complaint through discussion and, if necessary, mediation at the local organisational level;</li> <li>2. makes notification that a Complaint exists;</li> <li>3. notifies the Vice-President (People) and Chief People Officer in writing within 10 working days that a review of the outcome from the First Level is sought if they do not believe the matter has been resolved satisfactorily at the First Level;</li> <li>4. notifies the Vice-President (People) and Chief People Officer in writing as soon as possible where the complainant involves an external agency.</li> </ul>
Respondent	In accordance with the provisions of this Policy: <ul style="list-style-type: none"> <li>1. considers informal resolution of a Complaint through discussion and if necessary mediation at the local organisational level;</li> <li>2. notifies the Vice-President (People) and Chief People Officer in writing within 10 working days that a review of the outcome from the First Level is sought if they do not believe the matter has been resolved satisfactorily at the First Level.</li> </ul>

<p>Department of Health, Safety and Environment</p>	<p>In accordance with the provisions of this Policy:</p> <ol style="list-style-type: none"> <li>1. provides advice and support to QUT regarding health, safety and environment matters across all operations and activities of the University, including guidance on managing psychosocial hazards and the associated risks, under a risk management framework;</li> <li>2. refers staff complaints relating to possible psychosocial hazards to the Vice-President (People) and Chief People Officer.</li> </ol>
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## Section 4 - Resolution Framework

- (13) The University's framework for resolving complaints focuses on seeking resolution at the earliest possible stage. Before commencing a formal complaint process, a staff member is encouraged to consider informal resolution through discussion and, if necessary, mediation.
- (14) The Complainant or Supervisor may seek assistance and advice from relevant officers within Human Resources on an appropriate way to resolve the matter.
- (15) Where the Complaint has not been resolved through the recommended informal avenue at the local level, or where this is not appropriate, the staff member may request, in writing, that the Vice-President (People) and Chief People Officer initiate the formal resolution processes outlined in this policy.

## Section 5 - Management of Complaints

- (16) The following principles apply to the management of Complaints under this policy:
- a. The University recognises that staff members involved in these procedures may require support. Information on support available through the University’s [Employee Assistance Program](#) is available on the QUT Digital Workplace.
  - b. At the outset of managing the Complaint, the Vice-President (People) and Chief People Officer will identify relevant risks including psychosocial hazards for those involved and consider appropriate controls and responses. In addressing these matters, the Vice-President (People) and Chief People Officer may consult, as required, with relevant individuals.
  - c. A representative may assist or speak on behalf of each of the parties at any level of these Procedures.
  - d. Time limits are identified at each level to encourage timely resolution of issues. Processes must be completed within these time limits where possible unless the parties agree otherwise.
  - e. Confidentiality will be respected and maintained by all persons involved in the Complaint at all times, except where it is necessary to afford natural justice, which may require the disclosure of the Complainant’s identity and other relevant information to any respondent to a Complaint. Where it is necessary to disclose confidential information, relevant parties will be advised in advance (where possible). Information or consultation in relation to Complaints involving psychosocial hazards may be shared with work groups, Department of Health, Safety and Environment or Health and safety representatives. However, this may not be appropriate if the Complaint, report or subsequent investigation involves sensitive and confidential information about staff or other individuals.
  - f. Where a Complaint arises under this Policy the University shall, where possible, suspend activities relating to the Complaint during the operation of the related processes. The status quo shall, where possible, remain unchanged in all other respects.
  - g. If a staff member declines to lodge a Complaint in writing, indicates they do not wish their Complaint to be progressed in accordance with this Policy, or withdraws their Complaint, this will not prevent the University from continuing to pursue matters relevant to the Complaint where the University considers it necessary or appropriate having regard to all circumstances. The Vice-President (People) and Chief People Officer may

determine, having considered the circumstances of the matter, to progress the Complaint in accordance with this Policy or to follow an alternate process to resolve the Complaint.

- h. Nothing in this Policy prevents a staff member from referring matters of concern to a relevant external authority at any stage of the process.
- i. The Vice-President (People) and Chief People Officer may make an assessment at any time that the Complaint is, on the evidence available, vexatious, frivolous, trivial, misconceived or without substance or merit, constitutes Reasonable Management Action, is a repeat Complaint that has been considered previously, or that this Policy has no application. This will be communicated in writing to the Complainant. A staff member has seven working days from receiving this decision to lodge a review with the relevant divisional head.
- j. All decision-makers will ensure compliance with the [Conflict of Interest Policy](#) in this decision-making process. In this regard:
  - i. if the Vice-President (People) and Chief People Officer has a conflict of interest the General Counsel will become the decision maker; and
  - ii. if the Vice-Chancellor and President, Provost/Senior Deputy Vice-Chancellor or Vice-President (Administration) and University Registrar have a conflict of interest a non-conflicted divisional head or appropriate delegate will become decision maker.
- k. Where it is determined by the Vice-President (People) and Chief People Officer that this Policy is not applicable to the subject of the Complaint, the University has the right to determine under which of its University policies, if any, the Complaint will be handled. The Vice-President (People) and Chief People Officer will advise the complainant in writing accordingly.
- l. The parties involved in the Complaint must participate in good faith (including progressing matters in a timely manner). The University may take reasonable action if any party does not act in good faith. Such action may include:
  - i. a decision by the Vice-President (People) and Chief People Officer that the Complaint will not be further progressed; or
  - ii. following procedures for misconduct or serious misconduct (refer to the relevant [Enterprise Agreement](#) (QUT staff access only) for professional or academic staff, or the [Disciplinary Action for Misconduct and Serious Misconduct - Senior Staff](#)), where applicable.
- m. Records must be kept at all levels of the formal complaints process outlined in this policy, consistent with the [Records Governance Policy](#).

## Section 6 - First Level - Formal Resolution of the Complaint

(17) The focus at the First Level is on discussion and the attempted resolution of the Complaint undertaken in a formal way.

(18) The Complainant will advise their immediate Supervisor (or the Vice-President (People) and Chief People Officer), in writing, that a Complaint exists that has not been resolved informally, the nature of the Complaint, sufficient details about the Complaint so it can be progressed towards resolution, the resolution sought, and parties to the Complaint. In the event that a Complainant believes that the immediate supervisor is a party to the complaint, they should progress the Complaint to the Vice-President (People) and Chief People Officer.

(19) The Supervisor or person responsible is required to notify the Vice-President (People) and Chief People Officer that a Complaint has been made.

(20) Having been notified of the Complaint, the Vice-President (People) and Chief People Officer will consider all the circumstances of the Complaint. Where the Vice-President (People) and Chief People Officer determines the First Level

is the appropriate level under which to proceed, the Vice-President (People) and Chief People Officer will appoint a person to attempt to assist the parties to resolve the Complaint at the First Level (Assisting Party). The Assisting Party will generally be a staff member.

(21) The Assisting Party will use their best endeavours to assist the parties to find a resolution to the Complaint which is acceptable to the Complainant and other relevant parties. This may involve discussing matters together or separately with the relevant parties and may involve facilitated discussion, mediation or conciliation. The Assisting Party will adopt any necessary control measures to address psychosocial hazards to the parties involved, and parties will not be required to participate in a discussion, mediation or conciliation against their wishes.

(22) The role of the Assisting Party is not to investigate or make findings regarding the Complaint.

(23) The Assisting Party shall provide a written response to the Complainant and other relevant parties on their attempts to resolve the Complaint and any resolution reached/proposed, normally no later than twenty working days from the date the Complaint is received by the Vice-President (People) and Chief People Officer, or as soon as is reasonably practicable. The Vice-President (People) and Chief People Officer will be provided with a copy of the Assisting Party's written response.

## **Section 7 - Second Level - Review and Final Determination**

(24) Where the Complainant or a party to the Complaint does not believe the matter has been resolved satisfactorily at the First Level they can seek a review by the Vice-President (People) and Chief People Officer. Alternatively, the Vice-President (People) and Chief People Officer can determine to commence the resolution of the Complaint at the Second Level.

(25) Where appropriate, the application for review must be made in writing to the Vice-President (People) and Chief People Officer within ten working days of the party receiving the written response from the Assisting Party and must include:

- a. a copy of the outcome from the First Level (i.e. the written response);
- b. full and concise details of the Complaint, including the parties to the Complaint, steps taken to resolve the Complaint, and possible outcomes sought;
- c. any new information that may have had a material effect on the result at the First Level, had it been known at the time; and/or
- d. reasons why the outcome from the First Level does not resolve the Complaint.

(26) The Vice-President (People) and Chief People Officer will, normally within 20 working days of receipt of the written request or following their determination that the Complaint should commence at the Second Level, review the Complaint and any response at the First Level and either:

- a. make a final determination on the resolution of the Complaint based on the evidence provided and/or enquiries made; or
- b. appoint a suitable person to conduct an investigation, who may be internal or external to the University.

### **Investigation**

(27) The person conducting the investigation shall act expeditiously and shall have access to all persons and information they consider relevant to fully investigate the matter consistent with the principles of natural justice.

(28) The person conducting the investigation will adopt trauma-informed practices having regard to the health and safety of participants (including psychosocial hazards).

(29) The outcome of the investigation shall be reported in the first instance to the Vice-President (People) and Chief People Officer who will make a final determination on the resolution of the complaint.

## Final Determination

(30) The final determination of the Vice-President (People) and Chief People Officer on the relevant resolution of the Complaint and the reasons for the final determination will be provided in writing to the Complainant and the parties to the Complaint as soon as practicable. This will include a summary of any investigation and final determination which is relevant to that party.

(31) The Vice-President (People) and Chief People Officer may provide advice to the Vice-Chancellor and President on any remedial action which should be taken to resolve the Complaint, any systemic issues identified, psychosocial hazards and recommendations for addressing these, whether or not disciplinary action should be commenced against any staff member and any other action that should be taken.

## Section 8 - External Referral

(32) Where a Complainant:

- a. is already involved with the University's internal processes, or
- b. subsequently lodges a Complaint; and
- c. chooses to involve an external agency (Clause (16)h), they must notify the Vice-President (People) and Chief People Officer as soon as possible. The Vice-President (People) and Chief People Officer may determine that the application of this Policy will cease or be placed in abeyance pending the outcome of any external process concerning the Complaint.

## Section 9 - Variation to Policy

(33) The Vice-President (People) and Chief People Officer may approve a variation of this Policy, where appropriate and necessary (as determined by the Vice-President (People) and Chief People Officer). Any such variation will be documented and held in the Human Resources Department.

## Section 10 - Definitions

Term	Definitions
An Assisting Party	Is the person appointed by the Vice-President (People) and Chief People Officer to attempt to assist the parties to resolve the Complaint at the First Level. The Assisting Party will generally be a staff member.
A Complainant	Is a current ongoing, fixed-term or casual/sessional staff member who makes a Complaint including through informal processes.

Term	Definitions
A Complaint	<p>Is a type of problem, concern or grievance about work or work-related matters raised by a Complainant. A Complaint under this policy may include allegations or concerns regarding:</p> <ol style="list-style-type: none"> <li>1. the conduct of another staff member (including interpersonal conflict);</li> <li>2. workplace bullying, which occurs when an individual or group of individuals repeatedly behave unreasonably towards a staff member or a group of staff at work, and the behaviour creates a risk to health and safety Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening. Reasonable Management Action is not considered to be workplace bullying;</li> <li>3. harassment by a staff member (sexual harassment, sexual assault and discrimination is dealt with in <a href="#">Resolution Procedures for sexual harassment, sexual assault and discrimination related complaints</a>);</li> <li>4. health and safety concerns and Psychosocial Hazards; or</li> <li>5. the application of employment-related University policies and procedures.</li> </ol>
A Psychosocial Hazard	<p>Is a hazard that:</p> <ol style="list-style-type: none"> <li>1. arises from, or relates to - <ul style="list-style-type: none"> <li>◦ the design or management of work; or</li> <li>◦ a work environment; or</li> <li>◦ plant at a workplace; or</li> <li>◦ workplace interactions or behaviours; and</li> </ul> </li> <li>2. may cause psychological harm, whether or not the hazard may also cause physical harm (section 55A, <a href="#">Work Health and Safety Regulation 2011</a> (Qld)).</li> </ol>
A Representative	<p>Means:</p> <ol style="list-style-type: none"> <li>1. in relation to a staff member, a person chosen by the staff member to assist or speak on their behalf. At the choice of the staff member, this person may be an officer of the staff member's union; and</li> <li>2. in relation to the University, a person who assists or speaks on behalf of the University. A representative will not be a person who is currently practising as a solicitor or barrister.</li> </ol>
Reasonable Management Action	<p>Is action taken in a reasonable way by a person in the conduct of business or undertaking to direct and control the way work is carried out. Actions are not considered to be workplace bullying if they are carried out lawfully and in a reasonable manner, taking the particular circumstances into account.</p>

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	26th May 2023
<b>Review Date</b>	31st May 2028
<b>Approval Authority</b>	Vice-Chancellor and President
<b>Approval Date</b>	26th May 2023
<b>Expiry Date</b>	Not Applicable
<b>Policy Owner</b>	Gillian Bromley Vice-President (People) and Chief People Officer
<b>Author</b>	Gillian Bromley Project Manager
<b>Enquiries Contact</b>	Gillian Bromley Vice-President (People) and Chief People Officer <hr/> Administrative Division