

Staff Complaints and Appeals Procedure

1. Contents

1.	Contents.....	2
2.	Preamble.....	3
3.	Purpose.....	3
4.	Scope.....	3
5.	Definitions.....	3
6.	Procedure.....	3
7.	Referred Legislation and References.....	6
8.	Relevant HEA Policies and Procedures.....	7
9.	Document and Version Details.....	8
10.	Procedure Inquiries.....	8

2. Preamble

As per the *Staff Complaints and Appeals Policy*, this Procedure honors the value of a learning and working environment that is respectful and collegial and where communication is open, unbiased and fair. HEA continues to work hard to foster co-operation and reduce misunderstandings and grievances, hence enabling its staff to discuss issues in open dialogue and with an accessible process for lodging complaints.

3. Purpose

This Procedure outlines the process by which Staff can lodge a complaint and the system and process HEA will use to acknowledge, record and deal with them fairly, effectively and equitably.

4. Scope

The Procedure applies to all complaints made by Staff at HEA, except for those complaints arising in policies that have their own review process as listed in the *Staff Complaints and Appeals Policy*. *This Procedure applies to staff complaints only and does not apply to student complaints, which are managed under the Student Complaints and Appeals Policy, or to academic integrity matters, which are managed under the Academic Integrity framework.*

5. Definitions

Please refer to the Glossary of Terms.

6. Procedure

Staff who wish to make a complaint will do so by following the processes outlined in this procedure. Not all steps will necessarily be relevant, depending on the nature of the complaint. This procedure does not prevent a staff member from lodging a complaint to an external body, such as the Ombudsman, Fair Work Commission or Victoria Police.

This procedure deals mainly with non-academic complaints. Academic complaints are dealt with in conjunction with other policies, noted below. Non-academic complaints may include, but are not limited to:

Confidentiality or privacy issues

Workplace issues – administrative processes

Staff entitlements – leave etc.

Facilities

Performance reviews

Complaints about salary or wages

Administrative Practices

Behaviour of another person

Academic Complaints are dealt with in conjunction with the policies and procedure listed below.

Academic Integrity Policy and Procedure

Code of Conduct

Freedom of Intellectual Inquiry Policy and Procedure

Staff Academic Qualification Assessment and Equivalency Policy and Procedure

Teaching Learning and Scholarly Activity Policy

6.1 Process for resolution of non-academic staff complaints

The process for resolving complaints is set out in the *Staff Complaints and Appeals Policy* and are:

- a) *Informal Complaint and self-resolution*
- b) *Formal Complaint*
- c) *Investigation of Formal Complaint*
- d) *Initial outcome of Formal Complaint*
- e) *Internal Appeal of initial outcome and review*
- f) *External Appeal and review*

6.2 Resolving Informal Complaints

- 6.2.1 Staff are encouraged to attempt to resolve a complaint or grievance firstly through an informal resolution and in a collegiate and open discussion. Staff can seek support from their manager or supervisor to enable this discussion.
- 6.2.2 Where informal resolution is not possible, staff will be provided with the process to move to a formal complaint.

6.3 Formal Complaints

- 6.3.1 A staff member may submit a formal complaint with the reasonable expectation that it will be treated with fairness and integrity. The complaint must be submitted on HEA's Complaints and Appeals Form with as many details as possible including but not limited to:

- *Date when the complaint was submitted*
- *Name of the complainant*
- *Nature of the complaint*
- *Date of the event/s which led to the complaint*
- *Background to the complaint*
- *Any relevant attachments*
- *If the complaint is sent by email the heading should be "Complaint".*

- 6.3.2 Once received by the CEO, the complaint will be recorded in the Complaints Register. The complaint must be lodged within 10 working days of the incident. An acknowledgment will be sent to the Complainant in writing.

6.4 Investigation of the Complaint

Once the complaint is received, the investigating officer will conduct a preliminary finding to assess:

- 6.4.1 The validity of the complaint and whether it is vexatious or lacking substance. All investigations are conducted in accordance with principles of procedural fairness, including the right to be heard and the right to an impartial decision-maker.
- 6.4.2 Whether the alleged conduct or behaviour constitutes unlawful discrimination, harassment, or bullying in any form.
- 6.4.3 The Complainant will be informed in writing of the outcome and may then be invited for an interview to discuss possible resolutions.

6.5 Initial Outcome and Interview

The interview may include:

- 6.5.1 An open and transparent discussion of ways to resolve the matter
- 6.5.2 A suggestion of change in practices of procedures
- 6.5.3 Ways of improving communication between Complainant and alleged offender
- 6.5.4 An apology being issued
- 6.5.5 Adjustment to work arrangements
- 6.5.6 A facilitation of mediated discussion between offender and complainant. Participation in any mediated discussion is voluntary.

6.6 Internal Appeals and Outcome

- 6.6.1 A complainant wishing to appeal the outcome must submit this at the earliest opportunity using the same Complaints and Appeal Form and within 21 days of the Outcome. In the case of an Appeal HEA will initiate a transparent and inclusive process to resolve the issues at hand.
- 6.6.2 The Complainant needs to provide a summary of the grounds that the appeal is based on and why he/she feels the decision is unfair. The CEO will then organise a meeting with the parties involved and each may bring a third person to accompany them.
- 6.6.3 The Staff member will be notified in writing of the outcome of the appeal.

6.7 External Appeal and Review

- 6.7.1 If the complainant is still not satisfied, they may seek an external Appeal and HEA will ensure the staff member is given the appropriate and relevant external bodies to whom they can appeal including:

Australian Government Fair Work Ombudsman

Australian Human Rights Commission

Dispute Settlement Centre of Victoria (DSCV)

This appeal is at the Staff member's own expense.

6.8 Anonymous Complaints/Public Interest Disclosure

HEA recognises the rights of a person to lodge an anonymous complaint or to seek legal protection under the *Public Interest Disclosures Act 2012 (Vic)*. A complainant seeking to make a public interest disclosure must refer their concern to the *Independent Broad-based Anti-Corruption Commission (IBAC)*.

Complaints of a serious nature may qualify as being disclosures to which legislative protections apply. If this occurs, there are generally certain statutory rights to confidentiality of the complainant's identity – and the risk of significant criminal penalties for anyone who takes detrimental action against the complainant in reprisal for having made a protected /public interest disclosure. It is therefore vital at the initial assessment stage to consider whether a complaint may also be a disclosure in the public interest and have regard to the relevant legislation.

6.9 Withdrawal of a Complaint

A complainant may withdraw their complaint at any stage of the process. This must be done in writing. However, HEA reserves the right to continue any investigation or refer the matter to another agency **particularly where there are serious risks to staff, students or the institution.**

6.10 Records and Reporting

The CEO will be responsible for presenting a full report to the Board of Directors of all complaints presented and processes followed for resolution, including trends, statistics and any necessary improvements that have been implemented. Reporting will take place annually unless required more often because of risks posed that need to be addressed by the Audit and Risk Committee. Reports are provided in a de-identified form for governance oversight and trend monitoring.

7. Referred Legislation and References

Australian Government Fair Work Ombudsman <https://www.fairwork.gov.au/>

Age Discrimination Act – Victorian Equal Opportunity and Human Rights Commission
<https://www.humanrights.vic.gov.au/for-individuals/age/>

Australian Human Rights Commission Act 1986
<https://www.legislation.gov.au/Series/C2004A03366>

Disability Discrimination Act 1992 (2022)
<https://www.legislation.vic.gov.au/in-force/acts/disability-act-2006/046>

Equal Opportunity Act 2010 (2022) <https://www.legislation.vic.gov.au/in-force/acts/equal-opportunity-act-2010/020>

Higher Education Standards Framework (Threshold Standards) 2021 Equity and Diversity 2.2; and Wellbeing and Safety 2.3 <https://www.legislation.gov.au/Details/F2021L00488>

Human Rights Charter Victoria
<https://www.humanrights.vic.gov.au/legal-and-policy/victorias-human-rights-laws/the-charter/>

National Code of Practice for Providers of Education and Training to Overseas Students 2018 <https://www.education.gov.au/esos-framework/national-code-practice-providers-education-and-training-overseas-students-2018>

Occupational Health and Safety Act 2004 (2022) <https://www.legislation.vic.gov.au/in-force/acts/occupational-health-and-safety-act-2004/034>

Privacy Amendment (Enhancing Privacy Protection) Act 2012
<https://www.legislation.gov.au/Details/C2012A00197>

Public Records Act Victoria 1973 (2014)
<https://www.legislation.vic.gov.au/in-force/acts/public-records-act-1973/041>

Racial and Religious Tolerance Act 2001 (2011) <https://www.legislation.vic.gov.au/as-made/acts/racial-and-religious-tolerance-act-2001>

Racial discrimination Act 1975 (2015)
<https://www.legislation.gov.au/Details/C2016C00089>

Sex Discrimination Act 1984 (2015) <https://www.legislation.gov.au/Details/C2016C00098>

TEQSA Guidance Note: Diversity and Equity
<https://www.teqsa.gov.au/sites/default/files/guidance-note-diversity-and-equity-v1-2-web.pdf?v=1639618964>

8. Relevant HEA Policies and Procedures

- Academic Integrity Policy
- Academic Integrity Procedure
- Bullying Discrimination and Harassment Prevention Policy
- Bullying Discrimination and Harassment Prevention Procedure
- Code of Conduct
- Conflict of Interest Policy
- Delegations Policy
- Equity and Diversity Policy
- Equity and Diversity Procedure
- Health and Safety Policy
- Health and Safety Procedure
- Professional Development Policy
- Staff Complaints and Appeals Policy

9. Document and Version Details

Approval Authority	Board of Directors
Approval Date	4 March 2026
Review Date	4 March 2029
Version	5.0

10. Procedure Inquiries

For any inquiries about this procedure, please email us. (admin@heau.edu.au)