

COMPLAINT PROCEDURES: FAQS

What is a complaint?

A complaint is an expression of dissatisfaction and may concern:

- inappropriate and unprofessional conduct;
- unlawful harassment, including sexual harassment;
- an occupational health and safety issue, including bullying;
- a particular incident;
- a practice, policy or decision (made or not made) that a complainant believes is unfair, unreasonable or inappropriate;
- a workplace communication or interpersonal conflict.

A complaint can be made formally or informally, internally or externally by any Department employee. Staff who make a complaint that is frivolous, vexatious or lacking in substance can have their complaint rejected in a complaint review.

What is the difference between a grievance and a complaint?

A 'personal grievance' relates to an individual employee and the impact of decisions or actions within the workplace that, in respect to themselves, is considered to be unfair, inappropriate, contrary to Department policy or unlawful.

A 'complaint' may involve an individual employee or other employees in respect to actions and decisions that are considered to be unfair, inappropriate, contrary to Department policy or unlawful.

In some instances a 'personal grievance' may arise from the outcome of 'complaint' procedures.

How is a complaint lodged?

If you have a complaint, you should lodge it with your immediate manager outlining the nature of your complaint and indicating that you would like to resolve the issue. Details that you may want to provide should include what/who you're complaining about, when it happened, how the problem has affected you personally or others within the workplace, any steps you have taken to try to resolve the problem (it is okay if you haven't) and your ideas on a possible outcome. If the complaint is about your immediate manager then discuss the issue with the manager one above. Complaints regarding principals should be made in writing to the regional director.

Will my complaint be handled confidentially?

Your manager or principal must ensure that appropriate confidentiality is properly observed in relation to the management of any complaint procedure. This does not mean your complaint will be anonymous, however every effort should be made to respect the confidentiality rights of the staff member involved. In some cases it may be necessary to inform other employees who are involved in the investigation or management of the matter to ensure the complaint is investigated appropriately and that other people who may be involved are accorded fair treatment. This should be done as discreetly as possible.

How will I be protected from victimisation?

The Department will not tolerate victimisation. Victimisation occurs when a person is subjected to or threatened with any detriment for his or her involvement, in good faith in a complaint related matter. Victimisation for making a complaint of discrimination, vilification or sexual harassment is also unlawful under relevant legislation. Your manager or principal should take reasonable precautions to prevent victimisation by informing all parties involved that victimisation is not tolerated and may be dealt with in accordance with the misconduct or unsatisfactory performance procedures.

Can I bring a support person?

Yes, you can bring a support person to interviews or meetings. The role of the support person is to provide professional and moral support to the staff member concerned. The support person acts as a witness to the process but may not disrupt the process, intervene during the meeting, direct the process, answer questions on behalf or act as an advocate for the staff member. The meeting should be adjourned if the staff member wishes to seek advice from their support person. The

manager or principal may agree to the support person speaking on behalf of the staff member in order to assist in clarifying particular matters. In such instances, the support person should not present arguments or opinion.

What happens if I name witnesses in my complaint?

You may nominate the names of witnesses to support your complaint and who may be relevant to any formal investigation. On receipt of these names, the manager or principal will determine which, if any, of these people will be interviewed and will contact them directly. Witnesses will be advised to be mindful of confidentiality. As with the complainant, confidentiality in respect to the witnesses will be maintained to the extent necessary to properly investigate the complaint. It is sensible for the complainant to advise the witnesses of the action being taken where appropriate. There may be circumstance where that is not appropriate (e.g. where the complainant believes a witness to be hostile to you lodging a complaint). You have no right to be present during the interviews with the witness. Once you have lodged your complaint, it is not appropriate to approach witnesses about your complaint. A breach of this protocol has the potential to compromise the investigation of the complaint and may be regarded as misconduct.

What is the role of the Conduct and Ethics Branch?

The Department's [Conduct and Ethics Branch](#) is responsible for the implementation of policy and the provision of advice on complaint resolution procedures, unsatisfactory performance, serious misconduct and equal opportunity complaints (including sexual harassment). **Complaints are not lodged with the Conduct and Ethics Branch.** As noted above, you need to speak to your immediate manager or principal, or if the complaint involves your immediate manager or principal, then you need to speak to the manager one above or the regional director. If they are unsure of the process for dealing with your complaint, the Conduct and Ethics Branch will provide advice on complaint resolution procedures.

What action can I take outside of the Department when making a complaint?

All staff have the right to take their complaint to an external body. These organisations include the [State Services Authority](#), the [Merit Protection Boards](#), the [Victorian Institute of Teaching](#), the [Ombudsman's Office](#) the [Victorian Equal Opportunity and Human Rights Commission](#) and the Human Rights and Equal Opportunity Commission. The nature of the complaint will determine which organisation may be appropriate.

What is the role of the Merit Protection Boards?

The [Merit Protection Boards](#) provides an independent review process in respect to 'personal grievances'. An individual employee may request a review of action in respect to a 'personal grievance'. In respect to the 'complaints' procedures, the MPB may only get involved when an employee has a personal grievance resulting from the outcome of the complaints procedures.