



Version	Approved by	Approval date	Effective date	Next full review
1.1	Director of Governance	25 June 2020	25 June 2020	July 2021
<b>Procedure Statement</b>				
<b>Purpose</b>	To outline a consistent framework for the timely and fair resolution of complaints received from people or organisations external to the University about UNSW people, activities, services, actions or processes.			
<b>Scope</b>	This Procedure applies to complaints received from: <ul style="list-style-type: none"> <li>members of the public</li> <li>prospective students</li> <li>affiliates not covered by any other procedure</li> <li>government agencies and other organisations.</li> </ul> It <u>does not</u> apply to complaints received from: <ul style="list-style-type: none"> <li>enrolled students and those who may lodge complaints according to the <i>UNSW Student Complaint Procedure</i>; and</li> <li>professional and academic staff and contractors, who may lodge complaints according to the <i>UNSW Staff Complaint Procedure</i>.</li> </ul>			
<b>Are Local Documents on this subject permitted?</b>	<input checked="" type="checkbox"/> Yes, however Local Documents must be consistent with this University-wide Document		<input type="checkbox"/> No	
<b>Procedure Processes and Actions</b>				

## 1. Application of this procedure

This Procedure applies to complaints received from individuals or organisations external to the University concerning:

- UNSW actions, inaction and decisions, services and activities
- the conduct of enrolled students of the University, academic staff and affiliates, professional staff (including casual and contract staff), and people providing services to UNSW under third-party agreements; and
- administrative issues, processes or decisions, inconsistent application of or non-compliance with University policy or procedure, failure to observe rights or incorrect or misleading advice.

## 2. How complaints are handled

### 2.1. When existing UNSW procedures apply

#### (i) UNSW academic or professional staff

The conduct of UNSW academic or professional staff is governed by applicable employment and/or enterprise agreements and UNSW Codes, policies and procedures. Where a complaint relates to conduct that is governed by one or more of these, the complaint will be managed in accordance with the applicable Code, Policy or Procedure.

#### (ii) Enrolled students

The conduct of enrolled students at UNSW is governed by the [UNSW Student Code of Conduct](#) and managed in accordance with the [UNSW Student Misconduct Procedure](#).

#### (iii) Research

Complaints about research misconduct will be managed according to the relevant UNSW Code, Policy and Procedure(s), including the [UNSW Research Code of Conduct](#) and the [UNSW Research Misconduct Procedure](#), where appropriate.

(iv) **Health Safety and Environment**

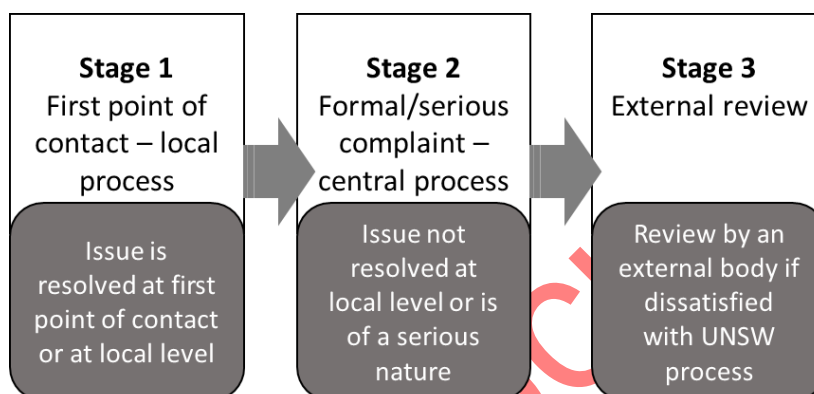
Complaints concerning Health and Safety issues will be dealt with under UNSW [HS731 External Complaints Procedure](#) and any other related Policy and Procedure(s).

(v) **Privacy**

Any perceived or alleged breach by the University regarding the management and handling of personal information is addressed based on the *Privacy and Personal Information Protection Act 1998* (NSW). Any internal reviews in relation to a perceived or alleged breach will be managed according to the UNSW [Privacy Policy](#).

## 2.2. Where no other procedure applies

UNSW follows a three-stage Complaint Management Process which encourages the timely resolution of an issue at the local level before a formal complaint is lodged.



**Figure 1: UNSW Complaint management process**

NOTE: A complainant may refer their complaint to an external organisation at any time

## 2.3. Stage 1 – First point of contact

UNSW encourages complainants to raise their concerns in the first instance directly with the person or Faculty, School or Unit concerned. This approach encourages clarification or corrective action at the earliest opportunity.

### 2.3.1. Raising the complaint

Complainants may raise their complaint directly with the person involved, or responsible for, the subject of the complaint. It is recommended that any concerns be expressed in writing to enable the respondent to understand all aspects of the complaint.

Where a complainant is uncomfortable raising the complaint with the person directly involved, the complaint may be made to a supervisor or senior member of staff in that area. This may be the Head of School, School Manager or head of the relevant business unit.

### 2.3.2. Complaint handling process

The person who receives or handles the complaint will acknowledge in writing, receipt of the complaint and may, after assessing the nature and circumstances of the complaint:

- 1) resolve the complaint using informal processes
- 2) refer the matter for resolution under another University process, Policy or Procedure(s); or
- 3) refer the complaint for resolution at Stage 2 – Formal Complaint, if it is unlikely to be resolved at the local level, or it is complex or serious in nature; or
- 4) dismiss the matter if it is trivial or vexatious in nature.

### 2.3.3. Resolution outcome and notification

When the complaint is resolved, the complaint handler will notify the complainant either verbally or in writing of the outcome, with reason/s for the decision where appropriate. This notification is recorded in the complaint management system.

If a complainant is dissatisfied with the outcome, they may seek an internal review of the complaint handling process (See clause 2.5 – Internal review).

## 2.4. Stage 2 – Formal complaint

### 2.4.1 Raising a Formal complaint

A formal complaint must be in writing and lodged with UNSW Conduct and Integrity at [www.unsw.edu.au/complaints](http://www.unsw.edu.au/complaints)

Complainants who are unable to lodge a complaint in writing may contact the relevant School, Faculty or service area to arrange an alternative means of lodging their complaint. Such complaints will be referred to UNSW Conduct and Integrity and registered in the UNSW Complaints Management System.

The complaint must contain sufficient information to enable the University to investigate and respond to the complaint. As a guide, the complaint should clearly and succinctly indicate:

- a) What the complaint is about and include all supporting documentation
- b) What outcome is sought and
- c) Contact details for the complainant, where a response is sought.

### 2.4.2 Complaint handling process

#### 1. Complaint assessment

Upon receipt of the complaint, the complaint handler will assess the complaint to ensure that the information provided is sufficiently clear to be able to be assessed.

If the written complaint needs clarification, the complaint handler may contact the complainant to seek additional information.

The complaint handler will register the complaint in the UNSW Complaint Management System and progress it as follows:

- I. commence an investigation under the Stage 2 – Formal complaint process
- II. refer the complaint to Stage 1 for a local area resolution, where there is no evidence of an attempted resolution at the local level
- III. refer the complaint to an alternate complaint handler or decision-maker under the applicable UNSW Policy or Procedure
- IV. refer the matter to an external agency where authorised or required to do so by law; or
- V. take no further action.

The complaint handler will notify the complainant of the steps to be taken, including providing brief reasons if they have declined to proceed under the Stage 2 – Formal Complaint process.

#### 2. Resolution

In resolving a complaint, the complaint handler may investigate the complaint by:

- I. providing both the complainant and respondent/s with the opportunity to participate in the complaint process, including where appropriate or necessary, inviting the complainant and respondent/s to meetings;
- II. examining relevant documentation, Policies, Procedures and other relevant information, as appropriate;
- III. seeking further clarification from relevant parties on information received as appropriate and/or;
- IV. seeking other advice, as appropriate.

### 2.4.3 Outcome and notification

Upon the conclusion of the investigation, the complaint handler will notify the complainant (and respondent if applicable), of the outcome in writing and reason/s for the decision and document the details in the Complaint Management System.

The outcome may be that the complaint:

- a) has been upheld or partly upheld, with recommended actions, where appropriate; or
- b) has not been upheld.

If a Complainant is dissatisfied with the outcome they may seek an internal review of the complaint handling process, but not the outcome.

## 2.5. Internal review

A complainant may request an internal review of the complaint handling process through UNSW Conduct and Integrity office. The request for review is only allowed once and must be lodged no later than 10 working days after the complainant is notified of the complaint outcome.

The internal review will consider if the complaint management process complied with:

- a) this Procedure; and
- b) the principles of procedural fairness.

Requests for an internal review should be sent to [www.unsw.edu.au/complaints](http://www.unsw.edu.au/complaints) with the following information:

- copy of the original complaint; and
- any supporting information and documents, including any communication between the complainant and UNSW staff in relation to the complaint and the reason for requesting an internal review.

The decision made in an internal review is final and there is no other appeal or review mechanism within the University.

## 2.6. Stage 3 – External review

If a complainant is dissatisfied with the complaint process or outcome, they may refer their complaint to one of the following external agencies:

- [NSW Ombudsman](#)
- [Anti-Discrimination Board of NSW](#)
- [Australian Human Rights Commission](#)
- [Independent Commission Against Corruption](#)
- [Information and privacy commission](#)
- [NSW Police Force](#)

A complainant may direct their complaint to an external agency at any time. However, the external agency may suggest a complainant follow the University's complaint processes before seeking an external review.

Where a complainant refers a complaint to an external body before the conclusion of the University's complaint management process, the University may elect to suspend or cease the complaint management process altogether.

## 3. Indicative timeframes

Having regard to the [UNSW Complaint Management Policy](#), complaints must be submitted within 12 months of the event giving rise to the complaint. The University may consider accepting a complaint outside this timeframe in exceptional circumstances and at its discretion.

The University will resolve urgent or critical complaints as soon as possible. Complainants will receive a written acknowledgement of receipt of their complaint within 10 working days.

The University will aim to resolve non-urgent matters within 30 working days of the University receiving the complaint. Where this timeframe cannot be met, the complainant will be informed, and a new timeframe provided.

## 4. Withdrawing a complaint

A complainant may withdraw their complaint at any time by notifying the University in writing. In most instances the University will take no further action.

However, in some circumstances the University may act on matters raised in or related to the complaint or refer the matter to an external agency, where authorised or required to do so by law. In these situations, the University may notify the complainant.

## 5. Anonymous complaints

Anonymous complaints will be managed according to the steps outlined in this Procedure and the [UNSW Complaint Management Policy](#).

## 6. Unreasonable complainant conduct

Where a complainant's conduct has or is likely to have adverse health, safety or resource implications for the University, the [UNSW Unreasonable Complainant Conduct Procedure](#) may apply.

## 7. Recordkeeping

All Stage 2 complaints will be recorded in the UNSW Complaint Management System.

This includes correspondence with the complainant, minutes of meetings, notes of discussions and decisions made.

## 8. Confidentiality

All parties involved in a complaint must maintain confidentiality. Access to and use of complaint information will be restricted to staff or affiliates of the University with direct involvement in the process (in accordance with this Policy and associated complaints procedures) and those for whom use is necessary, to enable proper investigation and resolution of the matter.

UNSW will not disclose to third parties the personal information of complainants collected during the complaints handling process except in circumstances where the complainant has given their consent or UNSW is required or authorised to do so by law.

For example, UNSW may use or disclose information to third parties in the following circumstances:

- it is necessary to prevent or lessen a serious and imminent threat to life or health of an individual to whom the information relates;
- UNSW is required by law to produce records;
- UNSW is required by law to notify the NSW Police or other relevant government authority;
- UNSW has a duty to disclose the information to a professional accreditation board.

Accountabilities	
Responsible Officer	Deputy Vice-Chancellor Academic
Contact Officer	Director, UNSW Conduct and Integrity
Supporting Information	
Legislative Compliance	Nil
Parent Document (Policy)	<a href="#">Complaint Management Policy</a>
Supporting Documents	NSW Ombudsman's <i>'Complaint Handling at Universities' Australasian best practices guidelines'</i> <ul style="list-style-type: none"><li>• <a href="#">Staff Complaint Procedure</a></li><li>• <a href="#">Student Complaint Procedure</a></li><li>• <a href="#">Unreasonable Complainant Conduct Procedure</a></li></ul>

<b>Related Documents</b>	<ul style="list-style-type: none"> <li>• <a href="#">Student Code of Conduct</a></li> <li>• <a href="#">Code of Conduct</a></li> <li>• <a href="#">Research Code of Conduct</a></li> <li>• <a href="#">Research Misconduct Procedure</a></li> <li>• <a href="#">Health and Safety Policy</a></li> <li>• <a href="#">Health &amp; Safety Records Procedure</a></li> <li>• <a href="#">Report Wrongdoing Policy</a></li> <li>• <a href="#">Report Wrongdoing Procedure</a></li> <li>• <a href="#">Sexual Misconduct Prevention and Response Policy</a></li> </ul>			
<b>Superseded Documents</b>	Complaint Management Procedure (External), v1.0			
<b>File Number</b>	2018/18139			
<b>Definitions and Acronyms</b>				
<b>Affiliate</b>	Means conjoint and visiting appointees; consultants and contractors; agency staff; <i>emeriti</i> ; members of University committees; and any other person appointed or engaged by the University to perform duties or functions for the University			
<b>Complainant</b>	Person or organisation lodging a complaint.			
<b>Complaint Handler</b>	A person who is nominated by the University area to assess, investigate/co-ordinate an investigation and determine the outcome of a complaint under this Procedure.			
<b>Formal Complaint</b>	Unresolved local level Complaints, complex Complaints or Complaints of a serious nature.			
<b>Local level Complaint</b>	Complaints which are straightforward and less serious in nature and may be resolved quickly and close to the source of the Complaint through an informal process;			
<b>Member of the public</b>	A person with an objectively significant personal or financial interest in a matter within the University's responsibility or who is significantly affected by a University decision.			
<b>Procedural fairness</b>	Administrative decision-making principles, also referred to as 'natural justice' or 'due process'.			
<b>Respondent</b>	Person or service area the subject of a complaint			
<b>University</b>	The University of New South Wales (UNSW)			
<b>UNSW Complaint Management System</b>	Designated central repository of Complaint and Complaint management information at UNSW and managed by UNSW Conduct and Integrity.			
<b>Revision History</b>				
Version	Approved by	Approval date	Effective date	Sections modified
1.0	Deputy Vice-Chancellor Academic	23 July 2018	23 July 2018	New Procedure
1.1	Director of Governance	25 June 2020	25 June 2020	Administrative update to links and document titles: s2.1(iii) and (v); 2.4.1; 2.5.1(b) and Related Documents