

May 2022

Complaints Policy

1. Purpose

The Foundation for Young Australians (FYA) recognises the importance in creating safe and effective ways for people to raise and manage complaints. The purpose of this policy is to outline the circumstances and ways in which an FYA employee, contractor or volunteer can raise a workplace complaint.

2. Scope

This policy applies to all FYA employees, contractors, volunteers both as the person who may raise a complaint or as the person who is the subject of a complaint.

In this policy 'workplace complaints' include:

- Complaints about breaches of FYA's policies, procedures or codes of conduct by an FYA employee, contractor or volunteer.
- Complaints about the behaviour of FYA employees, volunteers or contractors that is inconsistent with [FYA's values](#).
- Complaints about an FYA employee, contractor or volunteer's breaches of laws or regulations (including, without limitation, workplace health and safety laws, laws protecting staff against discrimination and bullying, privacy laws and child safety laws)

This policy does not cover complaints relating to the performance of an FYA employee; this is covered in FYA's Managing Performance Policy.

This policy does not cover complaints for external stakeholders; this is covered in FYA's external Complaints Policy (to be drafted)

This policy should be read alongside the FYA [Formal Complaints Procedure](#) and FYA [Informal Complaints Procedure](#) documents

3. Principles

Principle	FYA's Actions
<p>1. FYA employees are empowered to raise complaints under this policy. FYA employees understand how they can raise complaints under this policy and how their complaints will be dealt with by FYA..</p>	<p>FYA will ensure that all relevant policies and procedures are:</p> <ul style="list-style-type: none"> ● clear and easy to understand; ● accessible to FYA employees on the FYA hub; ● provided to volunteers and contractors as required; and ● included in all onboarding packs for new FYA staff. <p>FYA will ensure that all FYA employees receive training about this complaint policy:</p> <ul style="list-style-type: none"> ● as part of onboarding training sessions for all new FYA employees; and ● as part of refresher training given to staff as needed. <p>Managers will receive additional training so that they have a deeper understanding of this complaints policy and how to manage and resolve complaints.</p>
<p>2. The wellbeing of FYA employees, contractors and volunteers is prioritised. Steps are taken to create a safe environment for people to raise complaints and to prioritise the well-being of the people involved in the complaints process.</p>	<ul style="list-style-type: none"> ● FYA allows for FYA employees, contractors or volunteers to have a support person with them when they are making an in person complaint (in the case of FYA employees) or are receiving an in person complaint (see section 7.1 below). ● FYA may allow for alternative work arrangements for either or both the person making the complaint and the person subject of the complaint where appropriate.
<p>3. Equity and accessibility. FYA is committed to ensuring, as much as possible, this complaints policy and the accompanying procedures are equitable and accessible.</p>	<ul style="list-style-type: none"> ● FYA provides multiple channels for raising complaints including internal, external, and anonymous channels. ● Consideration is given to who an appropriate mediator is (informal complaints procedure) or an investigator is (formal complaints procedure) for specific complaints e.g. for complaints about sexual harrassment, when choosing an appropriate investigator consideration would be given to an investigator having expertise investigating sexual harrassment complaints in the workplace. ● FYA will consider alternative approaches to conflict resolution not outlined in this policy where they are appropriate for the situation and all parties to the complaint agree eg. First Nations Healing Circles. ● FYA will review this policy and the accompanying procedures in 2022/23 as part of its Disability Justice Framework development to ensure accessibility.

<p>4. Providing consistent and updated information to all parties. The people making the complaint and those who the complaint is made against will be provided with all relevant information throughout the complaints process.</p>	<p>FYA will provide all parties to a complaint with:</p> <ul style="list-style-type: none"> • a timeline for each stage of the complaints process; • regular updates about the progress of the complaint; and • written reasons for any decision made, and details about options (if any) for redress or review.
<p>5. Confidentiality. Ensuring confidentiality is observed in relation to the management of any complaint (unless disclosure is required by law).</p>	<p>This policy clearly outlines the circumstances in which the nature of the complaint and the identity of the persons involved can be kept confidential, and also the circumstances in which some confidential information is required to be disclosed (generally because it is required by law).</p> <p>FYA will always notify the relevant people if the confidentiality cannot be maintained and the reasons why this is the case.</p> <p>This policy provides an avenue for FYA employees to make an anonymous and confidential complaint.</p>
<p>6. Objectivity and fairness. FYA will address each complaint in an objective and fair way.</p>	<p>FYA will ensure that it deals with all complaints in an objective and fair way by:</p> <ul style="list-style-type: none"> • Abiding by the principles of natural justice i.e providing details of any allegations against a person to that person and providing them with the opportunity to respond in full to the allegations. • Recognising and managing conflicts of interest, whether actual or perceived. In particular, by ensuring the independence of persons involved in investigating complaints and the handling of complaint investigations.
<p>7. Free from victimisation.</p> <p>FYA will take steps to prevent persons making a complaint from being victimised</p>	<p>FYA will not tolerate the unfair treatment of FYA employees, contractors or volunteers who have raised a complaint under this policy. In particular:</p> <ul style="list-style-type: none"> • No warnings can be given to someone for being a witness in a formal complaints procedure. • No individual can be denied a promotion or can be moved to a position with lower responsibility after being involved in making a complaint.

	<ul style="list-style-type: none"> No dismissal from employment or being refused further contract work after making a complaint.
<p>8. Accountability and timeliness. Ensuring that any complaints are made and investigated in a timely manner.</p>	<ul style="list-style-type: none"> FYA encourages its employees, volunteers and contractors to raise any complaint soon after an issue arises so that the issue can be resolved as soon as possible. FYA will be accountable (as far as reasonably possible) to any timeline it sets for the resolution of a complaint and for any actions that need to be taken as part of the complaints process.

5. Responsibilities

Role	Role
Board	<ul style="list-style-type: none"> Review and approve the sections of this policy that relate to board involvement Manage formal complaints raised about the CEO.
CEO	<ul style="list-style-type: none"> Reporting to the Board on FYA complaint handling when required. Reviewing reports about any complaint data trends Supporting recommendations for complaint handling improvements arising from the analysis of complaint data. Approving this complaints policy and accompanying procedures. Providing support and guidance on the implementation of this policy and accompanying procedures Ensuring implementation of the Formal Complaints Procedure, as required.
Executive Director of People, Finance & Operations	<ul style="list-style-type: none"> Reporting to the CEO and Executive Team FYA complaint handling when required. Reviewing this complaints policy and accompanying procedures as required. Providing support and guidance on the implementation of this policy and accompanying procedures Supporting staff to understand their options in raising complaints

	<ul style="list-style-type: none"> • Receiving, escalating and acting upon anonymous complaints via the alternative Anonymous Complaints & Feedback Form • Receiving formal complaints and ensuring implementation of the Formal Complaints Procedure, as required.
Director of People & Operations	<ul style="list-style-type: none"> • Reporting to the Executive Director of People, Finance & Operations complaint handling when required. • Reviewing this complaints policy and accompanying procedures as required. • Ensuring FYA employees (and where relevant FYA volunteers and contractors) are trained on how to report complaints under this policy and how to manage complaints that are disclosed to them. • Ensuring that this complaints policy and accompanying procedures are available to all FYA employees on FYA Hub and in Onboarding Packs for new FYA employees.. • Supporting staff to understand their options in raising complaints • Supporting staff in resolving informal complaints as required • Receiving, escalating and acting upon anonymous complaints received in Culture Amp Surveys and via the Anonymous Complaints & Feedback Form • Receiving formal complaints and ensuring implementation of the Formal Complaints Procedure, as required.
People & Culture Coordinator	<ul style="list-style-type: none"> • Supporting staff to understand their options in raising complaints
FYA Managers	<ul style="list-style-type: none"> • Supporting staff to understand their options in raising complaints • Supporting staff in resolving informal complaints as required • Directing staff to formal complaints procedures, as required
All employees, contractors and volunteers	<ul style="list-style-type: none"> • Following this complaints policy and accompanying procedures • Providing any feedback on ways FYA can improve this complaints policy and accompanying procedures • Implementing any actions that they are directed to take as a consequence of a complaint being raised under this policy.

6. Options for raising a complaint

There are six options available to FYA employees, volunteers or contractors who wish to raise a complaint under this complaints policy:

1. Making an informal complaint.
2. Making a formal complaint.
3. Making an internal anonymous complaint.
4. Making a report to an external agency.
5. Making a collective complaint
6. Making a Whistleblowing Report under FYA's [Whistleblowing Policy](#).

Note - for some complaints, such as allegations of child abuse and child related misconduct, these can only be managed in line with legislation. See section: 7.5 Mandatory reports and suspected criminal offences.

6.1 Understanding your options

If an FYA employee, contractor or volunteer is unsure which of the options outlined above would be the most appropriate for the issue they are reporting they can reach out to a member of the People & Operations Team, their Manager or any other Executive Director to discuss their options.

If an FYA employee, contractor or volunteer wishes to discuss their options with an external body they can contact:

- A union representative
- FYA's [Employee Assistance Program](#)
- FYA's external whistleblowing service - Your Call
- [Fair Work Workplace Advice Service](#)
- [Victorian Equal Opportunity and Human Rights Commission](#)
- [Human Rights and Equal Opportunity Commission](#)
- [Fair Work Ombudsman](#)
- [WorkSafe Victoria](#)

6.2 Supporting people to understand their options

Any initial conversations with people about complaints should be treated as confidential unless a serious complaint or reportable conduct is shared (e.g. incidents involving people under the age of 18) that would need to be disclosed.

Note - an initial conversation about a complaint differs from general feedback you have heard, the latter not requiring confidentiality.

The following are people who can support in understanding options for raising complaints:

- Your Manager
- Director of People & Operations
- Executive Director of People, Finance & Operations
- People & Culture Coordinator
- Any member of the Executive Team

When supporting people to understand their options people should:

- be available to listen to an employee's concerns
- provide information about the internal complaint process and other relevant policies
- advise the person that in some situations where serious allegations are raised – for example, allegations that may expose the organisation to legal liability – the issue may need to be reported to management and dealt with as a formal complaint
- provide information about available support services, for example, the EAP
- outline other options available to the person, including:
 - Informal Complaints Procedure
 - Formal Complaints Procedure
 - Anonymous Reporting
 - Lodging a complaint with an external agency
 - Whistleblower Report
- support them with lodging a complaint informally, if that's what they would like to do
- support them with lodging a complaint formally, if that's what they would like to do, and
- If required, direct people to who they should talk to next.

If an individual who is having an initial conversation with someone about the complaint does not feel like they are able to support people to do the above, for whatever reason, they are encouraged to direct the person to either the Director of People & Operations or Executive Director of People, Finance & Operations.

6.3 Making an Informal Complaint

An FYA employee, contractor or volunteer may choose to make an informal complaint, where comfortable, if:

- the issue they are raising relates to a single incident;

- if it's less serious in nature (e.g. minor and one-off incidents)
- no disciplinary action is required to resolve the issue;
- the issue relates to behaviour that may be unintentional or that has potentially arisen from a misunderstanding or miscommunication;
- if it appears the complaint can be resolved easily through the informal complaint procedure;
- the complaint can be quickly addressed before it can develop into a bigger problem.

The goal of an informal complaint is resolution rather than factual proof or substantiation of a complaint. These complaints are normally able to be resolved directly between people by discussing any issues in an open, candid and constructive manner.

An FYA employee, contractor or volunteer is not required to make an informal complaint before they make a formal complaint and have the right to formalise their complaint at any time.

For information on how to make a informal complaint please refer to the [Informal Complaints Procedure](#)

6.4 Making a Formal Complaint

An FYA employee, volunteer or contractor may choose to make a formal complaint, so that the complaint is formally investigated, the decision or action that is the subject of the complaint is substantiated and the actions to be taken by one or more of the parties to the complaint is documented and complied with.

The making of a formal complaint is usually appropriate where:

- informal attempts at resolving the issue have failed;
- the complaint involves serious allegations of misconduct and any informal resolution process could compromise the rights of the parties;
- the complaint is against a senior member of staff;
- the person alleging the complaint also alleges victimisation; or
- the person who is the subject of the complaint denies the allegations and an investigation is required to substantiate the complaint.

For information on how to make a formal complaint please refer to the [Formal Complaints Procedure](#).

6.5 Making internal anonymous complaints

FYA appreciates that some people may not feel comfortable raising a complaint if they have to reveal their identity. As such, there are two channels in which FYA employees, volunteers or contractors can internally raise anonymous complaints. These are by using the [Anonymous Complaints & Feedback Form](#) or if they are an FYA staff member, as part of one of FYA's internal Health Checks, Pulse Checks or Employee Feedback Surveys.

It's important to note that there are limitations to the extent that an anonymous complaint can be investigated and acted upon. The extent to which FYA is able to investigate and/or act on anonymous complaints depends on whether the person making the complaint has provided enough information to enable FYA to understand the circumstances of the complaint. It also depends what the complaint or feedback is about.

FYA will not be able to keep people who have lodged anonymous complaints informed about the progress of their complaint. People who have made anonymous complaints will also not be able to provide more information to us or be able to appeal any decisions made based on the complaint.

Employees are encouraged to raise complaints through one of the non-anonymous channels due to the limitations of acting on anonymous complaints.

Anonymous Complaints & Feedback form

FYA's [Anonymous Complaints & Feedback Form](#) can be accessed here. This is a Google Form stored in a confidential folder in FYA's Google Drive.

The recipient of the complaint is the Director of People & Operations.

An alternative complaints form where the recipient is the Executive Director of People, Finance & Operations can be accessed here - [Anonymous Complaints & Feedback Form \(Alternative\)](#)

After receiving an anonymous complaint, the person receiving it will review the information and act upon it to the greatest extent possible. This may involve escalating the complaint to a more senior staff member.

Complaints received in Health Checks, Pulse Checks and Employee Feedback Surveys

FYA regularly uses surveys on a platform called Culture Amp to get feedback from FYa employees. For all surveys conducted on Culture Amp, precluding Onboarding

and Exit Surveys, the responses are anonymous and there is no way to attribute comments or responses to individuals and there is no way to see or download an individual's responses.

Staff are encouraged to raise any complaints (if they can only be raised anonymously) in any of these surveys.

The survey results are reviewed by the Director of People & Operations who determine whether and to what extent the complaint needs to be investigated and acted upon. This may involve escalating the complaint to a more senior staff member.

6.6 Making a report to an external agency

An FYA employee, volunteer or contractor can make a workplace complaint to a number of external agencies. Each agency has their own policies and procedures in relation to their complaints process. The contact details of these agencies are listed below.

- Victorian Equal Opportunity and Human Rights Commission
 - Phone: 1300 891 848 (9am–5pm Monday to Friday)
- Fair Work Ombudsman
 - Phone: 13 13 94 (8.00am - 5.30pm Monday to Friday)
- WorkSafe Victoria
 - Phone: 1800 136 089 (toll free).

6.7 Making a collective complaint

Collective complaints are a method by which a group of FYA employees, contractors or volunteers can make a complaint to FYA about the same issue. This can be done through the informal or formal complaints procedures.

A group may all be represented by:

- all members who are present in discussions about the complaint
- 1-2 members of the group who act as intermediary between the group and people involved in receiving the complaint

6.8 Whistleblower Report

Employees, contractors and volunteers may decide to raise a complaint in accordance with FYA's Whistleblower Policy. This can be in addition to or in place of

a complaint raised under this policy. For more information please refer to FYA's [Whistleblower Policy](#)

7. Right to a support person

An FYA employee, volunteer or contractor may bring a support person to any meeting that is part of FYA's complaints process. The role of a support person is to provide moral support to the FYA employee, volunteer or contractor. The support person should not attempt to disrupt or direct the complaints process, intervene during any meeting, answer questions on behalf of the FYA employee, contractor or volunteer or act as an advocate for that person.

The support person may, at the request of an FYA employee, volunteer or contractor, ask clarifying questions.

The employee may, at any point in the meeting, ask for a break to speak with their support person privately before resuming the meeting.

If a support person does conduct themselves in a way that is disrupting the process, they may be asked to leave the meeting or the meeting may be terminated or rescheduled.

It is not appropriate for meetings to be unreasonably delayed due to the unavailability of an employee's support person. If this occurs, the employee should be advised to nominate another support person/representative. However, reasonable attempts should be made to achieve agreed meeting times.

8. Vexatious complaints

Vexatious complaints are inaccurate, misleading, malicious or false accusations that are not substantiated or do not constitute reasonable grounds for complaint.

If the complaint is not substantiated the person who made the complaint will not be penalised or disadvantaged as a result of raising concerns or complaints if these were raised in good faith. However, disciplinary action, up to and including termination may be taken against anyone found to be making a false, dishonest or vexatious complaint.

9. Mandatory reports and suspected criminal offences

9.1 Sexual assault and other serious criminal offences

Some forms of severe bullying (physical attack, for example, or obscene phone calls) or sexual harassment may constitute criminal conduct. FYA is committed to manage most complaints at an organisational level as far as possible, however, this type of conduct may not be able to be addressed by internal resolution.

FYA will advise employees, volunteers or contractors of their options for escalating complaints externally, including civil claims or police notification and intervention.

9.2 Mandatory reports

There are Australian laws that require certain persons to report suspected abuse and neglect of children to government child protection services in Australia. In Victoria, there are also a number of laws that require individuals to report instances of child sexual abuse. More details about these mandatory reports can be found in FYA's Child Safeguarding Policy.

9.3 OH&S incidents

Under the Occupational Health and Safety Act (2004), FYA must notify WorkSafe immediately after becoming aware a notifiable Incident has occurred. For more information, please see [FYA's OH&S Policy](#).

10. Breaches of this policy and procedures

This procedure is in place to ensure compliance with FYA's legislative responsibilities with regards fair employment conditions, discrimination, bullying, harassment, and occupational health & safety. Failure to follow this procedure will be treated as a serious matter and may result in disciplinary action.

11. Monitoring, review and changes to this policy

This policy will be monitored on an ongoing basis by the Director, People and Operations, who will amend and vary this policy in line with best practice, operating efficiency and changes to legislation as needed.

The policy itself will be formally reviewed every two years, or earlier if required, ensuring compliance with legislation and FYA operating procedures.

Any major changes to this policy will require input from the Executive Team and approval by the CEO.

12. Definitions

Term	Definition
Manager	Employees who have team members reporting to them.
Onboarding Packs	The virtual “pack” we send to all new staff which contains their employment agreement to sign and all relevant policies they need to read and agree to prior to commencing employment at FYA.
Reportable Conduct	The Victorian Government amended the Child Wellbeing and Safety Act 2005 to introduce the Reportable Conduct Scheme . This requires certain organisations that provide services or conduct activities related to children to notify the Commission for Children and Young People (the Commission) about allegations of child abuse and child related misconduct made against their employees, volunteers or contractors.
Vexatious Complaints	Vexatious complaints are inaccurate, misleading, malicious or false accusations that are not substantiated or do not constitute reasonable grounds for complaint.
Victimisation	Victimisation is when someone is treated badly or unfairly because they have made a complaint or helped someone else make a complaint. Under the The Equal Opportunity Act 2010 victimisation is against the law for complaints about discrimination, sexual harassment or racial and religious vilification.
Manager	Employees who have team members reporting to them.

13. Related Documents

- Equal Opportunity Policy
- OH&S Policy
- Code of Conduct
- Formal Complaints Procedure
- Informal Complaints Procedure

13. Related Legislation

The following laws operate at a federal level:

- Fair Work Act 2009
- Age Discrimination Act 2004
- Australian Human Rights Commission Act 1986
- Disability Discrimination Act 1992
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Workplace Gender Equality Act 2012
- Corporations Act 2001

The following laws operate at a state and territory level:

- Australian Capital Territory – Discrimination Act 1991
- New South Wales – Anti-Discrimination Act 1977
- Northern Territory – Anti-Discrimination Act 1996
- Queensland – Anti-Discrimination Act 1991
- South Australia – Equal Opportunity Act 1984
- Tasmania – Anti-Discrimination Act 1998
- Victoria – Equal Opportunity Act 2010
- Victoria - Occupational Health & Safety Act 2004
- Victoria - Racial and Religious Tolerance Act 2001
- Victoria - Charter of Human Rights and Responsibilities Act 2006
- State based Work Health and Safety laws in your state or territory (Safe Work Australia)
- Western Australia – Equal Opportunity Act 1984

14. Authorisation

<i>Authorised by</i>	CEO	Nick Moraitis	[Signature]
<i>Date authorised</i>	[insert]		
<i>Date of effect</i>	[insert]		
<i>Version</i>	2022.0		

<i>Review date</i>	April 2024
<i>Document location</i>	A current version of this policy can be found in the FYA Staff Handbook