

# Complaints Procedure - Internal Review

## Section 1 - Purpose

(1) The purpose of this Procedure is to set out the processes for dealing with internal reviews of final decisions with respect to complaints made to Charles Sturt University (the University).

### Scope

(2) This Procedure applies to all members of the University community for the management of internal reviews of final decisions with respect to complaints that have been dealt with under the:

- a. [Complaints Procedure - Workplace](#);
- b. [Complaints Procedure - Students](#); and
- c. Any other matter that was referred under a policy or procedure of the University for Internal Review under this procedure.

## Section 2 - Glossary

(3) Nil.

## Section 3 - Policy

Refer to the [Complaints Management Policy](#).

## Section 4 - Procedures

### Part A - Internal Review

(4) A person ('the applicant') involved in a complaint lodged under the [Complaints Procedure - Workplace](#) or the [Complaints Procedure - Students](#) may lodge an application for an independent internal review of a decision. An internal review may be requested by any of the parties to a complaint.

(5) A request for an internal review must:

- a. State the ground under clause 6 on which the application is lodged;
- b. Contain all the documentary information and arguments the applicant intends to rely upon in support of their application; and
- c. Be lodged with the University Ombudsman within 10 working days of a final decision under the relevant procedures ('the due date'), using the Request for Internal Review form.

(6) Upon receipt of a request for an internal review by the due date, the University Ombudsman will assess the application and determine whether the party or parties applying for the internal review have provided prima facie

information that shows on balance that:

- a. There was a failure by the manager or supervisor involved in handling the complaint to deal with the matter in accordance with the principles of procedural fairness; or
- b. The decision was manifestly unreasonable; and
- c. That significant new information has come to light that a party did not have at the time of the decision, or could not by reasonable diligence have obtained at that time, and that the information is likely to have affected the decision made by the manager or supervisor.

(7) A decision of the University Ombudsman, under clause 6 is final.

(8) Where the University Ombudsman forms the view under clause 6a or b that the applicant has provided sufficient information to show that there may have been a failure of procedural fairness, or that the decision was manifestly unreasonable in all the circumstances, the University Ombudsman shall conduct an internal review in accordance with Part B.

(9) Where the University Ombudsman forms the view under clause 6c that significant new information has come to light, the University Ombudsman shall refer the matter back to the original decision-maker for re-consideration of their decision.

## **Part B - Conducting the Internal Review**

(10) Upon receipt of an application for internal review the University Ombudsman shall conduct an internal review.

(11) The University Ombudsman may, with the consent of the University Secretary, appoint another officer of the University or an independent external person to conduct the internal review. Where an appointment is made under this clause, the person appointed shall hold the authority of the University Ombudsman for the purposes of the conduct of the internal review.

(12) An internal review shall be a review of the documents supplied by the parties and shall not require an interview with the parties unless the University Ombudsman, or the person appointed by the University Ombudsman, determines otherwise.

### **Determination**

(13) After considering the material relied on during the Internal Review, the University Ombudsman must make a determination (where practicable) within twenty-one (21) days. The determination may either:

(14) Confirm all or part of the decision made and the action taken in the initial conduct of the complaint; or

(15) Send all or part of the decision back to the original decision-maker for re-consideration outlining the reasons why; or

(16) Refer the matter to the Vice-Chancellor with recommendations under clause 17.

### **Referral to the Vice-Chancellor with recommendations**

(17) Where the University Ombudsman forms the view that the matter should be referred to the Vice-Chancellor with recommendations, the matter will be referred through the University Secretary within five (5) working days. The recommendations may include remedial or follow-up action to be taken as a result of the issues raised during the review. The report must be in writing, marked confidential and signed and dated by the University Ombudsman.

(18) The Vice-Chancellor shall consider the report from the University Ombudsman under clause 17 and may:

- a. Decline to act on any or all of the recommendations;
- b. Approve any or all of the recommendations;
- c. Make a different recommendation(s); or
- d. Any combination of the above.

## **Part C - Referral**

### **Unresolved Complaint**

(19) If the complaint remains unresolved after an internal review has been conducted, then the person with the complaint may refer the matter to an external agency for review, including but not limited to:

- a. [Anti-Discrimination Board of NSW](#)
- b. Human Rights and Equal Opportunity Commission
- c. Independent Commission Against Corruption
- d. NSW Ombudsman

## **Section 5 - Guidelines**

(20) Nil.

## Status and Details

|                           |   |
|---------------------------|---|
| <b>Status</b>             | Current   |
| <b>Effective Date</b>     | 22nd May 2014   |
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