

Complaints Management Policy

Effective date: 30/01/2014

Version: 1.01

CHA/2013/835

1. Purpose

To provide staff and other relevant parties with information in relation to the systems and principles for receiving, managing and resolving complaints about the decisions and actions of:

- the Department of Agriculture and Fisheries and its staff; and
- the Department of Tourism, Major Events, Small Business and the Commonwealth Games and its staff.

The policy is supported by departmental procedures for management of various categories of complaints.

2. Policy

The department is committed to ensuring that complaints are dealt with in a responsive, efficient, effective, fair and economical way. The department acknowledges the right of its staff and the public to complain if they are dissatisfied with a decision or a service provided or made by the department or its staff. The department considers complaints are opportunities to identify areas requiring improvement. Time spent properly handling and analysing complaints will help the department to improve business and is an investment in our organisational culture.

The department categorises complaints into one of three main types summarised below and defined more fully in the definitions section:

- Code of conduct complaints – allegations of breaches of the code of conduct for the Queensland public service.
- Service delivery complaints – complaints about the department's services or products, usually by an external party.
- Specialist complaints – complaints that have a defined process for resolution, usually set by government policy or legislation.

The department's complaints process gives effect to the following elements:

- Visibility and access
- Responsiveness
- Assessment and action
- Feedback
- Monitoring effectiveness

2.1 Visibility and access

The department is committed to ensuring:

- Information on the complaints process is readily available and accessible on the intranet, internet and in the department's workplaces.
- Making a complaint can be done easily,
- No one is excluded from making a complaint.
- Reasonable assistance is given to complainants where necessary, including those who wish to complain verbally or anonymously and those with disabilities or language difficulties. The department accepts anonymous complaints although anonymity can limit the processes able to be undertaken as there will be no way to seek clarification of issues or to provide feedback.
- Complaints may be received verbally or in writing.

2.2 Responsiveness

The department will be responsive to complainants by resolving complaints in the following manner:

- Complaints will be resolved at the lowest appropriate local management level.
- Complaints will be resolved in an effective, efficient and confidential manner
- Complaints will be resolved within reasonable timeframes although more complex matters will take longer to resolve than other matters. Timelines for various categories of code of conduct complaints are outlined in the Code of Conduct Complaints Assessment Examples. Timelines for service delivery complaints are outlined in the table:

Category	Description	Expected timeframe
Point of service	Complaint able to be resolved appropriately at Point of Service, i.e. able to be resolved by a team leader or supervisor.	Within 5 working days
Minor	Complaint unlikely to cause lasting detriment, able to be quickly resolved.	Within 20 working days
Moderate	Policy, product or service issue requiring some investigation or further enquiries	Within 45 working days
Major	Potentially significant policy, product or service issue that may cause lasting detriment and requiring detailed investigation or enquiries	Within 90 working days

- Complaints will be resolved on a case by case basis having regard to the individual facts of the particular case.
- Business areas will determine the most appropriate mechanism to manage service delivery complaints for each business area subject to compliance with this policy.
- Complaints will be acknowledged and an expected timeframe for completion provided, within five working days of receipt of the complaint.

2.3 Assessment and action

- Complaints will be assessed to determine how they are to be managed and, if appropriate, referred to other business areas or other agencies. Assessment of complaints will consider issues such as seriousness, severity and urgency of potential impacts, and whether or not the complaint is a public interest disclosure.
- Complaints will be managed in accordance with this policy and procedures developed for service delivery, code of conduct or specialist complaints. Business areas may either adopt the department's service delivery complaint management procedures or develop their own procedures that comply with this policy. Code of conduct complaint management procedures will be maintained by Human Resources. Specialist complaint procedures will be developed and maintained by the respective specialist area.
- Complaints will be dealt with fairly, in accordance with the principles of natural justice, and objectively, using less formal methods wherever possible and appropriate.
- The department supports the rights of staff to consult their union representative at any stage in a complaints management process.
- The department will permit a party to a complaint to be accompanied by a support person during the process.
- Appropriate records of each stage in the complaint process will be maintained as per Appendix B.

2.4 Feedback

Complainants and respondents will be provided with timely information and updates on the progress of complaints. The frequency of contact and updates should be negotiated with participants and noted on file.

Throughout the process the complainant and respondent should be kept informed of the following at appropriate times:

- what is happening at a given time
- what the investigation or consideration has revealed to that point, where appropriate, e.g. a progress report
- the anticipated timeframes for further action
- that no action is being taken and why
- that action such as referral to an external agency or action to remedy the complaint is proposed
- reasons for decisions including the evidence relied upon and the factors considered in the decision
- Internal and external review options.

2.5 Monitoring effectiveness

- The department's business areas will identify complaint trends and monitor the time taken to resolve various types of complaints.
- Service delivery complaint trends and systemic improvements arising from complaints will be reported by business area staff to heads of management, at least quarterly, and are to be considered in the development and review of business and risk management plans.
- Human Resources will report on code of conduct complaint trends and systemic improvements to the Board of Management (DAF) and Senior Leadership Team (DTEBS) on a quarterly basis.
- HR will review this policy every twelve months and also undertake a system monitoring and review role for code of conduct complaints.
- Business area will review service delivery complaints procedures every 12 months.

3. Principles

Staff are required to ensure that the handling of all personal information during a complaints management process is managed in accordance with the *Information Privacy Act 2009* (IP Act). Appropriate collection, storage, security, accuracy and relevancy checks, use and disclosure of personal information will minimise privacy complaints and the likelihood of the department being ordered by QCAT to pay up to \$100 000 for awards of compensation. It is a requirement that wherever possible personal information is de-identified. If entering into a service agreement with a third party to investigate the complaint, the investigator should be bound by the IP Act.

The department is committed to dealing with complaints in a confidential manner that is respectful to both the complainant and the respondent. A complainant's personal information, such as their identity, may need to be disclosed where it is necessary:

- for investigation of the complaint,
- referral to another agency such as the Crime and Corruption Commission (CCC), or
- to give a respondent the opportunity to respond to the allegations in a complaint.
- Where there is a concern that the disclosure of the complainant's personal information may lead to reprisals, this concern should be assessed and managed in accordance with the Reprisal Risk Assessment Guide, Appendix A in the Public Interest Disclosure Policy and Procedure.

As per the *Public Service Regulation 2008*, the department has a responsibility, except in specified circumstances, to provide an opportunity for an employee to view and respond to a detrimental employee record about them 14 days prior to acting on that record. Note that documents related to public interest disclosures, investigations into matters related to official misconduct, or the investigation of suspected criminal offences are not considered employee records. The release of the record can also be delayed in instances where it may prejudice an existing investigation. Please contact HR, Governance and Ethics for further information.

Appropriate remedies are to be fair to the complainant, respondent and the department. Wherever possible, the department will:

- seek remedies for substantiated complaints that restore the complainant to the position they would have been in had the action or decision subject to the complaint not occurred
- consider any remedies sought by the complainant
- ensure that similar remedies are offered to all persons in the same situation.

3.1 Vexatious and frivolous complaints

All complaints will be received and recorded in accordance with this policy before any assumptions are made about their validity. However, where the substance matter of a complaint is deemed to be frivolous or vexatious, a complaints manager may decide not to pursue the matter further. However, the complainant should be given notice of the intention not to respond if no new issues are raised or information provided.

Where a code of conduct complaint is considered vexatious or frivolous, or part of a pattern of vexatious or frivolous complaints, it must be referred to the Manager, Human Resources, Governance and Ethics who may authorise a variation from the code of conduct complaint procedures to manage the complaint.

Just because a complaint has been found to be unsubstantiated does not necessarily mean a complaint is vexatious or frivolous.

Staff who lodge complaints that are vexatious or frivolous may be subject to disciplinary action.

3.2 Reprisals

Staff found to be harassing or causing detriment to a person because that person has made a complaint (or is thought to have made a complaint) may face disciplinary action.

4. Authority

[Anti-Discrimination Act 1991](#)

[Crime and Corruption Act 2001](#)

[Information Privacy Act 2009](#)

[Judicial Review Act 1991](#)

[Public Interest Disclosure Act 2010](#)

[Public Service Act 2008](#)

[Public Service Regulation 2008](#)

5. Scope

This policy applies to all the department services and all persons bound by the whole of government Code of Conduct and Applying the Code of Conduct Supplement. The policy is not intended to be applied to:

- Feedback, enquiries, requests for information, service requests or input from consultation processes.
- Specialist complaints. Policy related to specialist complaints is outlined separately by the respective areas.
- Complaints about the actions of ministerial staff or Ministers. Complaints related to the Minister or Ministerial staff should be referred to the Director-General.

6. Delegations

Delegations are to be exercised in accordance with the appropriate Human Resource Delegations and Authorisations procedure. Delegation schedules are reviewed on a regular basis to ensure they remain current and relevant to the operational needs of the department

7. Responsibilities

7.1 Staff

- Report complaints.
- Ensure that complaints arising from their work activities are minimised or eliminated.
- Comply with all legislation, directives and this policy in relation to complaints.
- Make reasonable endeavours to resolve complaints at the local level.
- Participate in complaint management and resolution processes where appropriate.

7.2 Managers/supervisors

- Establish and maintain an ethical environment where staff are encouraged to advise them of any concerns they may have, and to report complaints.
- Keep appropriate records in relation to complaints and any discussions involved in the resolution process for any possible future review.
- Keep complainants and respondents informed of progress in resolving complaints, including if the process is to proceed to the next level of review.
- Take appropriate action to ensure that complaints arising from the operation and activities of their work areas are promptly reported and managed.
- Ensure a timely response to any request for information, documents or other assistance in resolving complaints.
- Ensure they act within their HR and financial delegations when determining complaint outcomes.
- Improve services and systems as a result of information arising from complaints.
- Forward complaints not suitable for resolution at point of service to a complaints manager.
- Advise a complaints manager of significant trends in point of service complaints.

7.3 Complaints managers

- Assess, categorise, manage and report complaints for their business area in accordance with service delivery procedures, code of conduct procedures and assessment examples.
- Forward complaints that are best managed by management action to appropriate complaint action officers for action.
- Forward complaints that are of a more serious nature, together with an outline of proposed actions to resolve the matter, to;
 - HR, Governance and Ethics, for code of conduct complaints,

- appropriate senior management, for service delivery complaints.
- Forward complaints related to other business areas to complaints managers in that business area.
- Effectively manage the impacts of complaints processes in the broader workplace.
- Maintain appropriate records related to complaints – Appendix B.
- Identify and manage public interest disclosures appropriately in partnership with HR, Governance and Ethics as per the Public Interest Disclosure Policy and Procedure.
- Ensure they act within their HR and finance delegations when determining complaint outcomes.
- If a complaint is not resolved, ensure the complainant is advised of the process to proceed to the next level of review
- For complaints being managed within the business area:
 - Ensure timelines for the resolution of complaints are appropriate.
 - Ensure complainants and respondents are informed of progress and the outcome appropriately
 - Ensure systemic improvements are identified and implemented
 - Ensure complaint progress, trends and systemic improvements are reported to management as required by this policy and related procedures.

7.4 Complaints support officers

Support complaints managers in the performance of their responsibilities, through measures such as providing assessment and management advice, recording and tracking details of complaint processes, and preparing draft advices.

7.5 Complaints action officers

- Consider, and if necessary, investigate a complaint assigned to them by a complaints manager.
- Liaise with the complainant and respondent and operational areas.
- Resolve the complaint or recommend a resolution to the complaints manager.
- Maintain appropriate records related to complaints – see Appendix B.
- Identify and manage public interest disclosures appropriately in partnership with HR, Governance and Ethics and complaints managers.
- Ensure they act within their HR and financial delegations when determining complaint outcomes.
- If a complaint is not resolved, ensure the complainant is advised of the process to proceed to the next level of review.
- Make every effort to resolve a complaint within appropriate timeframes.
- Ensure complainants and respondents are informed of progress and the outcome appropriately.
- Ensure systemic improvements are identified.

7.6 HR, Governance and Ethics

- Assist delegated decision makers, complaints managers, complaints action officers and complaints support officers to deal with code of conduct complaints.
- For higher level code of conduct complaints being managed by HR, Governance and Ethics:
 - Ensure timelines for the resolution of complaints are appropriate.
 - Ensure complainants and respondents are informed of progress and the outcome appropriate.
 - Ensure systemic improvements are identified and implemented.
- Assist business areas to deal with public interest disclosures.
- Coordinate reporting to the CCC, the Public Service Commission (PSC), and quarterly reporting to department management for code of conduct complaints.
- Liaise with the Queensland Ombudsman in relation to complaints matters.

7.7 Heads of business areas

- Implement this Complaints Management Policy in their business area.
- Develop and review procedures for service delivery complaints that comply with this policy. Business areas may choose to review existing procedures or to adopt the department pro-forma service delivery complaint management procedures.
- Ensure business areas complaints managers, complaints support officers, complaints action officers and staff receive appropriate training in complaints handling.
- Ensure effective management and security of complaints records.
- Ensure complaints trends, timeliness, and systemic improvements are reviewed each quarter and reflected in business and risk management plans.
- Support a culture within the business area that values complaints as opportunities to improve services and supports complaint participants.
- Ensure adherence to complaints management timelines and processes is reflected in the Performance Development Agreement for officers who have a significant complaint handling role.

- Support the publication on the intranet, internet and in workplaces, of accessible information for customers and staff related to complaints processes.

7.8 Manager, HR, Governance and Ethics

- Refer allegations of corrupt conduct to the CCC. The CCC's role is to reduce the incidence of serious corruption in the public sector.
- Liaise with the Queensland Ombudsman in relation to complaints matters on behalf of the department.
- Work with business areas to improve their processes for handling code of conduct complaints through audit and periodic review of the management of code of conduct complaints.
- Ensure the review of this policy and procedures for code of conduct complaints every 12 months.

7.9 Director, Human Resources

- Ensure the coordination, development, implementation and yearly review of policies, procedures, systems and resources to guide a high quality and professional code of conduct complaints management function.
- Ensure code of conduct complaints management advice and support is provided to business areas.
- Ensure the development of training and resources, both on-line and face to face, for staff with a significant role in complaints management, to be delivered on a risk and priority basis, in partnership with business areas and central agencies.
- Ensure complaints management awareness is incorporated into new staff induction processes.
- Approve modifications to this policy and associated procedures.

7.10 Director-General

The Chief Executive is responsible for:

- Building a culture that values complaints as opportunities to improve services and supports complaint participants.
- Maintaining a complaints management system that deals effectively with complaints received, including appropriate reporting to other agencies and the community.

7.11 Complaints managers and complaints support officers

Heads of business areas must:

- Nominate one or more complaints managers in their business area to assess and manage service delivery and code of conduct complaints.
- Ensure that each complaints manager holds at least a Level 5 HR Delegation.
- Ensure that complaints managers are supported by a nominated complaints support officer to assist with complaints assessment and processing.

Service delivery procedures may use different titles to describe the roles performed by complaints managers and may also assign the various responsibilities of complaints managers across different positions.

Service delivery and code of conduct complaints may be managed by the same complaints manager.

In addition to complaints managers nominated by heads of business areas, complaints managers for code of conduct matters will include HR, Governance and Ethics.

A complaints support officer may provide support to more than one complaints manager, subject to the volume and complexity of complaints. A complaints support officer in one business area, may also provide support to complaints managers in other business areas, subject to agreement between heads of business areas.

Complaints managers, complaints action officers and complaints support officers are roles expected to be undertaken by existing staff within business areas.

7.12 Complaints action officers

Complaints managers may assign a complaints action officer to address a complaint. The complaints action officer:

- Can be from another business area.
- Must understand his or her role, and particularly the limits of the role.
- Must be able to be, and be seen to be, fair, impartial and objective.
- Should be familiar with the department process for managing complaints.
- Should be an experienced officer, with knowledge of the department and its operations.

Complaints managers may refer a complaint to another complaints action officer where:

- The matter is outside the area of expertise or delegation.

- The complainant requests it.
- There may be a conflict of interest.

8. Definitions and glossary of terms

Business area	An organisational area under the management of a senior manager who reports directly to a Deputy Director-General, an Assistant Director-General, Executive Director, managing director or Chief Biosecurity Officer (DAF).
Business unit	A unit of organisational management within a business area.
Code of conduct complaint	A complaint that alleges behavioural wrongdoing by staff. An example would include a complaint by a member of the public that an officer stole property from them while on duty.
Complainant	The person who makes the complaint. It includes staff, contractor, stakeholder, customer, or member of the public.
Complaint	An expression of dissatisfaction about the service or actions of the department or its staff.
Complaints action officer	Staff who have been requested by a complaint manager to action or look into a complaint.
Complaints management system	The policy, procedures, personnel and technology used by the department in receiving, recording, responding to and reporting about complaints.
Complaints manager	Staff nominated as such under section 6 of this policy who have a role in the assessment and management of code of conduct and service delivery complaints.
Complaints support officer	Staff who have been nominated to support complaint managers in their assessment and management role.
Confidentiality	An imposed condition, designed to protect information, by requiring information be disclosed only to persons with a need to know. Information to be kept confidential does not have to be personal in nature.
Corrupt conduct	The meaning given under s15 of the <i>Crime and Corruption Commission Act 2001</i> .
Employee	As defined in section 9 of the <i>Public Service Act 2008</i> .
HR, Governance and Ethics	A business unit within HR that assists complaint assessors, decision makers and support staff to deal with code of conduct complaints and coordinates reporting on code of conduct complaints to management and the CCC.
Natural justice	Natural justice comprises the following elements: <ul style="list-style-type: none"> • Notice to the person who will be adversely affected by a potential decision. • Reasonable opportunity to respond. • Absence of bias on the part of the decision-maker.
Personal information	The meaning given within the definitions section of the <i>Information Privacy Act 2009</i> .
Public interest disclosure	The meaning given under s11 of the <i>Public Interest Disclosure Act 2010</i> .
Respondent	A staff member who is the subject of a complaint.
Service delivery complaint	A complaint, usually made by an external party that relates to how the services of the department are delivered. For example it would include a complaint by a member of the public that they were charged the wrong amount for a permit and the officer gave them the wrong conditions on the permit.
Specialist complaints	Complaints that have a special process for resolution, usually set by legislation or government policy. For example, complaints concerning privacy, workplace health and safety, procurement and complaints raising legal issues. Employee complaints that comply with the policy on employee complaints, are also considered specialist complaints. Specialist complaints do not include service delivery complaints and code of conduct complaints.

9. Related documents

[Code of Conduct Case Assessment Examples](#)

[Public Interest Disclosure Policy and Procedure](#)

[Applying the Code of Conduct Supplement](#)

Human Resource Delegations and Authorisations (on the department's intranet)

10. References

[Ombudsman Act 2001](#)

[Crime and Corruption Commission](#)

[Effective complaints management \(Queensland Ombudsman\)](#)

[Code of Conduct for the Queensland public service](#)

[General Retention and Disposal Schedule for Administrative Records \(Queensland State Archives\)](#)

[Judicial review overview \(Dept. Premier and Cabinet\)](#)

11. Further information

Materials and information for staff and managers are available on the intranet. Information for customers is available on the department's website.

12. Review

This policy shall be reviewed within two years from the effective date of the policy.

13. Approval

Signed:	Signed:
Lisa Dynes Director Human Resources Corporate Services Department of Agriculture and Fisheries, and Department of Tourism, Major Events, Small Business and the Commonwealth Games	Christine Marshall A/Deputy Director-General Corporate Services Department of Agriculture and Fisheries, and Department of Tourism, Major Events, Small Business and the Commonwealth Games
Date: 30 January 2014	Date: 30 January 2014

14. Version history

Date	Version	Action	Description / comments
30/01/2014	1.00	Endorsed by A/DDG Corporate Services	New Policy
01/05/2016	1.01	Updated.	Updated policy to reflect changes to the CCC, minor edits to point of service, service delivery complaints, and corrected broken links and template.

15. Keywords

complaints; code of conduct; employee complaints; service delivery complaints; specialist complaints; natural justice; visibility; access; responsiveness; assessment; action; feedback; monitoring effectiveness; complainant; respondent; local resolution; investigation; frivolous; vexatious; reprisal

16. Appendix A – Complaints Management Model

There are four stages in the department's Complaints Management Model. Further guidance in relation to what type of matter can be managed at each level will be provided in the relevant business area procedures for service delivery complaints, HR code of conduct complaint procedures and assessment examples and specialist complaints procedures.

Stage 1 – Complaints handling at point of service

Initial frontline and workplace area where staff, managers and supervisors within a team have authority to deal with issues best managed at the local level.

In this stage, staff and supervisors;

- work to resolve a matter locally wherever possible or appropriate; and
- document how they have managed a matter for future reference.

Stage 2 – Internal complaints resolution

This stage deals with the following Complaints:

- Where a complainant has requested a review of a point of service decision.
- A matter that is unsuitable for point of service resolution, for example; more serious or complex matters or matters requiring senior management involvement to resolve.

In this stage, complaints managers, assisted by complaints support officers;

- categorise and assess complaints as either service delivery, code of conduct or specialist complaints,
- refer specialist complaints to appropriate areas, and
- start to manage and resolve code of conduct and service delivery complaints including assigning actions to complaints action officers.

Stage 3 – Internal review

This stage provides for review of a decision in the department when a complainant is not happy with the outcome of the original decision. An internal review will be conducted by an officer of at least the same level as the original decision maker and independent of the original decision.

Reviewers should have;

- appropriate experience and knowledge to undertake the review,
- ready access to relevant agency material and staff and the full cooperation of staff, and
- clear authority to modify or overturn the decision subject to review

Internal reviews should be finalised within 28 days.

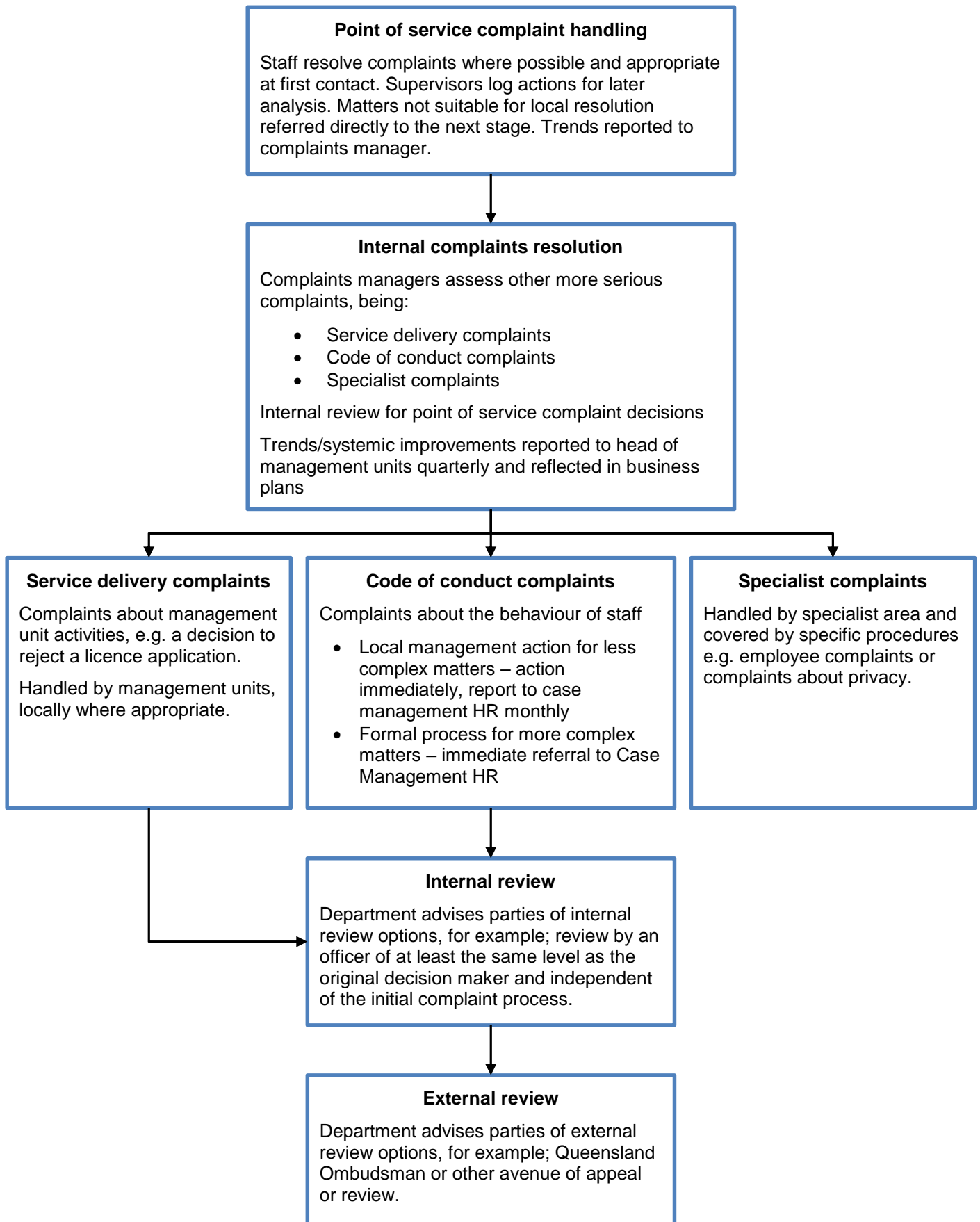
Where a complaint has reached stage two because a complainant has requested a review of a point of service complaint decision, an additional internal review is not available. If, following review in stage two, a complainant remains dissatisfied, they should be advised to seek external review.

Stage 4 – External review

The department will advise the complainant of external review options. This stage provides for an independent, external review of a decision taken by the department where a complainant remains dissatisfied with the department's internal review decision.

The external review options vary depending on the type of complaint and will be further outlined in the relevant procedures. For example, the Queensland Ombudsman investigates complaints about the administrative actions and decisions of Queensland public sector agencies and their staff that may be unlawful, unreasonable, unfair, improperly discriminatory or otherwise wrong.

Another avenue of review available to complainants in certain circumstances is judicial review. Under the Queensland *Judicial Review Act 1991*, a person aggrieved by an administrative decision of a government agency may seek reasons for that decision, or seek review of the decision in the Supreme Court by seeking a statutory order of review. Typically a statement of reasons will be requested first and then if not satisfied, a person may make an application to the Supreme Court for a statutory order of review. A statement of reasons should include the entire rationale the decision-maker used to make his or her decision. A request for a statement of reasons is to be directed to the relevant business area responsible for making the original decision. However, all court documents including those related to proceedings instituted in the Supreme Court must be forwarded to the department's legal business unit immediately.



17. Appendix B – Retain the following information about the complaint

All information received should be stored in a secure manner and disposed of in accordance with Queensland State Archives, General Retention and Disposal Schedule for Administrative Records. All personal information is to be managed in accordance with the requirements of the *Information Privacy Act 2009*.

- Unique identifier
- Date received
- Complainant title
- Complainant name
- Contact details
- Preferred method of contact
- Region where complainant is located
- Business area where the actions or decisions complained about occurred
- Name of officer who received the complaint
- Complaint assessor
- Complaint type
- Complaint category
- Details of complaint including complainant's expected outcome
- Date assessed and assessment outcome
- Date acknowledged
- Name of manager, supervisor, delegate, complaints manager and/or action officer
- Outcome and reasons
- Type of resolution
- Date complainant advised of outcome
- Contacts and discussions with complainant and other parties
- Complainant satisfaction with outcome
- Internal review
- External review
- System improvements identified
- Trends identified
- Date resolved
- Date file reviewed to validate implementation of system improvements
- File review outcome