

Customer Complaint Policy and Procedure

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“Please note, when implementing this policy and procedure you must consider whether any human rights are engaged under the *Human Rights Act 2019* and whether any limitations on human rights are reasonable and justifiable. If you engage a human right you should conduct a proportionality assessment under the Act. Additionally, this policy and procedure has been reviewed on 13/01/2020 to ensure actions and decisions under this policy and procedure can be made in a way that is compatible with human rights.”

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1.0 Purpose

This policy and procedure is established for the management of customer complaints made to the Department of Agriculture and Fisheries (DAF). It should be read in conjunction with the Complaints Management Framework (CMF) CHA/2013/835 which summaries all categories and types of complaints received and managed by the Department. This policy and procedure is written for customers who wish to make a complaint, and for departmental officers who are required to respond to a customer complaint. This policy replaces the Service Delivery Complaints Management Procedure.

2.0 Scope

This policy and procedure meets the requirement of section 219A of the *Public Service Act 2008* (PSA) to implement a system for dealing with customer complaints that is compliant with the Australian/New Zealand Standard AS/NZS 10002:2014 "*Guidelines for Complaint Management in Organizations*".

A customer complaint means a complaint about the service or action of DAF, or its staff, by a person who is apparently directly affected by the service or action. [s. 219A(4)(a) of the [PSA](#)]. For the purposes of this policy, the word "staff" in the previous sentence means both DAF employees and contractors. Contractors include persons engaged via a labour hire company, or under a common law contract. In the case of a customer complaint by a DAF employee, the complaint is unrelated to their DAF employment.

A complaint by a DAF contractor about another DAF contractor will be managed in accordance with this policy. A complaint by a customer or a DAF contractor about the conduct of a DAF employee will have regard to the DAF [Managing Employee Conduct and Performance Policy and Procedure](#).

A customer complaint may be made by the aggrieved person or their representative. Two or more persons may jointly make a customer complaint.

3.0 Out of Scope

A DAF customer may make complaints about a wide range of matters. The CMF sets out the types of complaints received by DAF and the reference material relevant to management of that type of complaint. Complaints not dealt with under this policy and procedure are:

- (a) Employee complaints pertaining to their employment;
- (b) Corrupt conduct complaints;
- (c) Public interest disclosures;
- (d) Information privacy complaints;
- (e) Right to information complaints;

Customers seeking to lodge a complaint in any of these complaint types should be directed to the CMF for links to the relevant reference material for that type of complaint.

4.0 Key Principles for Customer Complaint Resolution

1. [Respect for Human Rights](#)

It is unlawful for a public sector entity such as DAF to act or make a decision in a way that is not compatible with human rights (unless authority for exemption exists), or, in making a decision fail to give proper consideration to a human right relevant to the decision. DAF will have regard to any human rights implications arising from a complaint and be mindful of this in its decision-making and complaint resolution.

2. [Customer Focus](#)

DAF's customer service ethic and the core Queensland public service value of "Customers first" underpin much of our work with external clients including compliance activities. The slogan that "the customer is always right" which may be a principle adopted in other industries such as hospitality, does not apply in the context of DAF customer complaint resolution.

3. [Accessibility and Transparency](#)

Any person is able to make an honest complaint to DAF if aggrieved about a DAF product, service, or action that is within the authority of DAF to remediate. Persons are to be supported to enable them to participate in the complaint resolution process. Information about the DAF complaint management process will be publicly available to the community.

4. Responsiveness and Confidentiality

Complaints are to be responded to in a timely matter and efforts are made to comply with stipulated timeframes for completion wherever possible. Appropriate confidentiality is to be observed in the management of the complaint and the privacy of personal information is respected and maintained.

5. Objectivity, Fairness, and Natural Justice

Complaints are to be dealt with objectively. Investigators and decision-makers are free from bias and any conflict of interest in dealing with the complaint. Decisions are to be made in accordance with legislative and policy requirements. Parties to the complaint are treated fairly and respectfully and are given an opportunity to have “their side of the story” heard and considered.

6. Accountability, Continuous Improvement and Prevention

Departmental employees and contractors are accountable for their acts, omissions, and decisions. Complaints are to be viewed as an opportunity to review business processes, and to improve them where possible to avoid the need for future customer complaints.

7. Feedback and Reporting

Parties to a complaint should be informed of the status of the complaint as necessary to enable the process of resolution to occur effectively. The Department will maintain appropriate records of complaints and their resolution and publicly report complaint statistics in accordance with its legislative obligations.

5.0 Policy Commitment

The Board of Management group shall commit to:

- making professional complaint management a priority for the department;
- promoting a workplace culture that accepts customer complaints as an opportunity to improve systems, procedures, and processes to provide a high level of customer service.

Managers shall commit to enabling:

- their staff to respond effectively to customer complaints employees through provision of resources, guidance, training and empowering employees to appropriately manage and respond to complaints;
- professional complaint management practices to permeate daily work practice as a normal and integrated part of delivering services to the community.

Employees shall commit to:

- implementing professional complaint management practices with customers;
- continuously developing their customer relation skills to incorporate effective complaint management.

6.0 What is a Complaint and what is not a Complaint?

A definition of a customer complaint is found in section 219A(4) of the PSA as follows:

A complaint about the service or action of a department, or its staff, by a person who is apparently directly affected by the service or action; and includes, for example, a complaint about any of the following –

- (i) a decision made, or a failure to make a decision, by a public service employee of the department;
- (ii) an act, or failure to act, of the department;
- (iii) the formulation of a proposal or intention by the department;
- (iv) the making of a recommendation by the department;
- (v) the customer service provided by a public service employee of the department.

For the purposes of this policy, the following features are also characteristic of a complaint:

- there is a clear expectation communicated by the customer that there is an act and / or omission by the department which has directly affected them; and
- the customer is aggrieved about that act and / or omission; and
- a reasonable person would conclude the customer had an expectation from their communication that the department will respond to the act and / or omission in a way that requires further departmental action, such as a written response to the customer from the department.

However, it is not a complaint when customers:

- request more information, or a change in services or request a new service
- make a suggestion for improving DAF services
- express a concern about a situation without any expectation of a formal departmental reply
- participate in everyday problem solving with DAF staff
- provide feedback on DAF's performance without any expectation of a formal departmental reply
- are not directly affected by a decision or action of the department
- are providing information or reporting an incident without any expectation of a formal departmental reply
- express frustration, disappointment, or anger at being issued with a regulatory notice, rather than disputing the lawful basis for issuing the notice.

An example of a distinction between everyday problem solving and the making of a complaint follows:

A customer requests that their personal information held by DAF be updated or corrected – would constitute everyday problem solving.

The same customer complains that DAF has not responded within a reasonable period to their request to update or correct their personal information – would constitute a customer complaint.

In the context of issuing a regulatory notice to a member of the community, a customer may experience frustration, disappointment or anger at these circumstances. It is not appropriate for the issuing officer to be the recipient of a customer complaint about the issuing officer's decision or conduct as this constitutes a potential conflict of interest. If the issuing officer discerns that the customer is aggrieved about the receipt of the regulatory notice, the issuing officer should provide the customer with details about how they can make a complaint to DAF and / or appeal the decision, if upon reflection, the customer chooses to do so.

If a staff member is uncertain about whether a customer is making a complaint, or wanting to make a complaint, the staff member should ask the customer, "Are you wanting to make a complaint?" If the customer answers yes, the staff member should advise the customer as to how they can make a complaint to DAF. Business groups should consider the best way for their "public facing" officers to do this, for example, having a business card / flyer available to provide to the customer.

7.0 Making a Customer Complaint

If a customer wishes to make a complaint to DAF, or a DAF officer is assisting a customer to make a complaint, sufficient information is be provided to enable the recipient of the complaint to understand the basis for the complaint. Providing this information will assist the complaint management process and timely resolution. Insufficient particulars may cause a lack of understanding of the complaint and / or delays to resolution.

Below are five broad questions that will assist in the formulation and presentation of a complaint:

1. Details of the issue(s) in relation to decisions, services, omissions or actions of DAF employee(s) / contractors. Is there a chronology of events? Does the current complaint relate to a previous complaint? (History and background to the complaint)
2. Why is the complainant dissatisfied? (What is the basis for the complaint?)
3. Has the complainant been directly affected? (What has been the consequence of the act or omission?)
4. Is supporting documentation available? (Documentary evidence can assist with explaining the background to the complaint and demonstrate the nature of the concerns)
5. What is it that the complainant would like the department to do to resolve the issue? (What is the outcome sought / what needs to change to resolve the complaint?)

8.0 Possible Outcomes to a Customer Complaint:

Remedies to resolve customer complaints may include but are not limited to:

- the issuing of an apology
- provision of an explanation of how and why the problem occurred and what steps have been taken to avoid a reoccurrence

- the issuing of a refund of a fee or charge
- waiving of an infringement notice
- seeking a negotiated or mediated outcome
- withdrawal of an order
- a correction of records
- a change of decision, policy, procedure or practice
- repair of property damage
- expediting work where a delay has occurred
- system improvement eg. change in policy, process, or procedure / staff training etc.
- providing further details and / or explanation of the reasons why the act, omission, or decision occurred and should remain unchanged.

9.0 Support for Making a Complaint and Participating in the Complaint Management Process

No one is to be prevented from making an honest complaint to DAF due to disability, incapacity, or communication challenges. It is the responsibility of DAF to provide reasonable assistance to a person who wishes to make a complaint, and / or for the complainant to properly participate in the complaint resolution process. There is no financial charge for making a complaint to DAF.

For example, if a complainant or witness comes from a non-English speaking background, and has limited proficiency in English, DAF will engage the use of an interpreter to enable the complainant to be heard and understood. DAF complies with the [Queensland Government Language Services Policy](#).

If a complainant or witness has a hearing or speech impairment, arrangements should be made for translation services to occur to enable the person to be heard and understood.

If a complainant or witness is unable to make a written complaint, a statement should be taken from the person to ensure their evidence is heard and considered.

A complainant, respondent, or witness may choose to have a support person present whilst they participate in the complaint process.

An employee who is a respondent to a complaint may access DAF's [Employee Assistance Program](#) (EAP) if counselling is required. Management may initiate an EAP service for an employee where concerns are held about an employee's welfare. The Assigned Officer can provide guidance to the delegate and management about appropriate contact with respondents. A respondent will be provided with the contact details of the Assigned Officer who can answer enquiries about the matter.

10.0 Where and How a Complaint can be received

Complaints can be received by the department via:

- Departmental offices open to the public including frontline officers where there is no conflict of interest to receiving the complaint.
- Telephone contact via the Customer Service Centre (CSC) and associated services (DAF Hotlines and 13QGov).
- Departmental website or social media pages (eg. Facebook) but only using the [complaint lodgment form](#)
- Telephone contact, mail, or email directly to employees within DAF, the Director-General's office, the Minister's office, or the ethics@daf.qld.gov.au mailbox
- Anonymous complaints may also be made via the above avenues.

11.0 Complainant Responsibilities

Customers making a complaint are responsible for:

- understanding that complex complaints can take time to review
- providing a clear description of the problem and the desired solution or outcome

- providing all relevant information from complaint lodgment and throughout the complaint process including if they have lodged the same complaint elsewhere
- informing the department of any changes affecting their complaint
- co-operating with DAF staff in a timely, respectful and reasonable way
- understanding that abusive, aggressive or disrespectful conduct will not be tolerated and does not advance the complainant's credibility as a witness.

12.0 Responding to Unreasonable Complainant Conduct

The Department's policy and procedure on [Preventing and Responding to Work-Related Violence](#) provides information on managing verbally / physically abusive and threatening behaviour. The employee's first obligation is to preserve the health and safety of themselves and others. There is no obligation upon an employee to continue an interaction with a customer who is engaging in verbally / physically abusive or threatening behaviour. The customer should be advised that the interaction will be terminated if the customer is unable to refrain from engaging in the unreasonable behaviour.

If de-escalation of the customer's unreasonable behaviour is unsuccessful or not viable, the customer should be invited to engage again when reasonable behaviour is exhibited, and the interaction terminated. Customer behaviour that involves physical assault of a person, property damage, or serious threats of the same should be reported through an Incident Report to the department and to the police.

Employees should be alert to the possibility that a customer may seek to "prosecute" their complaint by involving a wide range of people from different agencies, or within DAF itself. The DAF employee who has the lead in responding to the complaint may need to clarify and confirm with other recipients to the complaint, respective roles and responsibilities in the management of the complaint.

On occasions, a customer may have difficulty accepting the department's final decision on their complaint and may seek to engage in ongoing written correspondence or phone calls in an attempt to change the department's position on the matter. In these circumstances, the employee should confirm the written information previously provided to the customer on their external appeal rights and indicate that no further written or verbal correspondence will be entered into in relation to the department's decision.

13.0 Managing a Complaint by a DAF Contractor about another DAF Contractor

A DAF contractor is not a DAF employee. Whilst the contractor has service obligations to DAF, the contractor has reporting obligations to the recruitment / labour hire company as their employer. DAF contractors are also subject to the Queensland Public Service Code of Conduct.

A central obligation upon DAF is to provide a healthy and safe work environment for the contractor to deliver services. Consequently, if a complaint is received from a DAF contractor about the conduct of another DAF contractor, (eg, bullying, harassment, discrimination etc.) the recipient of the complaint should consult with either their business area's Complaint Management Representative or human resources consultant with a view to referral to corporate human resources for advice about the appropriate way to proceed. There will need to be liaison with the contractor's labour hire company to clarify roles and responsibilities in the management of the complaint, and how DAF will meet its obligation to provide a healthy and safe work environment for all staff including employees and contractors.

14.0 Complaint Management Representatives

Each business area will nominate one or more complaint management representatives who will perform the following role on behalf of their business group.

1. Act as a central point of contact for other areas of the department for receipt of customer complaints;
2. Act as a source of advice and guidance to their business area about the management of customer complaints;
3. Act as the point of contact for collating customer and human rights complaint data within their business group for reporting to Corporate;
4. In co-operation with senior management, promote professional complaint management practice within their business area.

Senior management should have regard to how it will maintain and foster complaint management expertise within their business area taking into account the need for succession planning and coverage for any extended absence of a complaint management representative from the workplace.

15.0 Assessing the Severity / Complexity of a Complaint

Whilst all complaints require a diligent and professional response, complaints will vary in their level of severity and complexity which will dictate the extent of the response required. In assessing a complaint, it is helpful to determine the level of severity and complexity associated with the complaint to inform the level of escalation required for an appropriate departmental response to be made. The expected resolution timeframe will vary according to the nature of the complaint and the duration of the action required to resolve it. A human rights complaint is to be regarded as a moderate or major complaint and should therefore be escalated accordingly.

The table below sets out a description of what is a minor, moderate or major complaint; the point of escalation and anticipated timeframes required for that type of complaint.

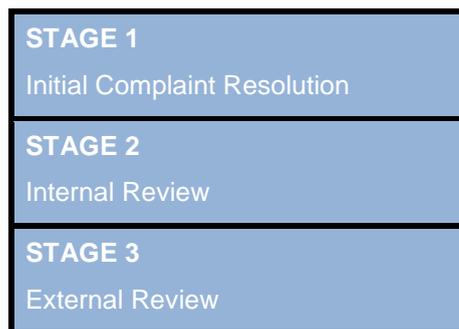
Severity / Complexity Complaint Classification and Expected Resolution Timeframes

Level of Severity / Complexity	Description of Nature of Complaint	Recommended Assigned/Delegate Officers level	Expected resolution timeframe
Minor Matter	Minor complaints are matters that are generally clearly defined, are not complex in nature, and do not require an extensive departmental response. The matters under consideration, whilst significant to the complainant, do not have serious wider consequences. Examples of minor complaints may involve an interpersonal misunderstanding between the parties, a low level administrative error such as an error in a record requiring correction, or a minor departure of protocol without substantive consequence.	Minor one off complaints may be dealt with by frontline employees in consultation with local team leaders as necessary. A manager may be alerted if a pattern of minor matters emerges requiring a more systemic and strategic solution for prevention and / or resolution.	Minor complaints should be resolved within five business days .
Moderate Matters	Complaints that are moderate in severity and complexity are matters that require a more detailed departmental level response that may require enquiries to be made and / or investigation to be undertaken to determine what has occurred. These complaints may involve multiple issues and may require input from different areas. Remedies may require decisions to be ratified by a delegated officer. Examples of moderate complaints involve a complaint about the issuing of a regulatory notice or a determination the complainant is not eligible for a grant or financial assistance, or a human rights complaint.	A Program Manager, District Manager, Director or Science Leader will be alerted to a moderate matter and will oversee the departmental response.	Within 20 to 45 business days . If more time is required, the client should be advised of the new projected resolution timeframe wherever possible, as part of regular status updates.
Major matters	Major matters are complaints that have serious consequences for	Senior Executives and managers will be	Within 30 to 120 business days . If

Level of Severity / Complexity	Description of Nature of Complaint	Recommended Assigned/Delegate Officers level	Expected resolution timeframe
	<p>either the complainant, other persons, property or the environment, or the department if the complaint was substantiated. Major matters have significant implications and are likely to be complex in nature requiring an extensive and detailed departmental response.</p> <p>Examples of a major matter is where there has been incident resulting in the health of a person being adversely affected; there has been a serious outbreak of an environmental threat; the matter involves corrupt conduct, or a major human rights complaint.</p>	informed of major matters and will take a responsibility for approving departmental responses and final decision-making on the complaint.	more time is required, the client should be advised of the new projected resolution timeframe wherever possible, as part of regular status updates.

16.0 Managing Customer Complaints

The department has adopted a three stage process for resolving customer complaints.



Checklists to assist Assigned Officers to manage customer complaints at each stage of the complaint process can be found at Appendix 1.

A flowchart of the customer complaint process is found at Appendix 4.

Stage 1. Initial Complaint Resolution

Complaints received via Customer Business Services or website:

If a complaint is received via Customer Business Services (CBS) either through face to face communication, an online complaint form, its call centre, or through 13QGov (13 74 68), CBS will record the complaint into Keystone CRM and forward the call to the nominated contact in the relevant business area. To avoid double counting in the recording of complaint statistics, the relevant business area that is managing the complaint is to count the complaint.

Complaints received by the Director-General or Minister's Office:

All correspondence received through the department's Executive Services Unit will be recorded in MECs with restricted access as appropriate, and allocated to the relevant business unit correspondence account for further action. All complaints received should be acknowledged as soon as possible and include details of a contact officer and reference number for future correspondence. To avoid double counting in the recording of complaint statistics, the relevant business area that is managing the complaint is to count the complaint.

Complaints received by Corporate Human Resources – Governance and Ethics

A customer may make a complaint about the alleged conduct of a DAF employee or contractor via the ethics@daf.qld.gov.au mailbox. The Manager Governance and Ethics will make an initial assessment of this type of complaint and determine the appropriate action to be taken. If a customer complaint is received that does not raise a concern about the conduct of a DAF employee, the matter will be referred to the complaint management representative for the relevant business area for their actioning. If the matter is referred to the relevant business area, the business area that is managing the complaint is to count the complaint for the purpose of recording complaint statistics. If the matter is retained by corporate human resources for management because the complaint may involve improper employee conduct or performance, corporate human resources is to count the complaint.

Frontline complaints handling - early resolution

Ideally, if the complaint is a minor and straightforward matter and is made directly to the relevant business area, it is preferable that resolution occur at the point of service wherever possible. Frontline employees who receive complaints either face to face, phone or email, should aim to resolve all the matters raised within the complaint if their role involves complaint management of that type, and they are free of any conflict of interest or bias in the matter.

However, if the matter is more complex such as a moderate or major matter or relates to a regulatory process, the complaint may need to be referred to that part of the business that is best placed to complete an initial assessment of the complaint to determine what further action is required and by whom. For example, referral of the matter could be made to the local manager, or the business area's complaint management representative for advice on who should complete the initial assessment as an Assigned Officer.

If the complaint involves a significant conduct or performance issue by a DAF staff member, the matter should be referred to the Manager Governance and Ethics in Corporate Human Resources.

Employees responding to a customer complaint will be aware that:

- early and timely action on the complaint can prevent the complaint from escalating in severity necessitating further expenditure of resources to reach finalisation and resolution;
- their action and decision-making on the complaint may be subject to internal review.

Written Acknowledgement

Written acknowledgement of receipt of the complaint should be forwarded to the complainant by the relevant business area managing the complaint, unless a complaint is received anonymously, or the complaint is a minor matter that can be resolved and finalised with the complainant within one to three days of receipt.

If it is known that a written acknowledgement is unable to be provided within a timely period, verbal acknowledgement should be provided to the complainant with written confirmation to follow.

The written acknowledgement should provide a reference number for use in future communication on the matter.

Assessing a complaint

In assessing a complaint, one should determine if the matter is within the jurisdiction of DAF to respond. If it is not, the complainant should be advised wherever possible of another agency that may be able to respond to their complaint.

If the matter is within DAF's jurisdiction to respond, regard should be had to the legislative provisions and departmental policy that may be enlivened by the nature of the complaint. The department's *Complaint Management Framework* can assist with guidance here.

For example, if the complaint involves allegations of corrupt conduct or misconduct by an employee, the matter should be referred to the Manager Governance and Ethics in Corporate Human Resources for advice. The Director-General has a statutory obligation to report suspected corrupt conduct to the Crime and Corruption Commission (CCC). The Manager Governance and Ethics is the Director-General's delegate to perform this function and is the department's central point of liaison with the CCC. The department's [Corrupt Conduct Policy and Procedure](#) shall apply in this instance.

If the information contained in the complaint could amount to a public interest disclosure, the [Public Interest Disclosure Act 2010](#) may be enlivened and the department's [Public Interest Disclosure Policy and Procedure](#) will apply. Note that a complainant does not need to specify that they are making a public interest disclosure for that status to be assigned to the complaint.

If the information contained in the complaint gives rise to a concern about a possible breach of a person's human rights, the provisions of the [Human Rights Act 2019](#) may apply. It is important to note that a complainant does not need to specify that they are making a human rights complaint for it to attract this status. It is sufficient for the provisions of the Human Rights Act to be enlivened if the nature of the complaint amounts to a possible breach of human rights without lawful excuse.

Human rights complaints are considered to be either of moderate to major severity and therefore should be escalated to senior management. Further guidance about handling a human rights complaint can be found in the document entitled, "*Complaints: Guide for Handling Human Rights Complaints Internally*". A flowchart from the Guide for human rights complaint handling has been reproduced in Appendix 3.

In assessing the complaint, the assigned officer should have regard to the severity of the complaint and the associated level of notification and escalation that is required to properly respond. For example, if the complaint contains information that requires an urgent response, escalation to appropriate senior management levels may be required. Officers should not hesitate to contact emergency services if there is an immediate and serious risk to the health and safety of persons and / or property.

To complete an assessment of a complaint, preliminary enquiries may be required to confirm or clarify certain information provided by the complainant and to provide the assessor with a more complete picture of the history and background to the matter. These preliminary enquiries should be completed with a view to determining what further action is required to resolve the complaint. For moderate and major complaints, consultation with relevant departmental officers about their initial assessment and the proposed course of action may assist in confirming an appropriate way forward.

Investigating a complaint

A decision to investigate a complaint will arise if the matter is one where the level of complexity and / or severity involves more than completion of preliminary enquiries to understand what has occurred and then what reasonable action should follow from those findings.

An investigation should be authorised and conducted by a suitably qualified person who has the capability to conduct an investigation into a matter of that type and is free of bias or any conflict of interest. For moderate and major complaints, it is appropriate that the investigator provide a report to a decision-maker who can review the report and accept or not accept the investigator's findings and recommendations. The decision-maker will also be free from bias and any conflict of interest in making their decision.

An investigator will conduct an investigation, honestly, ethically, and within their authority and powers. They will adhere to principles of natural justice and take into account relevant considerations and ignore irrelevant considerations.

An investigator will prepare a report that is objective, factual, and uses language that is proportionate to the matters being addressed. Findings of fact and recommendations will be based on sound reasoning on the objective evidence available. Where a decision is being contemplated that is potentially adverse to a party to the complaint, procedural fairness will be extended to that party prior to a final decision being made.

Communication with the Parties to the Complaint

Professional regular communication with the parties to the complaint is central to effectively managing the complaint through to its resolution. The parties should be regularly informed of the status of the complaint and explanation provided if there are delays to the process. Projected timeframe for next steps can be communicated if these are known.

As parties to the complaint may be unfamiliar with DAF complaint resolution processes, it can be helpful to provide a description of the process to be undertaken and what further action may be required from them, if any.

Outcome communications / letters by a decision-maker will state at a minimum:

- (a) the substance of the complaint;
- (b) the action taken by the department in response to the complaint;
- (c) the department's findings and decision on the complaint;
- (d) the reasons for decision;
- (e) review / appeal rights.

Stage 2. Internal Review

If a customer is aggrieved about the decision made on their complaint at Stage 1, the customer may seek an internal review of the decision. In Stage 2, a new decision-maker who is free of any conflict of interest or bias in the matter will review the decision and action completed at Stage 1.

The decision-maker may undertake or instigate any further enquiries as deemed necessary to enable them to possess a full understanding of the matter and what is required to make a final decision on the matter. Stage 2 is a review of Stage 1 action and decision-making and is not a duplication of Stage 1. Re-investigation at Stage 2 will only occur if an investigation at Stage 1 is assessed to be fatally flawed.

The decision-maker will be authorized or have the necessary delegation to make a final decision on the complaint on behalf of the department which may be subject to external review. Generally, the internal reviewer will be at least as senior as the initial decision-maker. Principles of natural justice will be applied prior to a final decision being made.

Final correspondence to the complainant will indicate the action taken by the department in response to the request for internal review, and the decision on the review of the action taken at Stage 1. The correspondence will include reasons for the decision, and if the complaint is not upheld or only partially upheld, external avenues for review of the decision will be conveyed.

Stage 2 correspondence will be recorded in MECs with restricted access as appropriate. All documentation should be retained on file in the event that a Stage 3 External Review is sought.

Requests for internal review will count as an additional separate complaint for the purposes of counting the number of customer complaints received and action taken or not taken.

Stage 3. External Review

If a customer is aggrieved about the final departmental decision on the internal review, the customer may seek a review of the decision to an appropriate external body if the matter is of a type that can be considered by that entity. For example, if the nature of the complaint involves alleged maladministration, the Office of the Queensland Ombudsman is an appropriate entity to receive that type of complaint. If the nature of the complaint involves an alleged breach of human rights, the Queensland Human Rights Commission is an appropriate entity to receive that type of complaint.

If the decision is one of an administrative character that has been made under an enactment, or a non-statutory scheme or program involving funds appropriated by Parliament, the complainant may seek judicial review of the decision from the Queensland Supreme Court pursuant to the [Judicial Review Act 1991](#).

DAF will co-operate with any entity that is authorised to review a decision made by DAF.

17.0 Monitoring, reviewing and reporting

Business Group reporting

Details of the complaint and resolution are to be captured as per local business group recording arrangements such as a business unit register.

To meet the reporting requirements of section 219A(3) of the [PSA](#), all departmental business areas are to implement a recording system that enables the quarterly collation of the number of customer complaints received and the number of those complaints resulting in further action and the number of complaints resulting in no further action.

Each quarter, the department's Corporate Services shall request this data from business areas to collate on behalf of the department to comply with mandatory reporting obligations. Corporate Services report quarterly to the Demand and Resource Committee on complaint statistics and analysis. By September 30 each year, the department must publish its complaint data in its annual report which will be available on the department's public facing website.

The Department is also required to state in its annual report:

- (a) details of any actions taken during the reporting period to further the objectives of the *Human Rights Act 2019*; and
- (b) The number of human rights complaints received and the outcome of the complaints.

Information about the reporting of customer complaints and human rights complaints and their outcomes is contained in Appendix 2.

NB. It is not necessary for a complainant to state that they are making a human rights complaint. If the nature of the complaint is such that it indicates a human right was (allegedly) breached without lawful excuse, the complaint would amount to a human rights complaint for the purposes of managing and reporting the complaint as a human rights complaint for the purposes of the [Human Rights Act 2019](#).

Business Group Monitoring and Review

Business Groups should periodically review complaints data and ensure trends and systemic improvements result in business improvement. Changes should focus on reducing the reoccurrence of a similar complaint wherever possible.

Senior management of each business group are to ensure the coordination, development, implementation and regular review of business group procedures, systems and resources to guide a high quality and professional customer complaints management function.

Employees authorised by senior management may request access to complaints information and registers to undertake this review activity. Review steps may include:

- a review of these procedures
- consultation with staff and management
- feedback from customers and complainants about the process
- auditing a sample of complaints from different stages for compliance with the Framework and Procedures, consider reasonableness of outcome and implementation of systemic improvements.

Recommendations from periodic reviews may result in but not limited to recommendations for:

- further staff training
- refinement of business and approval processes
- further clarification of roles in complaint management
- an increased focus on reducing resolution timeframes
- efficiencies in reporting complaint data

Corporate Human Resources may also contact individual business areas and seek access to their records in relation to customer complaints to confirm that any Code of Conduct matters are being reported appropriately.

18.0 Recordkeeping

The department's [Recordkeeping Policy](#) highlights responsibilities in keeping with the requirements stated in the [Public Records Act 2002](#). All formal incoming and outgoing correspondence in relation to the management of a complaint should be recorded in MECs with restricted access as appropriate. All information received is to be stored in a secure manner and disposed of in accordance with Queensland State Archives [Disposal Schedule](#).

19.0 Employee Records

Sections 15 – 17 of the [Public Service Regulation 2018](#) sets out what is required in the management of an employee record. Importantly, if a customer complaint involves a correspondence item about an employee's work performance, work conduct, or work history or includes an allegation of employee misconduct, this correspondence item becomes an employee record.

If the record is to be used in a way that could be reasonably considered to be detrimental to the employee's interests, at least 14 days prior to the detrimental action being taken, the employee must be given opportunity to read the record and to acknowledge having read it by initialing it and being provided with a copy of the record.

The exception to this is if the disclosure of the record to the employee would be likely to prejudice an existing relevant investigation or enquiry. However, the record must be disclosed if the prejudice ceases or six months has transpired since the detrimental action was taken.

20.0 Analysis of Customer Complaint Data

Management should use customer complaint data to identify any trends or any areas of service delivery that require attention with a view to ameliorating wherever possible the factors giving rise to customer complaints. Trends may include:

- the nature of complaints;
- the geographic or organisational location of complaints;
- spikes in numbers of complaints;
- characteristics of complainants – what they have in common.

Any implementation of any significant legislative / policy change affecting the community's obligations or responsibilities should take account of the need to have a complaint handling process in place to accommodate concerns raised during the transitional period.

21.0 Definitions and glossary of terms

The words and meanings defined below are for the purpose of this policy and related procedures only.

Assigned Officers	The staff member nominated as the responsible officer for managing and resolving the complaint.
Business Unit	A unit of organisational management within a business group.
Business Unit Complaints Management Representative	The senior representative, as the main coordinator, is responsible for the implementation of the Complaints Management Framework and procedures across the Business Group. This includes reporting, training, continuous procedural improvements.
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.
Complaints Management	The policy, procedures, personnel and technology used by the

Framework	department in receiving, recording, responding to and reporting about Complaints.
Complaint Management Representative	An employee who has undertaken complaint management training or has experience in customer complaint management and has been nominated by a business area to promote professional complaint management practices within that business area.
Confidentiality	An imposed condition, designed to protect information, by requiring information be disclosed only to persons with a need to know. Information that is to remain confidential does not have to be personal in nature.
Contractor	A contractor is a person whose services have been purchased by DAF to perform work under a common law contract, or is a person whose services have been purchased through a labour hire company.
Corrupt Conduct	The meaning given under s15 of the Crime and Corruption Act 2001
Customer complaint	Any complaint received by the department from a member of the public or an external party about a product or service delivered by DAF. These complaints relate to the work of DAF or are about the conduct and / or decision-making of a member of staff.
Employee	An employee is a public service employee as defined in section 9 of the Public Service Act 2008 as follows: “a public service officer, or a general employee, or a temporary employee.”
(Governance & Ethics) HR	A team in Corporate HR that supports business areas with effective complaint management, governance, and advice on ethical conduct. The Manager Governance and Ethics is the liaison officer to the Crime and Corruption Commission.
MECs	MECs is the department’s correspondence management system.
Personal Information	Personal information is defined in section 12 of the Information Privacy Act 2009 as follows: “Information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion”.
Public Interest Disclosure	The meaning given under section 11 of the Public Interest Disclosure Act. 2010 .

22.0 Related Documents

[DAF External Online Complaint Form](#)
[DAF Employee Complaint Lodgement Form](#)
[DAF Complaints Management Framework](#)

23.0 Useful resources

[Good Decision-Making – Queensland Ombudsman](#)
[Complaints: Good Practice Guide for Public Sector Agencies – Victorian Ombudsman](#)
[Better Practice Guide to Complaint Handling - Commonwealth Ombudsman](#)
[Guide to Managing Human Rights Complaints – Queensland Government](#)

24.0 Further information

Materials and information, including checklists for staff are available on the [intranet complaints page](#).

Information for customers is available on the [department's website](#).

Approval

Signed:

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Dave Kelly

A/Deputy Director-General Corporate,
Department of Agriculture and Fisheries

Date: 13 January 2020

25.0 Version history

Date	Version	Action	Comments
23/09/2015	1.0	Endorsed DAF and DTESB procedure	Combined DEEDI and DTESB Service Delivery Complaints Management Procedures into BCP template for DAF and DTSEB. Minor formatting edits. Included s.219A of the PSA and updated CMC references to CCC. Minor changes for point of service complaints to be recorded and Performance and Planning unit to assist in monitoring of complaints trends and data. MECs approved complaints register and updated role of CSC in receiving complaints. Removed flow chart to be a separate document.
13/01/2020	2.0	Approved policy and procedure for DAF	Replaced the Service Delivery Complaints Management Procedure. Ensured the policy and procedure complied with the <i>Human Rights Act 2019</i> .

26.0 Keywords

CHA/2015/1537; complaints; code of conduct; service delivery complaints; natural justice; visibility; access; responsiveness; assessment; complainant; respondent; complaint resolution; resolution; investigation

Checklists to assist Assigned Officers to manage customer complaints

Stage 1. Minor Complaints – Front line employees’ procedures and guidance:

Focus is on early resolution to be handled by front line employees.

Early Resolution	Action to be taken	Completed
Receive	Confirm receipt of complaint – verbal or written with reference number	
Provide assistance	Consider any assistance to the complainant to lodge the complaint.	
Discussion	Utilise the five questions to understand the complaint (refer to section 7 of this document).	
Manage expectations	Address any expectations by complainant or other parties.	
Explain the process	Provide detail on complaints process to complainant.	
Resolve the complaint	Is the complaint within DAF jurisdiction or legislative responsibilities? If not, complaint is to be declined and advice provided on alternative jurisdiction to respond to the complaint. If eligible for resolution, select and action an appropriate remedy.	
Record	Complaint details are to be retained, as part of DAF's business operations. Registers include local level recording arrangements such as business unit spreadsheets.	

Stage 1. Moderate and Major Customer Complaints – Initial Assessment:

Focus is on assessing the complaint (including complaints lodged previously) to determine what further action is required to resolve the complaint.

Initial Assessment	Action to be taken	Completed
Receive	Confirm receipt of complaint – verbal or written with reference number.	
Provide assistance	Consider any assistance to the complainant to lodge the complaint and collect any additional information to assist with the assessment process.	
Clarify details of the complaint	Utilise the five questions to understand the complaint context (refer to section 7 of this document).	
Manage expectations and process	Address any expectations by complainant or other parties, and communicate what process will be followed.	
Escalate as appropriate	Notify the appropriate level of management according to the severity / implications of the complaint. Escalate to senior management if it is a human rights complaint.	
Conduct preliminary enquiries to determine what further action is required	Confirm background information that can be used to further investigate or review. Determine how complaint is to be managed and who is to be involved. Obtain approval to proceed as proposed.	
Considerations when no further action is proposed.	If complaint is not within DAF jurisdiction – inform complainant of alternate jurisdiction; Further investigation or review is unnecessary or not justified due to an absence of merit to the claims; complaint is a continuation of a previous complaint which has already been finalised and no new evidence has presented to re-open; it is	

	not feasible to investigate due to the passage of time since the alleged events occurred, lack of relevant witnesses etc.; no practical resolution to the problem is available. Complaint is trivial and / or inconsequential or lacking in substance with no feasible avenue for resolution.	
Outcome of assessment	Complaint is not amenable to further action due to stated reason/s. Matter is finalised and communicated to complainant. Further action is required eg. Investigation; detailed review; Parties to complaint are informed of outcome of initial assessment and proposed course of action.	
Document and Record	Document trail is maintained; incoming and outgoing correspondence is recorded in MECs with restricted access as appropriate.	

Stage 1. Moderate and Major Customer complaints – Investigation.

Focus is on more detailed enquiry to understand what has occurred and what reasonable action should then follow to reach resolution based on the findings of the investigation.

Internal Investigation Plan	Action to be taken	Completed
Planning	Assign an independent Assigned Officer with appropriate authority and capability. Identify key activities and requirements to complete the investigation. Confirm the issues / scope of the investigation (terms of reference) and any relevant legislation / policy; sources of information (eg witnesses); sequence of investigation (who is to be interviewed first, second etc); framework for investigation report.	
Finding the facts (keep good records)	What type of investigations are to occur eg document search / review; physical investigation of alleged events, site inspections etc. What are the key questions to be asked and answered by complainant, witnesses, and respondent? Is expert technical advice required? How is data to be collected / recorded?	
Making findings of fact and recommendations	Evaluate the evidence to determine what findings of fact can be made. Based on the findings, decide what remedy is appropriate and / or feasible to be recommended. Should the complainant be restored to the position they would have been in had the issue not occurred? Consider the outcome the complainant is seeking / improving DAF systems or practices if required.	
Preparing the report	This report is to contain details of the investigation process; evidence gathered; findings and recommendations made. Write the report knowing that the report may be subject to internal and external review and released to the parties to the complaint. Report is written for a decision-maker to easily follow and understand the rationale for the findings of fact and recommendations made.	
Decision and communication of outcome	Decision-maker has reviewed investigation report and made their decision. The parties to the complaint and relevant departmental officers are advised of the outcome including reasons for	

	decision.	
Implementing / communicating remedies	Remedies are implemented, recorded, and monitored by the Assigned Officer. Complainant is notified the remedy has been implemented and the matter is now finalised.	
Closing the complaint	Documents have been secured and correspondence recorded in MECs with restricted access as appropriate. Complaint has been registered in the local business area and counted as one where further action was taken.	

Stage 2 - Customer complaints – internal review.

Focus is on the final step within DAF's CMF, to review the merits of the complaints process undertaken to ensure it complied with procedures and that the outcome is the preferable decision.

Internal Review	Action to be taken	Completed
Provide assistance	Acknowledge receipt of request for review. Consider any assistance to be given to the complainant to ensure clear statements are collected regarding the dissatisfaction about the initial decision and collect any additional information to assist with the review process. Provide details on the review process to all parties involved.	
Designating an Assigned Officer for internal review	The internal reviewer is equal to or more senior than the initial decision-maker; is free of bias and has no conflict of interest in performing the task; is capable and authorized to conduct the review.	
Assess the grounds for the request for internal review	The grounds for the request for internal review are understood. Examples of grounds for requesting review may be: reported facts are incorrect that have materially influenced the decision; <ul style="list-style-type: none"> relevant considerations have been ignored and/or irrelevant considerations have been made; procedural fairness has not been extended and therefore relevant additional information has not been considered; the stated reasons for decision cannot be reasonably concluded on the established and agreed facts of the matter. 	
Conducting the internal review	Examine primary documents including: the complainant's latest submission; any previous outcomes and associated records. Additional information sought if the information is relevant to the considerations before the decision-maker. Initial decision-making process has been reviewed and any deficiencies in the process have been corrected. All parties have been notified of any new or critical / adverse issues are now being considered. Reasonable opportunity is to be given to the parties to respond to any potentially adverse finding / decision before a final decision is reached.	
Outcome and remedies	Decision on the review may be: <ul style="list-style-type: none"> that the initial decision is confirmed and remains the departmental position; the initial decision is confirmed but an alternative remedy is offered; the complaint's appeal is partially or fully upheld and a new decision replaces the previous decision; 	

	<ul style="list-style-type: none"> the new decision may apply the same or different remedy. 	
Communicating the outcome	The parties to complaint and relevant departmental officers involved are advised of the outcome, the reasons for the decision, and the avenues for external appeal if a party remains aggrieved at the decision.	
Implementing and recording remedies	Any new or different remedies are implemented and recorded. The complainant is notified when the remedy has been implemented and the matter has been finalised.	
Closing the complaint	Documents have been secured and correspondence recorded in MECs with restricted access as appropriate. Complaint has been registered in the local business area and counted as one where further action was taken.	

Stage 3 - External Review

If a complainant has exhausted all internal review processes with the department and remains aggrieved with the decision, they may lodge a request for External Review by contacting the appropriate external agency. The department will co-operate with any external review being conducted by an entity that is authorised to conduct such a review such as the Office of the Queensland Ombudsman or the Queensland Supreme Court.

REPORTING OBLIGATIONS

1. Reporting Customer Complaints – Section 219A of the *Public Service Act 2008*

By 30 September after each financial year, the chief executive of the department must publish the following information for the financial year on the department's website—

- (a) the number of customer complaints received by the department in the year;
- (b) the number of those complaints resulting in further action;
- (c) the number of those complaints resulting in no further action.

NB. For the purposes of reporting, a request for an internal review of an initial departmental decision on a customer complaint will count as an additional and separate complaint resulting in either further action or no further action.

2. Reporting Human Rights Complaints – Section 97 of the *Human Rights Act 2019*

Recording complaints and outcomes with sufficient detail is important for identifying trends within an agency, including whether there are particular areas or practices that result in more human rights complaints than others.

In each annual report, the following information must be included:

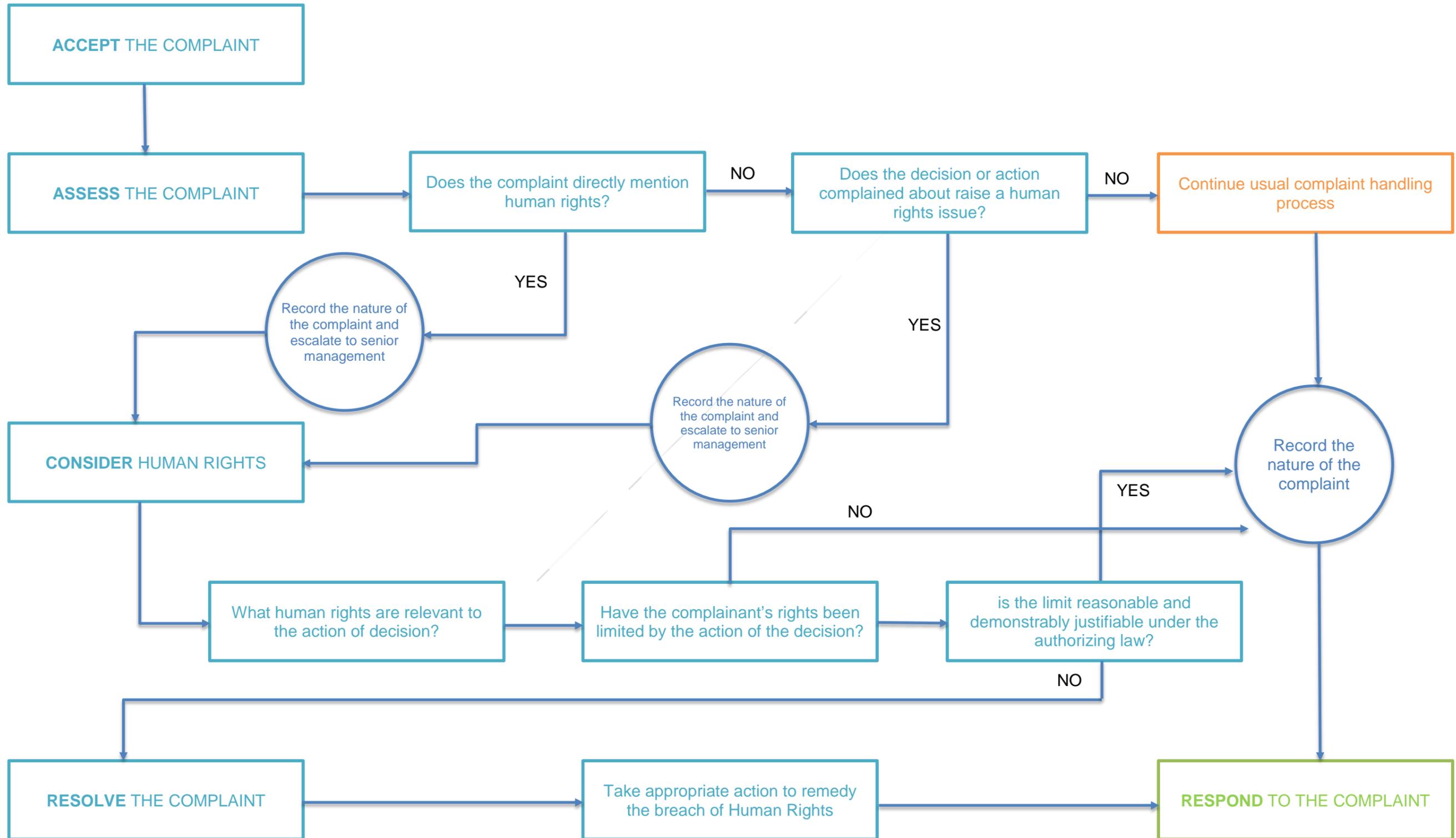
- activities during the reporting period that further the objects of the *Human Rights Act 2019*
- human rights complaints received, including:
 - the number
 - the outcome
 - any other information prescribed by regulation relating to complaints.
- reviews of policies, programs, procedures, practices or services for their compatibility with human rights.

To meet these requirements, DAF business areas should record:

- details of each human rights complaint
- actions taken in dealing with the complaint
- the outcome of all complaints
- improvements in services, policies or procedures made as a result of the complaint

NB. For the purposes of reporting, a request for an internal review of an initial departmental decision on a human rights complaint will count as an additional and separate complaint resulting in either further action or no further action.

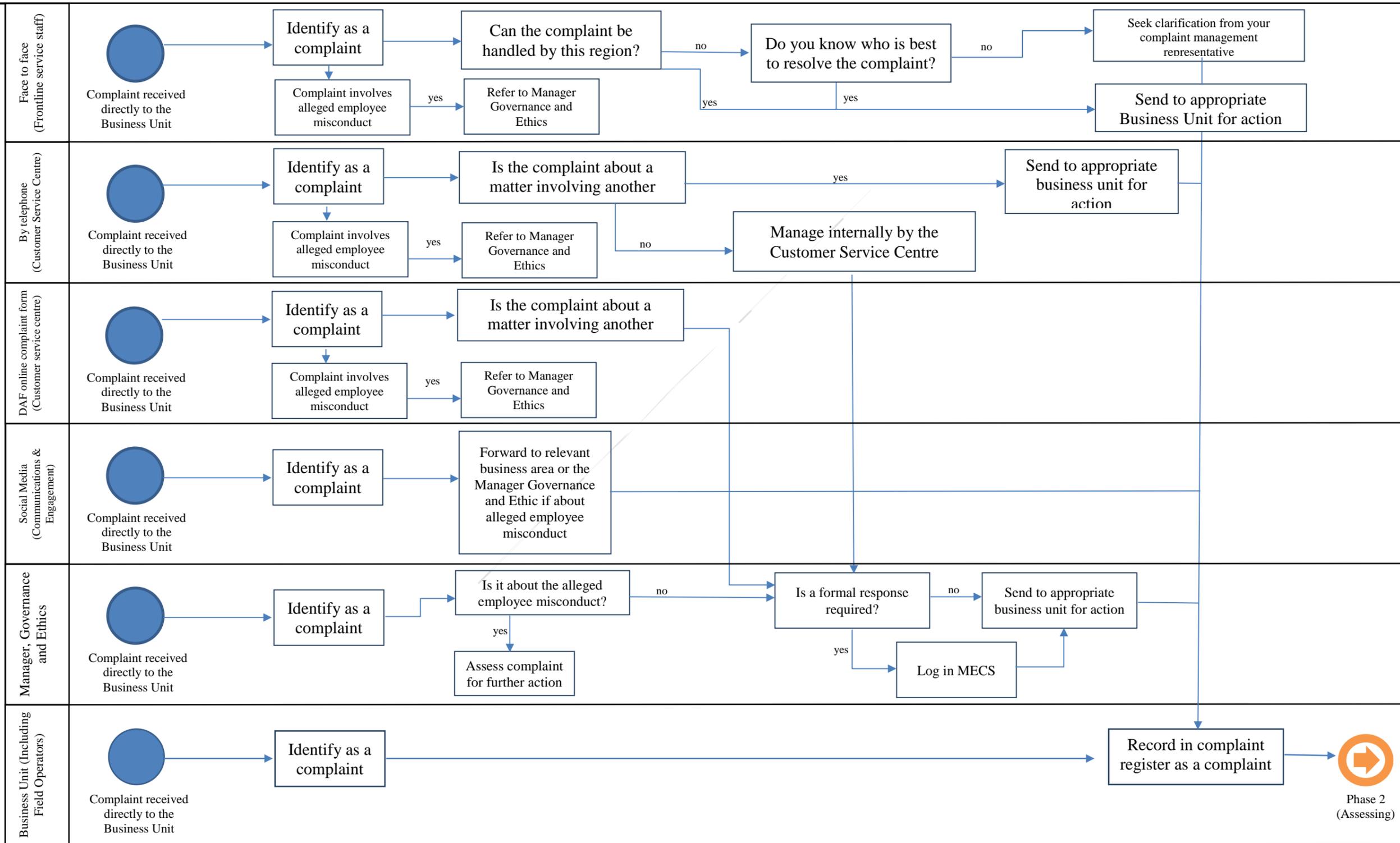
Flowchart for Human Rights Complaints



Customer Complaints Management – Phase 1

Receiving Complaints

Communication Channels

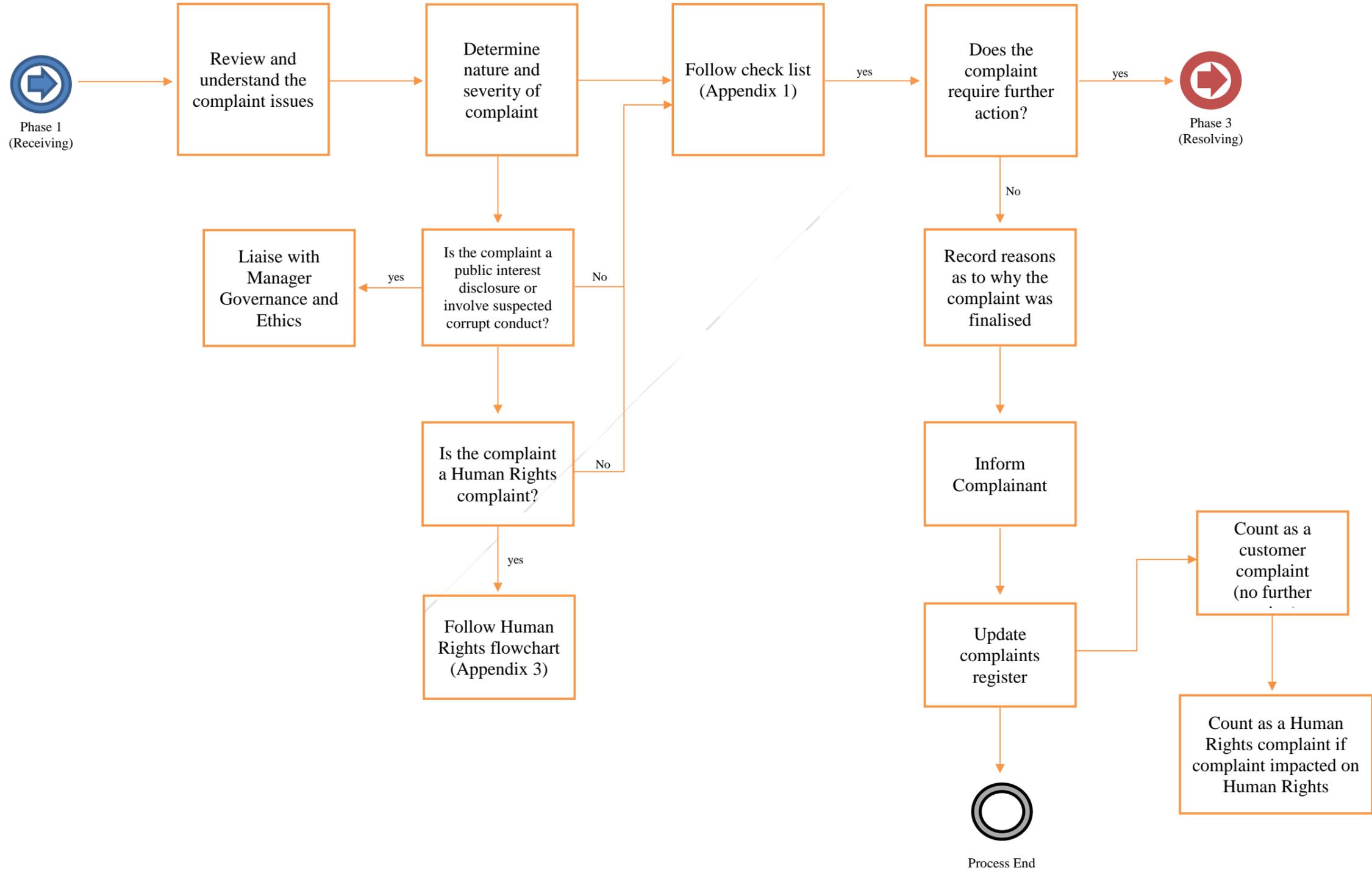


Customer Complaints Management – Phase 2

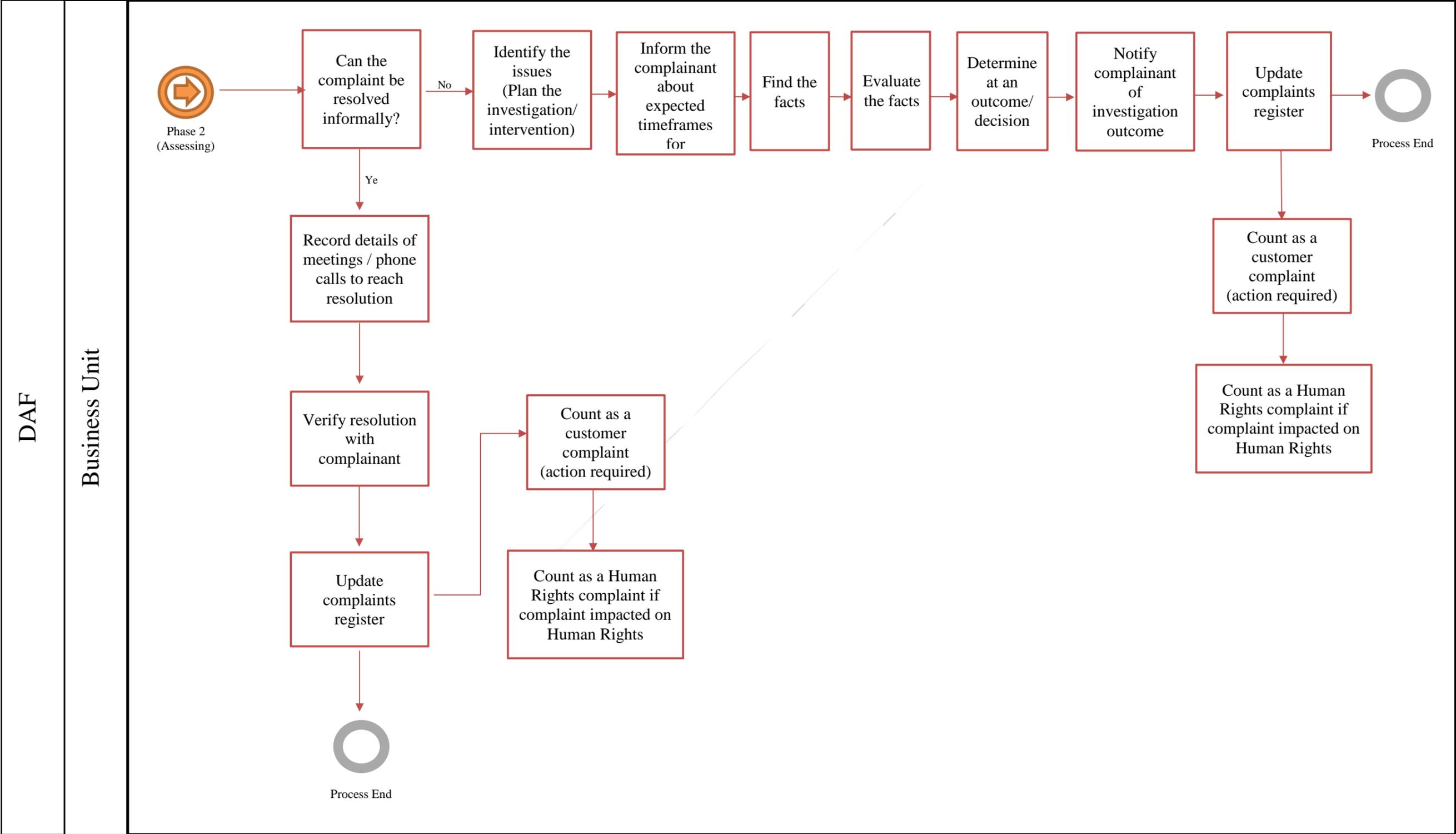
Assessing Complaints

DAF

Business Unit



Customer Complaints Management – Phase 3 Resolving Complaints



DAF

Business Unit