

Complaints Management Policy

Owner **Governance and Assurance**
Last Reviewed **18/03/2019**

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Version 1.00

1. Purpose

This policy and related frameworks provide an overarching policy for the management of complaints received by the Department of Innovation, Tourism Industry Development and the Commonwealth Games (DITID).

The policy outlines the principles that must be used when managing complaints on behalf of DITID. Execution of this policy will support the department's business objectives and the priorities of the Government by supporting employees to resolve the majority of complaints directly and identifying and reducing causes of complaints to improve service and organisational performance.

2. Principles

The department considers complaints as opportunities to identify policies and procedures requiring improvement. The department is committed to effectively handling complaints (including anonymous complaints) promptly and professionally in line with the following principles:

1. Complaints will be treated seriously and assessed in a timely manner.
2. The level of investigation will be commensurate with the seriousness, frequency and consequences of a complaint.
3. Attempts will be made to resolve complaints at the local level where possible.
4. Access to the complaints handling process will be free of charge to complainants.
5. Reasonable assistance will be provided to complainants.
6. The department will handle complaints in a way that is culturally appropriate and responsive to any special needs of people involved.
7. No action is to be taken against another person for making a complaint or for being a witness where a complaint is being investigated that is, or could be perceived to be, a reprisal.
8. Personal information obtained through and in connection with complaints will be collected and handled in accordance with information privacy principles in the *Information Privacy Act 2009* (IP Act).
9. Confidentiality is to be observed as far as practicable.
10. An employee who is the subject of a complaint will be afforded natural justice.
11. Complainants are to be treated with fairness and respect.

3. Authority

The application of this policy enables the department to meet its obligations under the:

- [Public Service Act 2008](#)
- [Information Privacy Act 2009](#)
- [Code of Conduct for the Queensland Public Service.](#)

4. Scope

This policy applies to all:

- permanent, temporary and casual employees (full-time and part-time)
- consultants/contractors performing work for the department
- school-based trainees, scholarship holders, cadet work-experience placements and other persons on placement, including volunteers.

This policy applies to all incoming complaints with the exception of:

- reports of suspected corrupt conduct and public interest disclosures that are dealt with under the department's [Public Interest Disclosures Policy and Procedure](#), [Complaints about the Director-General Policy](#), the [Crime and Corruption Act 2001](#) and the [Public Interest Disclosure Act 2010](#)
- employee complaints that are dealt with under the department's [Managing Employee Complaints Policy](#)
- complaints about the department which are made to and dealt with by the Office of the Minister for Innovation and Tourism Industry Development and Minister for the Commonwealth Games (e.g. complaints being responded to via Ministerial correspondence)
- employee appeals that are dealt with under chapter 7 of the *Public Service Act 2008* (PS Act) and in accordance with the [Commission Chief Executive Directive: Appeals \(03/17\)](#)
- complaints that are primarily contractual in nature
- matters subject to legal proceedings
- complaints about access application decisions dealt with under the [Right to Information Act 2009](#)
- complaints about access and amendment application decisions under Chapter 3, Part 2 of the IP Act.

Note this Complaints Management Policy does not provide a complainant with an additional avenue of complaint (e.g. a complaint that has been dealt with under the department's Employee Complaints Policy will not also be dealt with under this policy).

The department will not accept complaints about matters:

- already dealt with or currently being dealt with by the department, another department or agency, a court or tribunal
- that are impractical to investigate, or
- that appear to be frivolous, vexatious, misconceived or lacking in substance

5. Managing Complaints

Complaint levels

Complaints received by the department may be addressed at one of three levels as specified below. Complaints identified as:

- **Level 1** are generally straightforward with minimal potential to impact on a business area and should be dealt with by employees or managers within the business unit.
- **Level 2** are generally of a more complex or serious nature, have the potential to impact negatively on a business area and should be dealt with or overseen by the head of the relevant business area or Executive Director, General Manager, Director (or equivalent).
- **Level 3** are generally complex and significant and have the potential to impact negatively on the department and/or cause lasting detriment or significant consequences. These complaints should be dealt with by the Office of the Director-General.

Unreasonable complainant conduct

As per the Code of Conduct for the Queensland Public Service, departmental employees are expected to interact with complainants in a professional, respectful and courteous manner. Complainants are expected to treat employees the same way.

Unreasonable complainant conduct is behaviour by a complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to a complaint.

Unreasonable complainant conduct will be managed in a manner consistent with the department's obligation to ensure a healthy and safe work environment as per the [Work Health and Safety Act 2011](#). The department will not tolerate complainant conduct or conduct from associated persons that presents a risk to employees' health and safety.

Internal review of complaint outcomes

If a complainant is dissatisfied with how their complaint has been dealt with (excluding privacy complaints), they can request that their complaint be reviewed by the department. Following an assessment of the review request and if a review is warranted, the review is to be undertaken by an employee who is independent of, and no less senior than, the original investigator.

Requests for an internal review should include:

- department's complaint reference number, if known

- decision/s which the complainant is seeking to be reviewed
- reasons why the complainant considers the decision/s is/are wrong
- outcome being sought.

In accordance with the IP Act, if a complainant is dissatisfied with the department's resolution of their privacy complaint or they have not received a response to their privacy complaint within 45 business days of the date of making the complaint, they can lodge a complaint with the [Office of the Information Commissioner](#).

External review of complaint outcomes

If a complainant is dissatisfied with any action taken by the department in relation to a complaint other than a privacy complaint and after they have exhausted all available avenues of review within the department, they can request for the department's decision to be reviewed by the [Queensland Ombudsman](#).

In accordance with the IP Act, if a complainant is dissatisfied with the department's resolution of their privacy complaint or they have not received a response to their privacy complaint within 45 business days of the date of making the complaint, they can lodge a complaint with the [Office of the Information Commissioner](#).

Reporting

In accordance with Section 219A (3) of the PS Act the department will publish information about customer complaints for the previous financial period on its website by 30 September each year.

6. Responsibilities

This section summarises the responsibilities in relation to complaints management activities for the department.

Director-General:

- Ensure the department implements and maintains an effective complaints management framework as required under the PS Act.
- Maintain accountability for the delivery of complaints management for DITID.
- Ensure information on the department's complaints policy is made publicly available.

Director, Governance and Assurance (ODG)

- Ensure oversight of the department's complaints management function, and that the department maintains:
 - Compliance with this policy and the department's complaints management framework, including other related documents as listed in Appendix B.
 - Clear management responsibilities for complaint management activities.
 - Compliance monitoring and reporting schedules and systems.

Manager, Governance and Strategic Procurement (ODG)

- Develop and maintain a complaints management framework that supports the principles of this policy and other associated complaints management documents.
- Provide advice and assistance to departmental staff undertaking complaints management activities.
- Coordinate and provide advice for complaints related communications and maintain updates relating to complaints management on the department's intranet and website.
- Undertake complaints management administration including coordinating external reporting as required under Section 219A (3) of the Public Service Act 2008 and internal performance reporting for risk management and continuous improvement.
- Support and provide advice to departmental officers with respect to complaints management capability and training.

Business areas

- Ensure complaint management processes undertaken by employees comply with this policy, DITID's complaints management framework, whole-of-government requirements and relevant policies.
- Ensure complaints management activities within their business area are transparent and accountable and able to withstand external scrutiny.
- Adequately document and file complaints management actions, approvals and decisions.
- Promote a workplace culture where feedback and complaints are taken seriously and inform continuous improvement.

- Review and monitor complaints relevant to the business area to ensure they are appropriately managed, including considering complaints management as part of risk management and operational planning activities.

Detail the responsibilities for employees, supervisors, managers, delegates and where applicable, specific business functions.

7. Definitions and glossary of terms

Term	Definition
Complainant	A person, organisation or their representative (including clients, consumers, service users, customers, etc.) making a complaint. (source: AS/NZS 10002:2014)
Complaint	A generic term referring to the expression of dissatisfaction, orally or in writing, about the products, services or actions of the department or its employees where a response or resolution is explicitly or implicitly expected or legally required. A complaint is not a question, an enquiry or a request for information, unless the person specifies that they wish to make a complaint.
Corrupt conduct	<p>(1) <i>Corrupt conduct</i> means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <p>(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—</p> <p>(i) a unit of public administration; or</p> <p>(ii) a person holding an appointment; and</p> <p>(b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—</p> <p>(i) is not honest or is not impartial; or</p> <p>(ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</p> <p>(iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and</p> <p>(c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and</p> <p>(d) would, if proved, be—</p> <p>(i) a criminal offence; or</p> <p>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</p> <p>(2) Without limiting subsection (1), conduct that involves any of the following could be corrupt conduct under subsection (1)—</p> <p>(a) abuse of public office;</p> <p>(b) bribery, including bribery relating to an election;</p> <p>(c) extortion;</p> <p>(d) obtaining or offering a secret commission;</p> <p>(e) fraud;</p> <p>(f) stealing;</p> <p>(g) forgery;</p> <p>(h) perverting the course of justice;</p> <p>(i) an offence relating to an electoral donation;</p> <p>(j) loss of revenue of the State;</p> <p>(k) sedition;</p> <p>(l) homicide, serious assault or assault occasioning bodily harm or grievous bodily harm;</p> <p>(m) obtaining a financial benefit from procuring prostitution or from unlawful prostitution engaged in by another person;</p> <p>(n) illegal drug trafficking;</p> <p>(o) illegal gambling.</p>
Employee	A person is a public service officer (or employee) if the person is employed under the PS Act as:

Term	Definition
	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	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	A disclosure made under Chapter 2 of the Public Interest Disclosure Act 2010 including all information and help given by the discloser to a proper authority for the disclosure.
Reprisal	Causing, or attempting or conspiring to cause, detriment to another person because, or in the belief that – <ul style="list-style-type: none"> (a) the other person or someone else has made, or intends to make, a public interest disclosure (b) the other person or someone else is, has been, or intends to be, involved in a proceeding under the Public Interest Disclosure Act 2010 against any person. An attempt to cause detriment includes an attempt to induce a person to cause detriment.

8. References

- [Crime and Corruption Act 2001](#)
- [Information Privacy Act 2009](#)
- [Public Interest Disclosure Act 2010](#)
- [Public Records Act 2002](#)
- [Public Service Act 2008](#)
- [Public Sector Ethics Act 1994](#)
- [Right to Information Act 2009](#)
- [Work Health and Safety Act 2011](#)
- [Directive 2/17 – Managing employee complaints](#)
- [Directive 03/17 - Appeals](#)
- [Code of Conduct for the Queensland Public Service](#)
- [Complaints about the Director-General Policy](#)
- [Managing Employee Complaints Policy](#)
- [Public Interest Disclosures Policy and Procedure](#)
- [Identifying and Managing unreasonable complainant conduct](#) (Queensland Ombudsman, October 2018)
- [Australian/New Zealand Standard – Guidelines for complaints management in organizations \(AS/NZS 10002-2014\) Queensland Ombudsman Guide to developing effective complaints management policies and procedures](#)

9. Review

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

During this period if there is a development which necessitates a change to the departmental complaints management policy, the revised policy will be submitted to the Director-General for approval.

Minor amendments (such as changes of titles, telephone numbers or web addresses) will be submitted to the Director, Governance and Assurance for approval.

10. Approval

Signed

Damien Walker

Director-General

Department of Innovation, Tourism Industry Development and the Commonwealth Games

Date: 18 March 2019

11. Keywords

Complaints; employee complaints; customer complaints; public interest disclosures; code of conduct; complaints management