

Complaints management policy

1. Policy statement

The Department of State Development, Infrastructure, Local Government and Planning (the department) is strongly committed to maintaining and enhancing public confidence in the department by creating an environment that encourages feedback and manages complaints in a responsive, timely and fair manner.

2. Scope

This policy applies to all:

- » all employees of the department and non-employees including contractors, consultants, volunteers and any other person or entity who provides the department with services on a paid or voluntary basis.
- » any of the following types of complaints:
 - customer complaints
 - human rights complaints
 - employee complaints
 - complaints about any of the following:
 - a breach of the department's obligations under the *Information Privacy Act 2009* (IP Act) regarding the personal information of an individual (privacy complaint)
 - allegations of corrupt conduct, as defined in the *Crime and Corruption Act 2001* (CC Act)
 - allegations about the conduct of the Director-General, as per section 48A of the CC Act.
 - complaints assessed as public interest disclosures (PIDs) under the *Public Interest Disclosure Act 2009* (PID Act).

For the purpose of this policy, the following are *not* classified as complaints:

- » questions, enquiries and requests for information or action
- » feedback obtained during public consultation processes
- » feedback received about matters outside the direct responsibility of the department
- » feedback received about another agency or organisation
- » complaints that are primarily contractual disputes.

This policy does not replace, modify or revoke any legislative requirements or appeal processes that apply to the management of particular types of complaints (e.g. privacy complaints, right to information, criminal conduct, corrupt conduct, public interest disclosures, and complaints under the *Industrial Relations Act 2016*).

3. Background and context

Complaints management aims to resolve individual complaints and identify opportunities for improvement. The community expects the department to be customer-focused and responsive to complaints.

Under section 219A of the Public Service Act 2008 (the PS Act), the department is required to have complaints management systems in place and be accountable for its decisions and actions. The complaint management principles underlying this policy reflect the Australian Standard AS/NZS 10002-2014 Guidelines for complaint management in organisations and section 219A of the PS Act.

This policy sets out the department's commitment to effective complaints management and together with the related procedures, provides an approach to meet the above requirements.

4. Principles

Complaints are dealt with by the department in accordance with the following principles



4.1 Consideration of human Rights

- » Departmental decisions and actions can impact upon an individual's human rights, in either a positive or negative way. The department will consider human rights in all decision-making and action and will only limit human rights in certain circumstances and after careful consideration.

4.2 Visibility

- » Information about how and where to complain to the department will be well publicised for customers, employees and other interested parties (e.g. through the department's website, intranet and in contracts).

4.3 Accessibility

- » The complaints management process will be easily accessible to all complainants through readily accessible information about the process and flexibility on the process for making complaints (e.g. complainants may make complaints by telephone, mail, email or online).
- » The complaints management process and supporting information (such as procedures) will be easy to understand and use.
- » Complainants will have access to the complaints management process free of charge.
- » Complaints made anonymously, or through an authorised agent, will be recognised and assessed in the same manner as any other complaint.
- » Reasonable assistance to make complaints will be provided to complainants with special needs (including availability of interpreters), so that no complainants are disadvantaged.
- » All reasonable steps must be taken to ensure that a complainant is not subject to reprisal.

4.4 Responsiveness

- » Complaints will be acknowledged promptly.
- » Complaints should be informally resolved at the first point of contact wherever possible, at the lowest level possible (e.g. frontline staff or manager level).
- » Complainants will be kept informed on the progress of their complaint.
- » Each complaint will be assessed and finalised as quickly as possible.
- » The department may refuse to investigate a complaint if it is considered to be trivial, frivolous or vexatious (subject to agreement of Ethics).

4.5 Objectivity

- » Each complaint must be assessed, categorised and managed in an equitable, objective and unbiased manner, in accordance with the principles of natural justice and without actual or perceived conflicting interests.

4.6 Zero tolerance of violence, harassment and discrimination

- » The department will not tolerate any form of domestic and family violence (DFV), as well as any form of harassment and discrimination in the workplace.
- » Following consideration by the delegate, complaints alleging any form of physical assault, sexual assault or other criminal behaviour may be referred to the Queensland Police Service (QPS) for investigation or other necessary action.
- » If an employee is alleged to have perpetrated violence within the bounds of the workplace, the department will liaise with the QPS if the alleged conduct has the potential to be a criminal matter. This will occur before undertaking an internal investigation, as internal investigations can impede successful prosecution by QPS.
- » All internal investigations will follow the rules and procedures set out under Government legislation and policy, which ensures natural justice for the alleged perpetrators and safety of the alleged victim.
- » Where a report of alleged violence is provided to the department, the department will ensure that complainants are aware of their option to report the matter directly to the police.

4.7 Confidentiality

- » Complaints will be managed in a manner that protects privacy and confidentiality to the extent possible under the law and subject to requirements of natural justice.

4.8 Accountability

- » Complaints will be recorded and reported on in accordance with legislative and other requirements.
- » The department's complaints management policy and processes will be open, transparent and effective.

4.9 Review

- » Complainants will be notified of their internal and external review options.

4.10 Customer-focused approach

- » The department recognises and respects everybody's right to provide feedback.
- » Feedback will be addressed in a timely manner.
- » Adequate and timely feedback will be provided on complaints to all parties.

4.11 Continual improvement

- » Feedback and complaints are recognised as opportunities to build knowledge and improve services.
- » Complaints are an essential tool for continuous improvement of the department's service delivery and the complaints management process.

4.12 Types of complaints

The department has obligations to deal with various types of complaints. The relevant procedure or legislation governing the management of the complaint, are shown below. Note that complaints may fall within one or more of the following types.

Type of complaint	Complaint governed by
Customer complaint	<ul style="list-style-type: none"> » Customer complaint procedure » PS Act, section 219A
Individual employee grievance (previously employee complaint)	<ul style="list-style-type: none"> » Managing employee grievances procedure » Directive relating to individual employee grievances » Directive relating to appeals » Discipline guideline
Human Rights complaint	<ul style="list-style-type: none"> » Human rights complaint procedure » <i>Human Rights Act 2019</i>
Privacy complaint	<ul style="list-style-type: none"> » Privacy complaint procedure » IP act
Complaint about the Director-General or the Coordinator-General	<ul style="list-style-type: none"> » Complaints about the Director-General or Coordinator-General procedure » CC Act, section 48A

Type of complaint	Complaint governed by
Complaint comprising allegation/s about (or including information giving rise to a reasonable suspicion of) corrupt conduct	<ul style="list-style-type: none"> » Corrupt conduct procedure » CC Act » The complaint may be referred to the Crime and Corruption Commission (CCC) for investigation or investigated by the department and reported to the CCC if required under the CC Act.
Complaint assessed as a PID in accordance with the PID Act	<ul style="list-style-type: none"> » PID procedure » PID Act

5. Delegations

Delegations are to be exercised in accordance with the department's Human Resource, Financial, Procurement, Contract Signing and Business Support Delegations. Delegation Schedules are reviewed on a regular basis to ensure they remain current and relevant to the operational needs of the department. It is recommended that delegate authority levels are confirmed prior to exercising any powers in relation to this policy and supporting procedures.

6. Responsibilities

Role	Responsibilities
Delegates	<ul style="list-style-type: none"> » Exercise delegated powers in accordance with all relevant statutory provisions, whole-of-government policy and directives and principles of procedural fairness.
Director-General (DG) (accountable officer)	<ul style="list-style-type: none"> » Ensure the department has established and implemented systems for dealing with complaints (including customer complaints) » Ensure systems and procedures are in place to monitor a discloser's workplace for any signs of reprisal action in relation to a PID.
Employees	<ul style="list-style-type: none"> » Be familiar with the department's complaints management policy and procedures and assist people to access the complaints process. » Receive and action complaints in accordance with this policy and applicable procedure and seek advice from Ethics if in doubt » Respond to constructive feedback as an opportunity to improve » Proactively report conduct of employees that is inconsistent with the public service values and Code of Conduct, including information giving rise to a reasonable suspicion of corrupt conduct, to the Director, Ethics
Human Resources (HR)	<ul style="list-style-type: none"> » Act as a referral and coordination point for employee complaints » Case manage employee complaints (in consultation with Ethics) » Manage the discipline process
Managers and supervisors	<ul style="list-style-type: none"> » Ensure employees under their supervision are aware of the department's complaints management policy and procedures and can assist people to access the complaints process » Encourage, demonstrate and model ethical conduct in their teams / units » Proactively identify workplace issues and inappropriate employee conduct and performance » Cultivate a work environment where employees and customers are empowered to give feedback » Promote a workplace culture where customer feedback and complaints are taken seriously and inform continuous improvement.

Ethics

- » Act as a central referral and coordination point for the employees, customers and the public on the requirements of this policy and associated procedures
- » Promote requirements of this policy and associated procedures and implement appropriate awareness initiatives for employees
- » Review, monitor, and report on complaints to ensure they are appropriately managed
- » Receive, assess, refer and/or case manage, monitor and report on complaints in accordance with this policy and applicable procedures, to ensure complaints are appropriately managed within the department.
- » Analyse, evaluate and audit complaints and their outcomes in order to support quality improvements.

7. Human rights compatibility

The department is committed to respecting, protecting and promoting human rights.

Under the *Human Rights Act 2019* (HR Act), the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights.

When making a decision about complaints management, decision-makers must comply with this obligation.

For further information on the HR Act see:

- » <https://www.qhrc.qld.gov.au>

8. Definitions

Refer to **Appendix A** for definitions of key terms referred to in this policy.

9. Related documents, forms and templates

- » Customer complaints procedure
- » Complaints about the Director-General procedure
- » Managing corrupt conduct procedure
- » Managing employee complaints procedure
- » Public interest disclosure procedure
- » Privacy complaint procedure
- » Privacy policy
- » Human Resources Delegations

10. References

- » Appeals Directive (Public Service Commission)
- » Code of Conduct for the Queensland Public Service
- » *Crime and Corruption Act 2001*
- » Discipline Guideline (Public Service Commission)
- » *Human Rights Act 2019*
- » *Human Rights Act 2019*
- » *Industrial Relations Act 2016*
- » *Industrial Relations Act 2016*
- » *Information Privacy Act 2009*
- » Individual employee grievances Directive (Public Service Commission)
- » *Public Interest Disclosure Act 2010*

- » *Public Sector Ethics Act 1994*
- » *Public Service Act 2008*
- » *Public Service Act 2008*
- » Standards Australia: AS/NZS 10002:2014 Guidelines for complaint management in organizations
- » Whole-of-government human rights resources

11. Further information

For further information or clarification, please contact:

- » your manager or supervisor
- » your business support officer
- » Complaints@dasilgp.qld.gov.au

12. Storage of information

All information should be managed in accordance with the Queensland Government Information Management Framework, which includes the *Public Records Act 2002*, Information Standard 31: Retention and disposal of public records (IS31) and Information Standard 40: Recordkeeping (IS40). In addition, personal information should be managed in accordance with the *Information Privacy Act 2009*.

13. Document control

Document owner	Director, Corporate Governance and Ethics			
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Supersedes	Complaints Management Policy V1.3 (D20/46215)			
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1.1	18/08/2018	Minor update from MoG changes	Senior Project Officer, Ethics and Governance	Executive Director, Corporate Services, BCP
1.2	04/04/2019	Update to branding and White Ribbon Commitment	Principal Governance Officer, Governance, Performance and Risk	Deputy Director-General, Business Commercial and Performance
1.3	15/09/2020	Update to include human rights information	Senior Ethics Advisor, Ethics	Deputy Director-General, Corporate
1.4	20/07/2021	Update to branding following MoG	Senior Project Officer, Ethics	Director, Ethics

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Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not take into account individual circumstances or situations. Where appropriate, independent legal advice should be obtained.

Appendix A: Definitions

The key terms referred to in this policy are as follows:

Term	Definition
Delegate	» The person authorised to perform a specific task or function on the Director-General or Minister's behalf. Delegations and authorisations are recorded in the department's delegation schedules.
Complainant	» The person who makes a complaint.
Complaint	» Expression of dissatisfaction, orally or in writing, about the products, policies, services or actions of the department and/or the associated conduct of officers, or representatives of the department.
Corrupt conduct	<ul style="list-style-type: none"> » Under the CC Act, there are two different types of corrupt conduct. » "Type A" corrupt conduct involves conduct that affects, or could affect, a public officer (an employee of a public sector agency) so that the performance of their functions or the exercise of their powers: <ul style="list-style-type: none"> ○ is not honest or impartial, or ○ knowingly or recklessly breaches public trust, or ○ involves the misuse of agency-related information or material. » Common examples of Type A corrupt conduct include fraud and theft, extortion, unauthorised release of information, obtaining or offering a secret commission and nepotism. » "Type B" corrupt conduct involves specific types of conduct that impair, or could impair, public confidence in public administration. This may include: <ul style="list-style-type: none"> ○ collusive tendering, or ○ fraud relating to an application for a licence, permit or other authority relating to public health or safety; the environment; or the State's natural, cultural, mining or energy resources, or ○ dishonestly obtaining public funds or State assets, or ○ evading a State tax, levy or duty or fraudulently causing a loss of State revenue, or ○ fraudulently obtaining or retaining an appointment. » Both Type A and Type B corrupt conduct must be either a criminal offence or serious enough to warrant dismissal. » Refer to section 15 of the CC Act for the legal definition.
Customer complaint	<ul style="list-style-type: none"> » A complaint about a product, service or action (or inaction) of the department, or its staff. Customer complaints include complaints about any of the following— <ul style="list-style-type: none"> ○ a decision made, or a failure to make a decision, by an employee ○ an act, or failure to act, of the department ○ the formulation of a proposal or intention by the department ○ the making of a recommendation by the department ○ the customer service provided by an employee of the department.
Delegate	» The person authorised to perform a specific task or function on the Director-General or Minister's behalf. Delegations and authorisations are recorded in the department's delegation schedules.
Discloser	» The person who makes a PID under the PID Act.

DFV	» DFV occurs when one person in a relationship uses violence and abuse to maintain power and control over the other person. This can include behaviour that is physically, sexually, emotionally, psychologically or economically abusive, threatening, and coercive or aimed at controlling or dominating the other person through fear.
Employee grievance	» A grievance made by a current public service employee who has an honest belief, based on reasonable grounds, that: <ul style="list-style-type: none"> ○ an administrative decision, which they are aggrieved by, is unfair and unreasonable ○ the conduct or behaviour of an employee, agent or contractor is unfair and unreasonable ○ the conduct or behaviour of an employee, agent or contractor constitutes bullying in the workplace, sexual harassment, racial vilification, religious vilification or vilification on the grounds of gender identity or sexuality ○ the conduct or behaviour of an employee is a breach of the Code of Conduct ○ an act or decision is not compatible with human rights or a decision failed to give proper consideration to a relevant human right under the Act » See the directive relating to individual employee grievances for decisions, conduct or behaviour that cannot be subject to an employee grievance.
Privacy complaint	» A written complaint by an individual about an act or practice of an agency in relation to their personal information, which alleges a breach of the agency's obligations to comply with the privacy principles under the IP Act. A privacy complaint may also relate to an act or practice of a person or entity dealing with personal information on behalf of the department (such as a contractor or consultant).
Procedural fairness (also known as natural justice)	» The common law duty to accord a person procedural when making a decision that affects their rights, interests or legitimate expectations. The duty to accord procedural fairness consists of three key rules: <ul style="list-style-type: none"> ○ the fair hearing rule, which requires a decision-maker to accord a person who may be adversely affected by a decision an opportunity to present his or her case ○ the rule against bias, which requires a decision-maker not to have an interest in the matter to be decided and not to appear to bring a prejudiced mind to the matter ○ the no evidence rule, which requires a decision to be based upon logically probative evidence.
Public consultation	» A formal process where the department has invited comment.
PID	» An appropriate disclosure of public interest information (such as a report of corrupt conduct, reprisal, maladministration that affects a person's interests in a substantial and specific way, substantial misuse of public resources, substantial and specific: danger to public health and safety the environment) made to a proper authority. Refer to Chapter 2 of the PID Act for the legal definition.
Public official	» Under Schedule 2 of the CC Act, a public official means— <ol style="list-style-type: none"> a. the ombudsman; or b. the chief executive officer of a unit of public administration, including the commissioner of police; or c. a person who constitutes a corporate entity that is a unit of public administration.