

COMPLAINTS MANAGEMENT PROCEDURE

1 ASSOCIATED POLICY

[Complaints Management Policy](#)

2 PROCEDURES

2.1 Categorisation of complaints

Upon receiving a complaint, staff should first assess the type of complaint and consider if the complaint is in scope and is therefore to be dealt with under the Complaints Management Policy. Complaints that are not in scope should be referred to the appropriate area for dealing with.

If the complaint is in scope staff should then consider if the complaint is a Level 1, 2 or 3 complaint as specified in the Policy.

Complaints identified as **Level 1** should be dealt with by staff within the Departmental Area.

Complaints identified as **Level 2** should be dealt with by the head of the relevant Departmental Area (e.g. General Manager, Executive Director, Director or equivalent), or delegate.

Complaints identified as **Level 3** should be dealt with by the Office of the Director-General or the Integrity Service Unit, Corporate and Executive Services.

If staff are unsure of how to categorise a complaint they can contact complaints coordinators in their Departmental Area or the Integrity Services Unit, Corporate and Executive Services on 322 78585.

Staff receiving complaints must be provided with appropriate training to assist them to effectively recognise and categorise complaints to be dealt with under the [Complaints Management Policy](#), as well as identify those complaints which are out of scope.

For more information on receiving complaints refer to the [Complaints Management Guidelines](#).

2.2 Recording of complaints

Details of Levels 1, 2 and 3 complaints should be recorded on the Departmental Area's electronic complaints register as soon as possible following receipt of a complaint. Complaints that are being handled through the Department's Executive Workflow System must also be recorded on an electronic complaints register. To reduce duplication, reference may be made to the Workflow System Reference Number for details on how a complaint was handled.

2.3 Management of complaints

Level 1

Designated staff working in service or program delivery roles shall deal with Level 1 complaints wherever possible as the first point of contact. Local managers/directors should review a complaint before it is escalated to Level 2.

Level 2

The head of the Departmental Area should nominate designated staff who are responsible for ensuring fair and reasonable management of Level 2 complaints, including communication with the complainant. The Associate Director-General, the Deputy Director-General, or the Assistant Directors-General (as relevant) should review a complaint before it is escalated to Level 3.

Level 3

Designated staff within the Integrity Services Unit, Corporate and Executive Services are responsible for the management of Level 3 complaints as directed by the Director-General. Departmental Areas should assist the Integrity Services Unit as required.

2.4 Complaint information

Complainants are encouraged to provide a reasonable level of information to the Department when making a complaint (e.g. dates, details of the issue, supporting information and what they would like the Department to do to resolve the matter) to facilitate the timely assessment and resolution of the matter. Attachment 1 contains examples of possible remedies.

2.5 Reasonable assistance for complainants

Reasonable assistance should be provided to people who wish to make a complaint. Such assistance may include:

- providing an interpreter if a complainant has language difficulties or is visually or hearing impaired; or
- advising complainants where they can get further help and information.

The costs of arranging reasonable assistance will be borne by the Departmental Area to which the complaint relates.

2.6 Timeliness

Level 1

If received in writing these complaints should be acknowledged within three business days. The complaint should then be assessed and the complainant notified of the outcome within a maximum of 20 business days of the complaint being received.



Level 2

These complaints should be acknowledged in writing within three business days. The complaint should then be assessed and the complainant notified in writing of the outcome within a maximum of 30 business days of the complaint being received

Level 3

These complaints should be acknowledged in writing within three business days. The timeframe to assess and resolve the complaint should be determined on a case by case basis. The complainant should be notified of the anticipated date for assessment and possible resolution in the acknowledgement letter.

It should be noted that in certain circumstances, complaints may require extended timeframes for resolution. In this circumstance, the complainant should be advised about the extended timeframe, periodically updated on the status of the assessment, where appropriate and the matter should be resolved as quickly as possible.

2.7 Complainant notification

Designated staff are responsible for advising the complainant, either verbally (for Level 1 complaints) or in writing, of:

- an expected target timeframe for assessment and response;
- the complaint reference number;
- a contact for the complainant while the complaint is being assessed; and
- the privacy notice in section 2.8 as a minimum.

If the complaint is very complex and resolution is unlikely to be achieved within the specified timeframe, the designated staff member should advise the complainant of a revised timeframe.

2.8 Privacy and personal information

Once it is determined that the complaint falls within the scope of the Complaints Management Policy, the staff member collecting personal information is required to provide the privacy notice to the complainant and other persons from whom they are collecting personal information.

Personal information is defined in the [Information Privacy Act 2009 \(Qld\)](#) as *“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.”*

The privacy notice is required to be given at the point of collection to the complainant (as well as any interviewed witnesses or persons who are the subject of the complaint if relevant).

The privacy notice that is required to be given at the point of collection is as follows:

“The Department of Public Works is collecting information, including personal information, for the purpose of assessing and resolving complaints. Your personal information will not, without your consent, be disclosed to third parties or used other than for the purpose of assessing and resolving complaints, unless authorised or required by law.”

The notice can be provided verbally or in writing.

Providing the privacy notice over the telephone

If a designated staff member is collecting personal information from a complainant over the telephone the staff member should:

- take care to explain the notice clearly; and
- ask the complainant if they have understood the notice, and if they would like any part of the notice repeated.

A file note should be kept as a record that the privacy notice was provided to the complainant.

Providing a written notice at interview

If a designated staff member is collecting personal information at an interview, the staff member should:

- give the interviewee the notice at the start of the interview;
- explain to the interviewee what is in the notice; and ask the interviewee to read the notice before continuing with the interview; and
- try to answer any questions the interviewee has about the notice before the interview continues.

If staff have questions regarding collecting personal information and the privacy notice they can contact the Department’s Manager, Right to Information and Privacy on 322 45245.

2.9 Assessment of complaints

All complaints received will require some form of assessment. This could range from checking paperwork to verify information for a Level 1 complaint, to a formal investigation for a Level 3 complaint. The level of assessment should be commensurate with the seriousness, frequency and consequences of the complaint.

Designated staff are responsible for ensuring the complaint is properly assessed to determine the appropriate action to be taken in response to the complaint.

The assessment process must be conducted fairly and objectively. Decisions must be made having regard to the weight of evidence and on the balance of probabilities.



Complaints should be referred to another designated staff member to assess:

- where the matter is outside the designated staff member's area of expertise or delegation; and
- if there may be a conflict of interest.

Natural Justice

It is important that staff members who are the subject of a complaint are afforded natural justice. Natural justice means providing a person who might be adversely affected by an administrative decision (such as a decision about a complaint) with a "fair hearing" before the decision is made.

There are three aspects of natural justice:

- **The notice requirement** – any person who is likely to be affected by a decision should be given notice of the issues and relevant information. The notice to the person must identify the critical issues and contain sufficient information for the person to be able to participate meaningfully in the decision making process.
- **The fair hearing rule** – giving that person a reasonable opportunity to respond to the issues/information. A fair hearing not only requires the affected person to get a fair opportunity to 'speak' or 'respond' but the decision maker must be able to show that they have given realistic and genuine consideration to the affected person's submission.
- **The lack of bias rule** – the person making the decision must act impartially (without bias) in considering the matter. Bias could arise if the decision maker has some financial or other personal interest in the outcome of the decision (conflict of interest), or has given the impression that they have prejudged the issue ahead of time (prejudgement).

Confidentiality

Confidentiality will be respected and maintained at all times within the constraints of the need to fully investigate a complaint, subject to any legal authorisation or requirements for disclosure and consistent with the principles of natural justice.

2.10 Complaint outcome

Complainants are to be advised of the outcome of their complaint as soon as possible after a decision has been made. Complainants are to be given reasons for negative decisions and are to be advised of available complaint review options as outlined in sections 2.5 and 2.6 of the Policy. Where possible complainants should be advised of negative decisions verbally, prior to written advice being sent. Written advice should be sent if the complaint was submitted in writing or if the complainant requests it.

If a staff member is warned or disciplined following a complaint, the complainant need only be advised of as much information as will satisfy them that the Department has taken action. They do not need to be told the details of the action taken by the Department against the staff member.



2.11 Storage of complaint information

Records should be retained on the outcome of all complaints. File notes should be made for complaints that are resolved verbally.

Documentation relating to complaints should be stored on a file that is retained in locked storage. Information relating to complaints should be accessible only by those staff members whose duties require them to use the information.

Notification that a separate complaint file exists may be placed on a project/client file, where relevant.

2.12 Dealing with employee records which could reasonably be considered to be detrimental to an employee's interests

Records relating to complaints may include employee records.

As per section 12 of the [Public Service Regulation 2008 \(Qld\)](#), if the Department intends to:

- (a) use an employee record about the employee in a way that could reasonably be considered to be detrimental to the employee's interests; or
- (b) place on the employee's employment file an employee record about the employee that could reasonably be considered to be detrimental to the employee's interests

then the Department must ensure that at least 14 days before taking the action mentioned in (a) or (b) above:

- the employee is given the opportunity to read the record and to acknowledge having read it by initialling it; and
- the employee is given a copy of the record; and
- if the employee has refused to read the record or to acknowledge having read it by initialling it, the refusal is noted on the record; and
- the employee is given the opportunity to respond in writing at any time to the record's contents; and
- any written response by the employee is attached to the record.

If the Department reasonably considers that giving the employee access to the record would be likely to prejudice an existing relevant investigation or inquiry, the Department is not required to give the employee access to the record until the likelihood of prejudice to the investigation or inquiry ends, or 6 months after the action in paragraph (a) or (b) above is taken, whichever is the earlier."

2.13 Reporting

As outlined in section 5 of the Policy, each quarter Departmental Areas' executive management teams must formally review the number and nature of Level 1 and 2 complaints, the time taken to resolve complaints and any local trends or issues. A suggested template for quarterly reporting is provided in Attachment 2.



2.14 Business improvements

Following resolution of a complaint the responsible designated staff member should review the need for any business improvements to reduce the reoccurrence of a similar complaint using Attachment 3 if required. Business improvements impacting on more than one region/section of a Departmental Area shall be referred to the Business Improvement/Quality Unit or equivalent of that Departmental Area.

3 APPROVAL

Mal Grierson
Director-General

Date: July 2009

Attachment 1: Examples of possible complaint remedies
Attachment 2: Suggested quarterly reporting template for Departmental areas
Attachment 3: Business improvement opportunities

Examples of possible complaint remedies

The following list contains examples of remedies:

- an apology
- an admission of fault
- a change of decision
- an explanation of how and why the problem occurred and what steps have been taken to avoid it recurring
- a change to policy, procedures, practice or system
- a correction of misleading or incorrect records
- re-work is performed as a priority
- compensation.

Suggested quarterly reporting template for Departmental areas

Date of meeting: _____

Quarterly Complaints Management Reporting

Purpose

To provide the [executive management team \(or equivalent\)](#) with the details of Level 1 and 2 complaints for [\[Departmental Area\]](#) for the quarter ending [\[date\]](#).

Background

[\[Departmental Area\]](#) is committed to effectively handling complaints in a timely and professional manner.

This report advises the number and nature of Level 1 and 2 complaints including service/product related complaints as well as complaints regarding [\[Departmental Area\]](#) employees.

This report also advises the time taken to resolve complaints and highlights any significant trends and issues.

Level 1 complaints

Summary

Number of complaints outstanding from previous quarter	Number of new complaints lodged this quarter	Number of complaints finalised this quarter	Total number of complaints outstanding at end of quarter

Nature of new Level 1 complaints this quarter

Type / subject of complaint	Number of new complaints this quarter	Percentage of new complaints
Service/product (cost)		%
Service/product (quality)		%
Service/product (time)		%
Service/product (other)		%
Staff (conduct)		%
Staff (skill/knowledge)		%
Staff (other)		%
Other		%
		%

Time taken to resolve the Level 1 complaints finalised this quarter

Timeframes	Number	Percentage	Comments
Within 20 business days		%	
Longer than 20 business days		%	
		%	

Level 2 complaints

Summary

Number of complaints outstanding from previous quarter	Number of new complaints lodged this quarter	Number of complaints finalised this quarter	Total number of complaints outstanding at end of quarter

Nature of new Level 2 complaints this quarter

Type / subject of complaint	Number of new complaints this quarter	Percentage of new complaints
Service/product (cost)		%
Service/product (quality)		%
Service/product (time)		%
Service/product (other)		%
Staff (conduct)		%
Staff (skill/knowledge)		%
Staff (other)		%
Other		%
		%

Time taken to resolve the Level 2 complaints finalised this quarter

Timeframes	Number	Percentage	Comments
Within 30 business days		%	
Longer than 30 business days		%	
		%	

Trends and issues

Significant trends or issues for attention

A large proportion of complaints this quarter related to concerns regarding _____.

Additional analysis indicates that _____.

Recommendations have been made to _____ to _____ and therefore _____.

The following business improvement recommendations are outstanding at the end of current quarter:

BUSINESS IMPROVEMENT OPPORTUNITIES

Complaint Number:
Date:
Prepared by

Issue	Recommendation	Staff member responsible for implementing recommendation	Timeframe to implement	Date finalised