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**AD 03-01 CLIENT COMPLAINT MANAGEMENT POLICY**

**aUGUST 2018**

APPROVED



Neroli Holmes

Acting Commissioner

6 August 2018

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# Policy purpose

This policy implements section 219A of the *Public Service Act 2008* (PSA) in the Anti-Discrimination Commission Queensland (ADCQ). Under this section, ADCQ must implement an effective complaints management system that complies with any Australian Standard about the handling of customer complaints. ADCQ is treated as a “department” when it comes to applying the provisions of the PSA.

ADCQ’s complaint management policy and procedures have also been developed according to the *Public Service Act 2008*, *Guidelines for complaint management in organizations—AS/NZS 10002:2014*, and the Queensland Ombudsman’s *Guide to Developing Effective Complaints Management Policies and Procedures (2006)*.

This policy sets the direction for client complaint management in ADCQ.

The *Client complaint management procedures* outlines the steps to successfully manage client complaints consistently, fairly, reasonably and on time.

# Policy statement

ADCQ is committed to delivering high quality services that respond to the community’s needs. ADCQ values the benefits of effective complaint handling. We believe our clients should be able to provide feedback (both positive and negative) about our services and the way we provide them.

Effective complaint management is about accountability, access and business improvement and is an important part of our client service.

**Client-focused service delivery.** Careful and prompt attention to complaints can help us understand the needs of our clients and stakeholders, prevent further problems, increase client satisfaction and improve performance. Good complaints management systems encourage client‑focused service delivery.

**Business improvement.** Complaints are a valuable source of feedback that help us find opportunities for staff and business improvement by using complaints data to identify areas where processes and systems can be improved. The Executive Leadership Team will annually review and analyse complaints to identify potential hot spots and areas for improvement.

**Helpful and flexible complaints management.** ADCQ will be alert to people who might require additional help or different approaches to make a complaint, such as people with disability, children, young people, people living in regional and remote areas, the aged and people from culturally and linguistically diverse backgrounds.

# Who does the policy apply to?

This policy applies to:

* all ADCQ staff, including temporary staff, contractors and consultants, and
* any other person who provides a service on a paid or voluntary basis to ADCQ.

# ADCQ complaint management framework

Our client complaint management system is part of a broader system for managing various types of complaints.

Complaints are managed depending on the type of issue reported. Some areas of ADCQ comply with additional policies and laws that support this framework in relation to specific services, for example management of complaints received under the *Anti-Discrimination Act 1991* (the Act).

This policy does not replace or override policies and procedures regarding staff performance matters, corruption, disciplinary and grievance processes, or complaints dealt with under specific legislation.

The diagram below shows the different processes for managing complaints in ADCQ.

**Client complaints – ADCQ products and services**

**Employee complaints**

**Client complaints – breaches of privacy**

ADCQ Client complaint management policy (this policy).

For the purpose of streamlining processes, the Client complaint management policy includes complaints about breaches of privacy.

[Employee complaints policy](http://intranet.justice.govnet.qld.gov.au/__data/assets/word_doc/0004/113359/employee-complaints-policy.DOC)

An expression of dissatisfaction about an ADCQ product, service (including how an ADCQ officer provided that service), procedure, practice, policy or a breach of privacy.

May involve, but are not limited to: employment circumstances; workplace harassment (including bullying); and sexual harassment.

Some matters are specifically dealt with through legislative and/or appeal processes. These include things like decisions made as part of management of complaints made under the Act (see full list at **Appendix 2**).

**Other complaints**

Please see ADCQ’s Service feedback webpage for the appropriate processes to manage these matters.

Type of complaint

Definition / description

Relevant policy

Relevant procedure

Client complaint management procedures

Find the procedures on ADCQ’s Service feedback webpage.

[Employee complaints procedure](http://intranet.justice.govnet.qld.gov.au/__data/assets/word_doc/0017/113372/employee-complaints-procedure.DOC)

Managed by Privacy Officer in accordance with the *Information Privacy Act 2009*.

#

# Scope

**What is a complaint under this policy?**

Under the *Public Service Act 2008*, section 219A (4), a customer complaint:

1. means a complaint about the service or action of ADCQ, or its staff, by a person who is apparently directly affected by the service or action; and
2. includes, for example, a complaint about any of the following:
	* a decision made, or a failure to make a decision, by a public service employee of the ADCQ
	* an act, or failure to act, of the ADCQ
	* the formulation of a proposal or intention by the ADCQ
	* a recommendation made by the ADCQ
	* the customer service provided by a public service employee of the ADCQ.

For the purposes of this policy, a complaint is also an expression of dissatisfaction about a breach of privacy.

**In scope**

This policy applies to:

* complaints received from external clients (i.e. the public) and complaints received anonymously
* complaints received by ministerial correspondence or contact. The ADCQ Complaint Co-ordinator is responsible for deciding if ministerial correspondence contains a complaint under this policy.

It may be impracticable to record a complaint every time someone casually expresses dissatisfaction with an aspect of a service provided (or not provided). Local managers are best placed to decide the level of complaints captured.

**Out of scope**

This policy does not cover decisions about how we interpret the law to decide matters such as decisions made by courts or tribunals, commissioners, or denied requests for information.

There are also other policies to deal with complaints regarding corruption or fraud, or complaints by public servants. Please see **Appendix 2** for the out of scope complaints.

# ADCQ’s client complaint management system

There are five steps in ADCQ’s client complaint management system:

External review

Internal complaints resolution

Frontline complaints handling

**2. Internal assessment and resolution**

**3. Internal review**

**4. External review**

**5. Monitor, review and report**

**1. Receiving and handling**

*Source: model adapted from the Queensland Ombudsman’s guide to developing effective complaints management policies and procedures (2006).*

Steps 1, 2 and 5 are the usual steps followed when dealing with complaints covered by this policy.

Steps 3 and 4 are followed as required or when requested.

Once a complaint is resolved, the additional step of ‘monitor and review’ is essential for business improvement and informed decision making.

**Handling of complaints under the *Anti-Discrimination Act 1991***

Complaint parties who have concerns about how a complaint is being managed should discuss their concerns with the file manager. The file manager is expected to resolve the issues informally, and where appropriate, refer the matter to their line manager. The line manager will endeavor to resolve the issue informally.

**Administrative decisions**

A complaint party who is dissatisfied with a decision is encouraged to discuss their concerns with the file manager. The file manager will seek to explain the decision and answer any questions.

A party may request an internal review of the decision if they believe the decision is made in error. A request for internal review must be made in writing within 28 days of the decision, and must set out the reasons why the decision is not correct (e.g. relevant information not considered, the law not applied correctly).

An officer will then consider whether there are grounds to review the decision.

If the request for review is accepted, the review will be conducted by a different officer. On review, the original decision may be revoked or affirmed.

This process does not apply to decisions made under section 169 of the Act (that a complainant has lost interest in the complaint). A person dissatisfied with a decision made under section 169 may apply to the relevant tribunal for review of the decision.

Complaints about decisions may be made to the Queensland Ombudsman. There are also rights of review under the *Judicial Review Act 1991*.

# Guiding principles

ADCQ’s complaint management system is underpinned by the better practice complaint management principles in the table below, which are outlined in the *Guidelines for complaint management in organizations—AS/NZS 10002:2014* and the Queensland Ombudsman’s *Guide to Developing Effective Complaints Management Policies and Procedures (2006)*.

| **Principles** | What this means in ADCQ |
| --- | --- |
| **People focus** | * Everyone has a right to complain.
* ADCQ proactively seeks and receives feedback and complaints.
* People making complaints are treated with respect.
* Complainants are not adversely affected because of a complaint made by them or on their behalf.
* ADCQ will accept complaints from representatives of clients, including family members, friends and other people or organisations that act in support of the person.
 |
| **Visibility, transparency and access** | * Information about how and where a complaint may be made is well publicised on ADCQ’s website and made available (both in writing and verbally) at frontline service locations.
* A complaint may be made to any employee of ADCQ in person, by phone, email, letter or using the online form on ADCQ’s website.
* ADCQ will provide all reasonable and practical help and support to make it easy for all complainants to make a complaint by recognising the particular needs of people, including people with disability, children, young people, people living in regional and remote areas, the aged and people from culturally and linguistically diverse backgrounds.
* A complainant will not be charged a fee to complain.
 |
| **Responsiveness** | * Complaints are acknowledged promptly and responded to fairly, reasonably and in a timely manner.
* **Anonymous** complaints are treated, as much as possible, like any other complaint.
* Staff are aware of the policy and procedures available on ADCQ’s website and intranet.
* Adequate resources, including skilled staff, are available to manage complaints.
* Complaints are recorded and tracked, timeframes for resolution are monitored and complainants are entitled to reasonable progress reports.
 |
| **Objectivity and fairness** | * Complaints are taken seriously and are handled fairly, objectively and without bias.
* Complaints are assessed and categorised on nominated criteria.
* Personal information is managed in line with the *Information Privacy Act 2009* and ethical obligations
* **The Complaint Co-ordinator may refuse to investigate a complaint if it is considered to be abusive, trivial or unreasonable.**
* The principles of natural justice and provision of avenues for review are applied to all complainants.
* Reviews of decisions will be made by people other than the original decision maker.
 |
| **Feedback** | * Adequate and timely feedback is provided to all complainants about the progress of their complaint, the outcome reached by ADCQ and the reasons for ADCQ’s decision.
* Complainants are notified of available review mechanisms. If a complainant is unsatisfied with the outcome of their complaint they may request an internal review. If a complainant remains unsatisfied with the outcome after internal review, they may seek external review.
* ADCQ will seek regular feedback about the way it manages complaints.
 |
| **Remedies** | * Appropriate remedies that are fair to both the complainant and ADCQ are offered. Complainants are able to request a remedy that is considered as the first option.
* Informal resolution and compromise is attempted wherever possible.
* Similar remedies are offered to all persons in a similar situation.
 |
| **Accountability, learning and prevention** | * The policy and procedures are reviewed regularly to ensure relevance and effectiveness.
* Mechanisms are in place to gather and record information to meet reporting requirements, identify complaint trends, monitor the time taken to resolve complaints and identify potential business improvements.
* Potential system improvements revealed by complaints are identified and reported annually to the Executive Leadership Team.
* Information about complaint trends in ADCQ will be published annually.
 |
| **Expertise** | * Only suitably skilled staff act as complaint or review officers.
 |

# Timeframes

Complaints are classified by **complexity** and **issue** to make sure are consistently and appropriately resolved. Complaints will be resolved within the timeframes that apply to the following levels of complexity:

**Complexity**

|  |  |  |
| --- | --- | --- |
| **Classification** | **Description** | **Timeframe** |
| **Simple**  | A complaint that is resolved at the point of service.  | Resolved immediately at point of service.  |
| **Standard** | A complaint that usually has only one single issue or concern.  | Resolved within 30 working days of receipt.  |
| **Complex** | A complaint that has multiple issues and/or is serious in nature and usually requires an extensive investigation.  | Resolved within 70 working days of receipt.  |
| **Privacy**  | A complaint by an individual about an act or practice of ADCQ in relation to the individual’s personal information. | Resolved within 45 working days of receipt. |

**Please note:** At any stage, it may be appropriate for a complaint’s complexity to be escalated or downgraded in response to investigation findings or after the receipt of further information from the complainant. Complaint reclassification should be adequately recorded on both the complaint file and in the complaint register.

Standard Ministerial correspondence response times and processes will continue to apply to complaints received through ministerial correspondence or contact.

**Complaint issue categories**

To help ADCQ to identify business improvement opportunities, complaints will be recorded according to the following categories:

|  |  |
| --- | --- |
| **Classification** | **Description** |
| **Service delivery** | A complaint relating to how a service is provided including timeliness, quality or cost of the service.  |
| **Staff conduct** | A complaint about the behaviour of a staff member when providing a service.  |
| **Administrative decision** | A complaint about a decision made by an ADCQ officer when providing a service.  |
| **Policy/ procedure** | A complaint about the process followed to provide a service.  |
| **Privacy** | A complaint about a breach of ADCQ’s obligations under the *Information Privacy Act 2009* which sets out the rules for proper handling of personal information, including how it is collected, stored, secured, accessed, amended, used and disclosed.  |

# Privacy

The *Information Privacy Act 2009* outlines the rules for handling personal information, including how it is collected, stored, accessed, used and disclosed.

An individual may lodge a complaint if they believe ADCQ has breached their privacy by not complying with the information privacy principles contained in the *Information Privacy Act 2009*.

All privacy complaints must be immediately referred to the Privacy Officer to manage.

# Abusive, trivial, or unreasonable complainants

The Complaint Co-ordinator may refuse to investigate a complaint if it is seen to be abusive, trivial, unreasonable, misleading, untrue or where the complainant refuses to cooperate with ADCQ’s efforts to investigate. If such a complaint is refused investigation, the complainant must be advised in writing that ADCQ is not proceeding with the complaint.

# Ministerial correspondence

Under this policy the Complaint Co-ordinator is responsible for deciding if a complaint received through the Ministerial correspondence process contains a complaint.

Standard response times and processes continue to apply to these complaints, but the complaint must be recorded, tracked and reported as with other complaints under this policy.

# Reporting

**Internal**

The Complaint Co-ordinator will provide complaints reports to the Executive Leadership Team for analysis annually.

**External**

By 31 October each year, ADCQ will publish on its website information about complaint trends for matters received during the financial year should any trends become evident.

# Management review of complaints management system

This policy will be reviewed in accordance with ADCQ’s schedule of policy review.

The review will consider feedback from clients, including from complainant satisfaction surveys, staff feedback, the results of and any internal/external audits, changes in policy, legislation or organisational structure and opportunities to use technological innovations.

# References

* *Public Service Act 2008*
* *Information Privacy Act 2009*
* *Guidelines for complaint management in organizations—AS/NZS 10002:2014*
* *Developing Effective Complaints Management Policy and Procedures*, Queensland Ombudsman
* *Effective Complaints Management Fact Sheets,* 1-16, Queensland Ombudsman
* *Code of conduct for the Queensland Public Service*

# Policy Administration

|  |  |
| --- | --- |
| **Policy Name** | Client Complaint Management Policy |
| **File Number** |  |
| **Responsible Officer** | Director, Corporate Services |
| **Approving Officer** | Commissioner |
| **Effective Date** | 7 August 2018 |
| **Date Approved** | 7 August 2018 |
| **Next Review** | August 2021 |
| **Review version approved by** | Commissioner |
| **Relevant Legislation or Prescription** | *Public Service Act 2008**Information Privacy Act 2009**Guidelines for complaint management in organizations—AS/NZS 10002:2014**Developing Effective Complaints Management Policy and Procedures*, Queensland Ombudsman*Effective Complaints Management Fact Sheets,* 1-16, Queensland Ombudsman*Code of conduct for the Queensland Public Service* |
| **Network location** | G:\SUPPORT SERVICES\Corporate Governance/Policies/Current/AD 03-01 Client Complaint Management Policy |

**File Number**

All policies must have an associated official file on which previous and current versions are maintained, along with relevant correspondence. Previous versions of a policy need to be on file so that the version applying at a particular period can be identified.

**Responsible Officer**

All policies are allocated to a member of the Executive Leadership Team (ELT) responsible for ensuring that they are communicated appropriately to commission staff, implemented and reviewed. This officer would also be the point of contact for major questions of principle and application of the policy.

**Relevant Legislation or Prescription**

Policies will generally be made under State legislation, regulations, directives or government policy. The source of authority and prescription for the policy should be specified.

**Effective Date**

The date the new or revised version of the policy came into effect.

**Next Review**

Revision dates are normally 3 years after approval of policies.

# Version history

|  |  |  |  |
| --- | --- | --- | --- |
| **Version** | **Notes** | **Author** | **Date of change** |
| 1.0 | To incorporate legislation changes to *Public Service Act 2008*; respond to the Carmody Inquiry Child Protection recommendations;Response to audit by Queensland Ombudsman in 2013 | Director, Corporate Services | August 2018 |
|  |  |  |  |

**Appendix 1**

Procedures for client complaints in scope of this policy

Client complaint management policy

**Complaints about:**

an ADCQ product, service (including how an ADCQ officer provided a service), procedure, practice or policy

**Complaints about:**

breaches of privacy

**Privacy Officer**

**Complaint Co-ordinator**

*ADCQ client complaint management procedures* and Ministerial correspondence procedures (if relevant)

*Information privacy complaint management procedures*

Except in cases where the Complaint Co-ordinator identifies performance management or misconduct issues

**Human Resources**

If disciplinary action, performance management or re‑training is required, supervisor/manager works with Human Resources.



There may be some crossover of complaints covered by this policy.

For example, a complaint about an ADCQ service may also involve a breach of privacy.

In these cases, business areas need to work with the Privacy Officer to effectively resolve the complaint.

**Commissioner**

Any suspected fraud, corruption or official misconduct must be referred directly to the Crime and Corruption Commission.

Ensure suspected fraud, corruption or official misconduct is reported to the Queensland Police, Auditor-General or Crime and Corruption Commission as required.

**External**

**Appendix 2**

Complaints outside the scope of this policy

This policy does not include the external review of a range of decisions made under the *Anti-Discrimination Act 1991*.

|  |
| --- |
| Other matters outside the scope of this policy are:* Complaints that may amount to public interest disclosures under the *Public Interest Disclosures Act 2010*,
* Complaints where there is a reasonable suspicion of corrupt conduct under the *Crime and Corruption Act 2001*,
* Internal staff complaints about an area of the commission or a particular office, and
* denied RTI (right to information) or IP (information privacy) access or amendment applications.
 |

See the commission’s [Service feedback](http://www.adcq.qld.gov.au/about-us/service-feeback) webpage for information about resolving out-of-scope matters.

**Appendix 3**

Definitions

| Term | Definition |
| --- | --- |
| Anonymous complaint | A complaint received from a complainant who does not wish to identify themselves. An anonymous complaint must be recorded and every attempt made to resolve it. |
| Business Areas | Each regional office, Brisbane Complaints, Community Engagement and Corporate Services |
| Complainant | Any person who lodges a complaint with the Anti-Discrimination Commission Queensland. |
| Complaint | An expression of dissatisfaction, either verbally or in writing, from a member of the public about ADCQ staff conduct, a service, procedure, practice or policy. A complaint considered to be trivial or vexatious may be refused investigation by a Complaint Co-ordinator. The business area director or manager must be consulted before this decision is made.  |
| Complaint Co-ordinator | The Director, Corporate Services is responsible for oversight of the complaint management system including monitoring of individual complaint resolution processes. |
| Complaint officer  | An employee appointed by the Complaint Co-ordinator to resolve complaints.  |
| Complex complaint | A complaint that has multiple issues and/or is serious in nature and usually requires an extensive investigation.  |
| External complaint | A complaint received from a member of the public, or a staff member who is acting as a member of the public rather than as an employee of ADCQ.  |
| Internal complaint | A complaint received from an ADCQ officer.  |
| Internal review officer | An ADCQ officer that manages the review of a complaint, decision or outcome at the request of a complainant.*\*\*This officer must not have been involved in the initial complaint investigation.* |
| Investigation | Reviewing an action or activity in response to a standard or complex complaint. |
| External review officer | The Commissioner may decide to appoint an agency outside ADCQ to conduct an external review. |
| Privacy Officer | The Director, Corporate Services is the ADCQ Privacy Officer. |
| Receiving officer | Any employee who receives a complaint.  |
| Record of complaint | The documented record of a complaint received verbally (using a manual complaint form). |
| Simple complaint | A complaint that is resolved at the point of service.  |
| Standard complaint | A complaint that usually has only one single issue or concern. |
| Vexatious complaint | A complaint intended to harass, annoy, delay or cause detriment.  |