



Queensland
Human Rights
Commission

Client complaint management policy

November 2020

Approved

Scott McDougall
Commissioner
18 November 2020

Table of Contents

Purpose	4
Policy statement	4
Client focused service delivery	4
Business improvement.....	4
Helpful and flexible complaints management	4
Application and scope of this policy	4
Service delivery complaints.....	5
Human rights complaints.....	5
Internal review requests	5
Exclusions.....	5
Definitions	5
The QHRC complaint management framework.....	5
QHRC's client complaint management system	7
Management of complaints under the <i>Anti-Discrimination Act 1991</i> or the <i>Human Rights Act 2019</i>	
Administrative decisions.....	8
Human rights complaints.....	8
Guiding principles	9
Timeframes.....	10
Complexity	11
Complaint issue categories	11
Abusive, trivial, or unreasonable complaints	11
Reporting	12
Internal.....	12
External.....	12

Management review of complaints management system 12

References 12

Policy administration 12

 Version History..... 13

Attachment 1 15

 Definitions 15

Purpose

This policy implements section 219A of the *Public Service Act 2008* (PSA) in the Queensland Human Rights Commission (QHRC). Under this section, the QHRC must implement an effective complaints management system that complies with any Australian Standard about the handling of customer complaints.

The QHRC'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 the QHRC.

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

Policy statement

The QHRC is committed to delivering high quality services that respond to the community's needs. The QHRC 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

The QHRC 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.

Application and scope of this policy

This policy applies to complaints about the service or actions of the QHRC, including service delivery complaints, human rights complaints, and internal review requests, subject to the exclusions set out below. It applies to the service and actions by:

- all QHRC staff, including temporary staff, contractors and consultants; and
- any other person who provides a service on a paid or voluntary basis to the QHRC.

Service delivery complaints

Service delivery complaints are about any aspect of a service or product provided by the QHRC, and includes privacy complaints.

Human rights complaints

Human rights complaints are complaints that the QHRC has not complied with its obligations as a public entity under *Human Rights Act 2019*.

Internal review requests

Internal review requests are complaints about administrative decisions of the QHRC delegates made under the *Anti-Discrimination Act 1991* or the *Human Rights Act 2019*.

Privacy complaints

Privacy complaints are complaints that the QHRC has not complied with its obligations under the *Information Privacy Act 2009*.

Exclusions

Complaints that are not within the scope of this policy are:

Type of complaint	Procedure for managing complaint
Public interest disclosure	<i>Public Interest Disclosure Act 2010</i>
Complaints that may amount to a public interest disclosure under the <i>Public Interest Disclosure Act 2010</i> or purport to be a public interest disclosure	Public Interest Disclosure Policy
Corrupt conduct	Notification or referral to the Crime and Corruption Commission in accordance with the <i>Crime and Corruption Act 2001</i>
Complaints where there is a reasonable suspicion of corrupt conduct under the <i>Crime and Corruption Act 2001</i>	
Internal staff complaints	Employee complaints policy
Decisions under the <i>Right to Information Act 2009</i> or the <i>Information Privacy Act 2009</i>	<i>Right to Information Act 2009</i> <i>Information Privacy Act 2009</i>

Definitions

Some of the terms used in this policy are defined in Attachment 1.

The QHRC complaint management framework

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

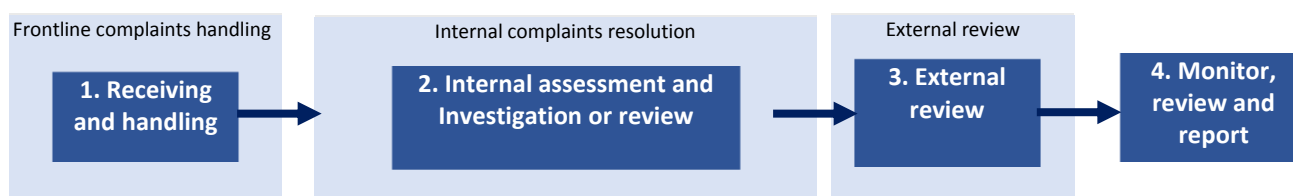
Complaints are managed depending on the type of issue reported. Some areas of the QHRC comply with additional policies and laws that support this framework in relation to specific services, for example management of complaints received under the *Anti-Discrimination Act 1991* or the *Human Rights Act 2019*.

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 QHRC.

Type of complaint	Client complaints – QHRC products and services	Client complaints – breaches of privacy	Employee complaints	Other complaints
Definition / description	<p>An expression of dissatisfaction about a QHRC product, service (including how a QHRC officer provided that service), procedure, practice, policy or a breach of privacy.</p> <p>Includes complaints:</p> <ul style="list-style-type: none"> that the QHRC has not complied with its obligations under the <i>Information Privacy Act 2009</i> in relation to an individual's personal information. that the QHRC has not complied with its obligations as a public entity under the <i>Human Rights Act 2019</i>; and about an administrative decision of the QHRC made under the <i>Anti-Discrimination Act 1991</i> or the <i>Human Rights Act 2019</i>. 		<p>May involve, but are not limited to: employment circumstances; workplace harassment (including bullying); and sexual harassment.</p>	<p>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).</p>
Relevant policy	<p>The QHRC Client complaint management policy (this policy). For the purpose of streamlining processes, the Client complaint management policy includes complaints about breaches of privacy.</p>		<p>Employee complaints policy</p>	<p>Please see the QHRC's Service feedback webpage for the appropriate processes to manage these matters.</p>
Relevant procedure	<p>Client complaint management procedures</p> <p>Find the procedures on the QHRC's Service feedback webpage.</p>		<p>Employee complaints procedure</p>	

QHRC's client complaint management system



There are five steps in the QHRC's client complaint management system.

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

Steps 1, 2 and 4 are the usual steps followed when dealing with complaints covered by this policy.

Step 3 is an option for complainants who are unsatisfied with the outcome of a complaint.

Once a complaint is finalised, the additional step of 'monitor and review' is essential for business improvement and informed decision-making.

Management of complaints under the *Anti-Discrimination Act 1991* or the *Human Rights Act 2019*

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 endeavour 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 there are grounds to review a decision, the review will be conducted by an officer, other than the original decision-maker. On review, the original decision may be revoked or affirmed.

This process does not apply to decisions made under section 169 of the *Anti-Discrimination Act 1991* (that a complainant has lost interest in the complaint). A person dissatisfied with a decision made under section 169 of the *Anti-Discrimination Act* 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*.

Human rights complaints

The QHRC is a public entity under the *Human Rights Act 2019*, and is required to act and make decisions compatibly with human rights, and to give proper consideration to human rights when making decisions.

If an individual believes the QHRC has not complied with these obligations, they can complain to the QHRC under this policy.

The QHRC will identify whether any human rights are affected by the act or decision complained about, and whether proper consideration of human rights have been given in a decision complained about. The QHRC will then consider whether the act or decision has limited any identified human rights. If human rights have been limited, the QHRC will consider whether the limitation is reasonable and justified, in accordance with the *Human Rights Act 2019*.

The QHRC will respond to the complaint within 45 business days. If the QHRC has not responded in that time, or the person making the complaint is not satisfied with the outcome, the person has the right under the *Human Rights Act 2016* to complain to the QHRC. As it is not desirable for the QHRC to deal with a complaint about itself, the person should complain to another appropriate agency. These include:

Queensland Ombudsman T: 3005 7000 or 1800 068 908 Level 18, 53 Albert Street, Brisbane www.ombudsman.qld.gov.au	For complaints about the actions or decisions of the QHRC
Privacy Commissioner T: 3234 7373 or 1800 642 753 Level 7, 133 Mary Street, Brisbane www.oic.qld.gov.au	For complaints of breach of privacy under the <i>Information Privacy Act 2009</i>
Crime and Corruption Commission T: 3360 6060 or 1800 061 611	For complaints that allege corrupt conduct

Level 2, North Tower Green Square, 515 St Pauls Terrace, Fortitude Valley www.ccc.qld.gov.au	
Office of the Information Commissioner T: 3234 7373 or 1800 642 753 Level 7, 133 Mary Street, Brisbane www.oic.qld.gov.au	For external review of decisions made under the <i>Right to Information Act 2009</i> or decisions made under the <i>Information Privacy Act 2009</i>

Guiding principles

The QHRC'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 QHRC
People focus	<ul style="list-style-type: none"> • Clients and staff are treated with respect. • Everyone has a right to complain. • QHRC proactively seeks and receives feedback and complaints. • People are not adversely affected because of a complaint made by them or on their behalf. • QHRC will accept complaints from representatives of clients. However, the QHRC is constrained by confidentiality requirements in the <i>Anti-Discrimination Act 1991</i>, which may limit resolution of the complaint. • Privacy and confidentiality is respected. • Human rights are respected and protected. • Clients will not suffer reprisal.
Visibility, transparency and access	<ul style="list-style-type: none"> • Information about how and where a complaint may be made is well publicised on the QHRC's website and made available (both in writing and verbally) at frontline service locations. • A complaint may be made to any employee of QHRC in person, by phone, email, letter or using the online form on QHRC's website. • QHRC 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. • There will be no fee to complain.
Responsiveness	<ul style="list-style-type: none"> • Where possible, complaints are resolved early and informally at the point of service. • 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 the QHRC's website and intranet.

Principles	What this means in QHRC
	<ul style="list-style-type: none"> Adequate resources, including skilled staff, are available to manage complaints. Complaints are recorded and tracked, timeframes for resolution are monitored and reasonable progress reports will be provided.
Objectivity and fairness	<ul style="list-style-type: none"> Complaints are taken seriously and are handled fairly, objectively and without bias. Conflicts of interest are dealt with appropriately. 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 are applied to all complaints. Reviews of decisions will be made by people other than the original decision-maker.
Feedback	<ul style="list-style-type: none"> Adequate and timely feedback is provided about the progress of the complaint, the outcome reached by the QHRC and the reasons for the QHRC's decision. Complainants are notified of available review mechanisms. The QHRC will seek regular feedback about the way it manages complaints.
Accountability, learning and prevention	<ul style="list-style-type: none"> 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 the QHRC will be published annually.
Expertise	<ul style="list-style-type: none"> Only suitably skilled staff act as complaint or review officers.
Human rights	<ul style="list-style-type: none"> The QHRC aims to act and make decisions in a way that is compatible with the human rights of individuals under the Human Rights Act 2019, and will give proper consideration to the human rights of individuals when making decisions. All complaints will be assessed to identify whether it includes any human rights issues.

Timeframes

Complaints are classified by **complexity** and **issue** to make sure they are dealt with consistently and appropriately. Complaints will be finalised 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.	Finalised within 30 business days of receipt.
Complex	A complaint that has multiple issues and/or is serious in nature and usually requires an extensive investigation.	Finalised within 70 business days of receipt.

Human rights complaints and privacy complaints will be finalised within 45 business 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.

Complaint issue categories

To help the QHRC 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 under the <i>Anti-Discrimination Act 1991</i> or the <i>Human Rights Act 2019</i> .
Policy/ procedure	A complaint about the process followed to provide a service.
Privacy	A complaint about a breach of the QHRC's obligations under the <i>Information Privacy Act 2009</i> which sets out the rules for proper handling of personal information, including how it is collected, stored, secured, accessed, amended, used and disclosed.
Human rights	A complaint that the QHRC has acted or made a decision that is not compatible with human rights, or that the QHRC did not properly consider human rights in making a decision.

Abusive, trivial, or unreasonable complaints

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 QHRC's efforts to investigate. If such a complaint is refused investigation, the complainant must be advised in writing that QHRC is not proceeding with the complaint.

Reporting

Internal

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

External

By 31 October each year, the QHRC 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 the QHRC'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*
- *Crime and Corruption Act 2001*
- *Public Interest Disclosure Act 2010*
- *Guidelines for complaint management in organizations—AS/NZS 10002:2014*
- *Developing Effective Complaints Management Policy and Procedures*, Queensland Ombudsman
- *Code of conduct for the Queensland Public Service*
- *Human Rights Act 2019*

Policy administration

Policy Name	Client complaint management policy
File Number	BNE3416955
Responsible Officer	Director, Engagement and Corporate Services
Approving Officer	Commissioner
Effective Date	18 May 2020
Date Approved	18 May 2020
Next Review	May 2023
Review version approved by	Commissioner
Relevant Legislation or Prescription	Refer to References section of this policy
Network location	S:/Policies/Current/Complaints/Client complaint management policy

Interpretation

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. A schedule of rolling reviews is maintained by the Director, Engagement and Corporate Services.

Version History

Action	Approved by	Date
Incorporate legislation changes to Public Service Act 2008 ; respond to the Carmody Inquiry Child Protection recommendations; Response to audit by Queensland Ombudsman 2013.	Director, Corporate Services	August 2018
Incorporate legislation changes to Crime and Corruption Act 2001	Director, Engagement & Corporate Services	July 2019
Human Rights Act 2019 review	Commissioner	May 2020
Review to align policy and procedures	Commissioner	November 2020

Definitions

The following definitions apply to this policy.

Term	Definition
Anonymous complaint	The identity of the person making the complaint is unknown.
Business areas	Each regional office, Brisbane Complaints, Engagement & Corporate Services and Legal, Research & Policy.
Complaint	An expression of dissatisfaction, either verbally or in writing, from a member of the public about QHRC staff conduct, a service, procedure, practice or policy. A complaint considered to be trivial or vexatious may be refused investigation by the Complaint Co-ordinator. The Director or Manager for the relevant business area must be consulted before this decision is made.
Complaint Co-ordinator	The Director, Engagement & Corporate Service is responsible for oversight of the complaint management system including monitoring of individual complaint resolution processes.
Corrupt conduct	<p>Corrupt conduct is defined in the <i>Crime and Corruption Act 2001</i>.</p> <p><i>Corrupt conduct</i> means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <ul style="list-style-type: none"> (a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— <ul style="list-style-type: none"> (i) a unit of public administration; or (ii) a person holding an appointment; and (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— <ul style="list-style-type: none"> (i) is not honest or is not impartial; or (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (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 (c) would, if proved, be— <ul style="list-style-type: none"> (i) a criminal offence; or (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><i>Corrupt conduct</i> also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <ul style="list-style-type: none"> (a) impairs, or could impair, public confidence in public administration; and (b) involves, or could involve, any of the following— <ul style="list-style-type: none"> (i) collusive tendering;

Term	Definition
	<ul style="list-style-type: none"> (ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)— <ul style="list-style-type: none"> (A) protecting health or safety of persons; (B) protecting the environment; (C) protecting or managing the use of the State’s natural, cultural, mining or energy resources; (iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets; (iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue; (v) fraudulently obtaining or retaining an appointment; and (c) would, if proved, be— <ul style="list-style-type: none"> (i) a criminal offence; or (ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.
Human rights complaint	<p>A complaint that the QHRC has not complied with its obligations under section 58 of the <i>Human Rights Act 2019</i> to:</p> <ul style="list-style-type: none"> ▪ act and make decisions that are compatible with human rights; or ▪ properly consider relevant human rights in making a decision.
Privacy complaint	<p>A complaint that the QHRC has not complied with its obligations under the <i>Information Privacy Act 2009</i> to comply with the privacy principles in relation to the individual’s personal information.</p>