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Customer complaint management policy

**

January 2024

Table of contents

[Purpose 3](#_Toc157509921)

[Policy statement 3](#_Toc157509922)

[Application and scope of this policy 3](#_Toc157509923)

[Service delivery complaints 3](#_Toc157509924)

[Human rights complaints 3](#_Toc157509925)

[Internal review requests 4](#_Toc157509926)

[Privacy complaints 4](#_Toc157509927)

[Exclusions 4](#_Toc157509928)

[The QHRC complaint management framework 4](#_Toc157509929)

[QHRC’s customer complaint management 4](#_Toc157509930)

[Receipt 5](#_Toc157509931)

[Assistance 5](#_Toc157509932)

[Acknowledgement 5](#_Toc157509933)

[Assessment 5](#_Toc157509934)

[Response 5](#_Toc157509935)

[Reporting 5](#_Toc157509936)

[Learning and continued improvement 5](#_Toc157509937)

[Record-keeping 5](#_Toc157509938)

[Management of complaints under the *Anti-Discrimination Act 1991* or the *Human Rights Act 2019* 6](#_Toc157509939)

[Administrative decisions 6](#_Toc157509940)

[Human rights complaints 6](#_Toc157509941)

[Internal review of customer complaint 7](#_Toc157509942)

[External review of customer complaint 7](#_Toc157509943)

[Guiding principles 7](#_Toc157509944)

[Classification of customer complaints & timeframes 9](#_Toc157509945)

[Complaint issue categories 10](#_Toc157509946)

[Abusive, trivial, or unreasonable complaints 10](#_Toc157509947)

[Reporting 10](#_Toc157509948)

[Internal 10](#_Toc157509949)

[External 10](#_Toc157509950)

[Management review of complaints management system 10](#_Toc157509951)

[References 11](#_Toc157509952)

[Policy administration 11](#_Toc157509953)

[Interpretation 11](#_Toc157509954)

[Version History 11](#_Toc157509955)

[Definitions 12](#_Toc157509956)

# Purpose

This policy implements section 264 of the *Public Sector Act 2022* in the Queensland Human Rights Commission (QHRC). Under this section, the QHRC must establish and implement a system for dealing with customer complaints that complies with any Australian Standard about the handling of customer complaints.

The QHRC’s Customer complaint management policy and procedures have also been developed according to the QueenslandPublic Service Complaint Management Framework and the Queensland Public Service Complaint Management Guideline.

# Policy statement

The QHRC is committed to delivering high quality services that respond to the community’s needs and to effective complaints management.

The objectives of this policy are to ensure:

* fair, accountable, transparent, and responsive management of complaints about the QHRC’s functions
* identification and correction of errors or omissions
* effective monitoring of complaints; and
* identification and implementation of business improvement opportunities.

We value feedback and complaints to help us better understand the needs of our customers and improve our performance.

The QHRC is committed to acting and making decisions in a way that is compatible with human rights and to giving proper consideration to human rights when making decisions.

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

A complaint is an expression of dissatisfaction, and a customer complaint means a complaint about the service or action of the QHRC or its staff, by a person who is apparently directly affected by the service or action.

This policy and associated procedures apply to complaints about the service or actions of the QHRC, including service delivery complaints, human rights complaints, privacy complaints, and internal review requests of administrative decisions, subject to the exclusions set out below. The policy 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 or the conduct of an officer.

## 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.* These obligations are to act and make decisions in a way that is compatible with human rights and to properly consider human rights when making a decision.

## Internal review requests

A request to review a decision of the QHRC, including administrative decisions of the QHRC delegates made under the *Anti-Discrimination Act 1991* or the *Human Rights Act 2019*, is treated as a customer complaint*.*

## 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  Complaints that may amount to a public interest disclosure under the *Public Interest Disclosure Act 2010* or purport to be a public interest disclosure | *Public Interest Disclosure Act 2010*  Public Interest Disclosure Policy |
| Corrupt conduct  Complaints where there is a reasonable suspicion of corrupt conduct under the *Crime and Corruption Act 2001* | Notification or referral to the Crime and Corruption Commission in accordance with the *Crime and Corruption Act 2001* |
| Internal staff complaints | Employee complaints policy |
| Decisions under the *Right to Information Act 2009* or the *Information Privacy Act 2009* | *Right to Information Act 2009*  *Information Privacy Act 2009* |
| Decision under section 169 of the *Anti-Discrimination Act 1991 1991* (that a complainant has lost interest in continuing with a complaint) | Application to the relevant tribunal for review of the decision pursuant to section 169(3). For work-related matters the tribunal is the Queensland Industrial Relations Commission. For all other matters the tribunal is the Queensland Civil and Administrative Tribunal. |

# The QHRC complaint management framework

Our customer 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 must 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 customer complaint management system has three levels consisting of initial complaint handling, internal review, and external review.

## QHRC’s customer complaint management

There are seven stages of the complaint lifecycle, although the stages are not necessarily linear.

### Receipt

A customer complaint may be made using the online complaint form, downloading and completing the complaint form, sending an email or letter, by telephone, or in person at one of our offices in Brisbane, Rockhampton, Townsville or Cairns. A complaint may be made anonymously; however it may be more difficult to investigate or communicate with an anonymous complainant.

### Assistance

The QHRC will endeavour to provide reasonable assistance to those in need of assistance to make a customer complaint. This might include access to the National Relay Service or recording a complaint in writing.

Customers are encouraged to inform the QHRC of any vulnerabilities they have or factors that may cause or contribute to vulnerability such as age, disability, mental health problems, remoteness, change in circumstances, low literacy, and limited or no access to digital services.

### Acknowledgement

The QHRC will acknowledge receipt of a customer complaint within three business days.

### Assessment

An initial assessment will consider whether the complaint is within the jurisdiction of the QHRC and within the scope of this policy.

If a customer complaint is assessed as not being within scope, the complainant will be advised in writing with an explanation, and if the complaint is referred to another agency, the QHRC will advise why the complaint has been referred and the contact details for the other agency.

### Response

The QHRC aims to provide a final response to a customer within 30 business days. If this timeframe is not likely to be met, the QHRC will inform the complainant. The statutory timeframe for a human rights complaint or a privacy complaint is 45 business days.

The response will be provided in clear, meaningful and accurate terms and will include:

1. The decision in response to the issues raised.
2. The reasons for the decision.
3. Any actions taken because of the complaint.
4. Information about review options.
5. Contact details for the relevant QHRC officer.

### Reporting

The Complaint Coordinator will provide detailed reporting to senior management.

Each year the QHRC will publish information on:

1. The number of customer complaints received.
2. The number of customer complaints resulting in further action.
3. The number of customer complaints resulting in no further action.

### Learning and continued improvement

Complainants are encouraged to provide feedback to the QHRC on the process for dealing with their customer complaint.

### Record-keeping

The following minimum information will be recorded for each customer complaint:

1. Contact information
2. Issues raised
3. Outcome sought
4. Information required to respond to the complaint
5. Any support needed by the complainant

## 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 of a decision must be made in writing within 28 days of the decision and must set out the reasons why the decision is not correct (for example, relevant information was not considered, the law was 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 who was not the original decision-maker. The review will consider whether the decision is legally correct. On review, the original decision may be revoked, affirmed, or a different decision made.

This process does not apply to decisions under section 169 of the *Anti-Discrimination Act 1991* (that a complainant has lost interest in the complaint). A person dissatisfied with a decision 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 limited 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 has 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  07 3005 7000  Level 18, 53 Albert Street Brisbane  [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au) | For complaints about the actions or decisions of the QHRC |
| Information Commissioner  07 3234 7373 or 1800 642 753  enquiries@oic.qld.gov.au  Level 11, 53 Albert Street Brisbane  [www.oic.qld.gov.au](http://www.oic.qld.gov.au) | For:   * complaints of breach of privacy under the *Information Privacy Act 2009*; and * external review of decisions made under the *Right to Information Act 2009* or decisions made under the *Information Privacy Act 2009* |
| Crime and Corruption Commission  3360 6060 or 1800 061 611  [mailbox@ccc.qld.gov.au](mailto:mailbox@ccc.qld.gov.au)  Level 2, North Tower Green Square 515 St Pauls Terrace Fortitude Valley  [www.ccc.qld.gov.au](http://www.ccc.qld.gov.au) | For complaints that allege corrupt conduct |

## Internal review of customer complaint

If a person believes that the response to a customer complaint is wrong, they may ask for an internal review of the response. The request must explain why the response is wrong and provide any new or important information.

A request to review the response to a customer complaint must be made within 20 business days of the response.

An officer will consider whether there is good reason to review the response. If QHRC agrees to review the response, the review will be conducted by a different officer to the officer who decided the response. The review will consider whether the:

* processes were fair
* conclusions are reasonable
* reasons were properly explained.

The response to an internal review of a customer complaint will be provided within 20 business days.

## External review of customer complaint

An external review is a process where an oversight agency investigates the handling of a complaint or deals with the subject of a customer complaint. Generally, external review is only available after a person has exhausted all internal review rights.

A person who remains dissatisfied with a response to a customer complaint may complain to the Queensland Ombudsman.

For a privacy complaint, the person can complain to the Information Commissioner.

The contact details for the Queensland Ombudsman and the Information Commissioner are set out in the section of this policy that it titled ‘Human Rights Complaints’.

# 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 Queensland Public Service Complaint Management Framework and Guidelines, in accordance with the *Guidelines for complaint management in organizations—AS 10002:*2022, section 264 of *the* *Public Sector Act* 2022, and *the* *Human Rights Act* 2019.

| Principles | What this means in QHRC |
| --- | --- |
| Customer focus | * Customers 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. * Privacy and confidentiality is respected. * Human rights are respected and protected. * Customers will not suffer reprisal. |
| Visibility, transparency and access | * 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 | * 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. * 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 | * 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 | * 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 | * 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 to the Executive Leadership Team. * Information about complaint trends in the QHRC will be published annually. |
| Expertise | * Only suitably skilled staff act as complaint or review officers. |
| Human rights | * 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. |

# Classification of customer complaints & 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:

|  |  |  |
| --- | --- | --- |
| 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 30 business days of receipt, subject to necessary extensions of time. |

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 *Anti-Discrimination Act 1991* or the *Human Rights Act 2019*. |
| 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 *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. |
| 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 going to deal with the complaint.

# Reporting

## Internal

The Complaint Co-ordinator will provide complaints reports to the Executive Leadership Team for analysis at a minimum of six-monthly.

## External

The QHRC will publish on its website information annually on the number of customer complaints:

1. received in the financial year
2. resulting in further action
3. resulting in no further action.

The QHRC will also publish 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 Sector Act 2022*
* *Information Privacy Act 2009*
* *Crime and Corruption Act 2001*
* *Public Interest Disclosure Act 2010*
* Queensland Public Service Complaint Management Framework and Queensland Public Sector Complaint Management Guideline
* *Guidelines for complaint management in organizations—AS 10002:2022*
* *Human Rights Act 2019*

# Policy administration

|  |  |
| --- | --- |
| Policy Name | Customer complaint management policy |
| File Number | BNE5409166 |
| Responsible Officer | Director, Corporate Services |
| Approving Officer | Human Rights Commissioner |
| Effective Date | 30 January 2024 |
| Date Approved | 30 January 2024 |
| Next Review | January 2027 |
| Review version approved by | Human Rights Commissioner |
| Relevant Legislation or Prescription | Refer to References section of this policy |
| Network location | S:/Policies/Current/Complaints/Customer 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 | Human Rights Commissioner | May 2020 |
| Review to align policy and procedures | Human Rights Commissioner | November 2020 |
| Amend position titles |  |  |
| Amend to align with *Public Sector Act 2022* section 264, the Queensland Public Service Complaint Management Framework, and the Queensland Public Service Complaint Management Guideline | Human Rights Commissioner | January 2024 |

# Definitions

The following definitions apply to this policy.

| Term | Definition |
| --- | --- |
| Anonymous complaint | The identity of the person making the complaint is unknown. |
| Customer Complaint | An expression of dissatisfaction, either verbally or in writing, about the service or action of the QHRC or its staff, by a person who is apparently directly affected by the service or action. |
| Customer | A person or organisation who is apparently directly affected by a service or action of the QHRC. |
| Complainant | A person or their representative, or an organisational representative who makes a customer complaint to the QHRC.  A representative must be authorised to make the complaint on behalf of the person or organisation, for example, a parent, relative, person with enduring power of attorney, or officer of an organisation. |
| Complaint Co-ordinator | The Director, Corporate Service is responsible for oversight of the complaint management system including monitoring of individual complaint resolution processes and allocation to appropriate officers for investigation and response. |
| Corrupt conduct | Corrupt conduct is defined in the *Crime and Corruption Act 2001.*   1. *Corrupt conduct* means conduct of a person, regardless of whether the person holds or held an appointment, that— 2. adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— 3. a unit of public administration; or 4. a person holding an appointment; and 5. 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— 6. is not honest or is not impartial; or 7. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or 8. 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 9. would, if proved, be— 10. a criminal offence; or 11. a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment. 12. *Corrupt conduct* also means conduct of a person, regardless of whether the person holds or held an appointment, that— 13. impairs, or could impair, public confidence in public administration; and 14. involves, or could involve, any of the following— 15. collusive tendering; 16. 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)— 17. protecting health or safety of persons; 18. protecting the environment; 19. protecting or managing the use of the State’s natural, cultural, mining or energy resources; 20. dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets; 21. evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue; 22. fraudulently obtaining or retaining an appointment; and 23. would, if proved, be— 24. a criminal offence; or 25. 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 | A complaint that the QHRC has not complied with its obligations under section 58 of the *Human Rights Act 2019* to:   * act and make decisions that are compatible with human rights; or * properly consider relevant human rights in making a decision. |
| Privacy complaint | A complaint that the QHRC has not complied with its obligations under the *Information Privacy Act 2009* to comply with the privacy principles in relation to the individual’s personal information. |