

Client complaint management policy



1. Policy purpose

This policy implements section 219A of the *Public Service Act 2008* in the Department of Justice and Attorney-General (DJAG). Under this section, Queensland Government departments must implement an effective complaints management system that complies with any Australian Standard about the handling of customer complaints.

DJAG'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 DJAG.

The *Client complaint management procedures* and the *Information Privacy Complaint Management procedures* set out the steps to successfully manage client complaints consistently, fairly, reasonably and on time.

Our client complaint management system directly contributes to DJAG's strategic plan objective 'Queensland gets great service'.

2. Policy statement

DJAG is committed to delivering high quality services that respond to the community's needs. DJAG 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. Business area managers will regularly review and analyse complaints to identify potential hot spots and areas for improvement.

Helpful and flexible complaints management. DJAG 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.

3. Who does the policy apply to?

This policy applies to:

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

4. DJAG 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 DJAG comply with additional policies and laws that support this framework in relation to specific services.

This policy does not replace or override departmental 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 DJAG.

Type of complaint	Client complaints – DJAG products and services	Client complaints – breaches of privacy	Employee complaints	Other complaints
Definition / description	An expression of dissatisfaction about a DJAG product, service (including how a DJAG 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 judicial and tribunal decisions and decisions of an inspector (see full list at Appendix 2).
Relevant policy	DJAG Client complaint management policy (this policy). For the purpose of streamlining processes, the DJAG Client complaint management policy includes complaints about breaches of privacy.		Employee complaints policy	Please see DJAG's complaints management webpage for the appropriate processes to manage these matters.
Relevant procedure	DJAG Client complaint management procedures Find the procedures on DJAG's complaints management webpage.	Right to Information and Privacy Unit – Internal procedure for privacy complaints management. These procedures are specifically designed for issues that relate to the <i>Information Privacy Act 2009</i> . The RTI and Privacy Unit manages privacy complaints using these procedures.	Employee complaints procedure	

5. Scope

What is a complaint under this policy?

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

- (a) means a complaint about the service or action of a department, or its staff, by a person who is apparently directly affected by the service or action; and
- (b) includes, for example, a complaint about any of the following–
 - (i) a decision made, or a failure to make a decision, by a public service employee of the department;

- (ii) an act, or failure to act, of the department;
- (iii) the formulation of a proposal or intention by the department;
- (iv) the making of a recommendation by the department;
- (v) the customer service provided by a public service employee of the department.

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 both external clients (i.e. the public) and internal clients (i.e. DJAG business areas providing services to other DJAG business areas)
- complaints received anonymously
- complaints received by ministerial or director-general correspondence or contact. Business areas are responsible for deciding if ministerial or director-general 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 area managers are best placed to decide the level of complaints captured.

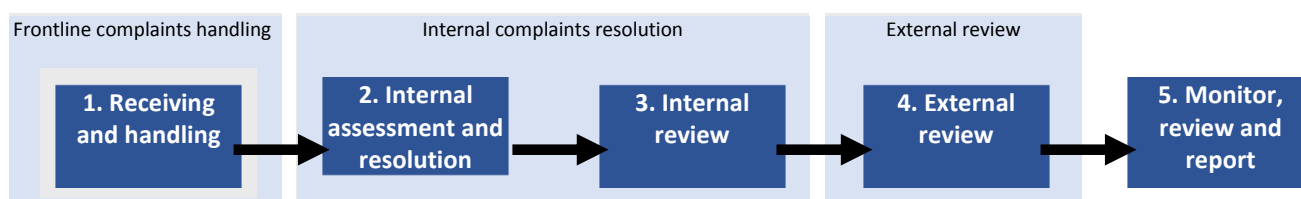
Out of scope

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

6. DJAG’s client complaint management system

There are five steps in DJAG’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 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.

7. Guiding principles

DJAG’s complaint management system is underpinned by the better practice complaint management principles 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 DJAG
People focus	<ul style="list-style-type: none"> • Everyone has a right to complain. • DJAG 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. • DJAG 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	<ul style="list-style-type: none"> • Information about how and where a complaint may be made is well publicised on DJAG's websites and made available (both in writing and verbally) at frontline service locations. • A complaint may be made to any employee of DJAG in person, by phone, email, letter or using the online form on DJAG's websites. • DJAG 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	<ul style="list-style-type: none"> • Complaints are acknowledged promptly and responded to fairly, reasonably and in a timely manner. • Anonymous complaints are treated like any other complaint. • Staff are aware of the policy and procedures available on DJAG's websites and intranet. • Adequate resources, including trained 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	<ul style="list-style-type: none"> • 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 <i>Information Privacy Act 2009</i> and ethical obligations. • Managing officers 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.

Principles	What this means in DJAG
Feedback	<ul style="list-style-type: none"> • Adequate and timely feedback is provided to all complainants about the progress of their complaint, the outcome reached by DJAG and the reasons for DJAG'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. • DJAG will seek regular feedback about the way it manages complaints.
Remedies	<ul style="list-style-type: none"> • Appropriate remedies that are fair to both the complainant and DJAG 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	<ul style="list-style-type: none"> • The policy and procedures are reviewed annually 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 by the area responsible and reported regularly to the Board of Management. • Information about complaint trends in DJAG will be published annually.
Training	<ul style="list-style-type: none"> • All DJAG staff receive compulsory general complaints training, including on privacy and RTI and complete annual refresher training. • DJAG complaint officers and managing officers receive additional compulsory complaint management training and complete annual refresher training.

8. Timeframes

To make sure complaints are consistently and appropriately resolved, they are classified by **complexity** and **issue**. 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 DJAG 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 and Director-General correspondence response times and processes will continue to apply to complaints received through ministerial or director-general correspondence or contact.

Complaint issue categories

To help DJAG 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 an administrative decision and/or the behaviour of a staff member when providing a service.
Administrative decision	A complaint about a decision made by a DJAG officer when providing a service.
Policy/procedure	A complaint about the process followed to provide a service.
Privacy	A complaint about a breach of DJAG'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.

9. 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 the department 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 Right to Information and Privacy Unit to manage.

10. Abusive, trivial, or unreasonable complainants

Business areas 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 DJAG's efforts to investigate. The decision not to investigate will be made by the managing officer. If such a complaint is refused investigation, the complainant must be advised in writing that the department is not proceeding with the complaint.

11. Ministerial and Director-General correspondence

Under this policy, business areas are responsible for deciding if a complaint received through the Ministerial and Director-General (MCAR/DCAR) 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.

12. Reporting

Internal

Business areas will provide complaints reports to Corporate Governance for analysis and quarterly reporting to the Board of Management.

Business managers will review complaints information and reports to identify and implement business improvements.

External

By 30 September each year, DJAG will publish on its website information about complaint received during the financial year.

13. Management review of complaints management system

Corporate Governance will review this policy, the complaints management procedures and systems for managing complaints annually and report on the results of the review to the Board of Management.

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

14. References

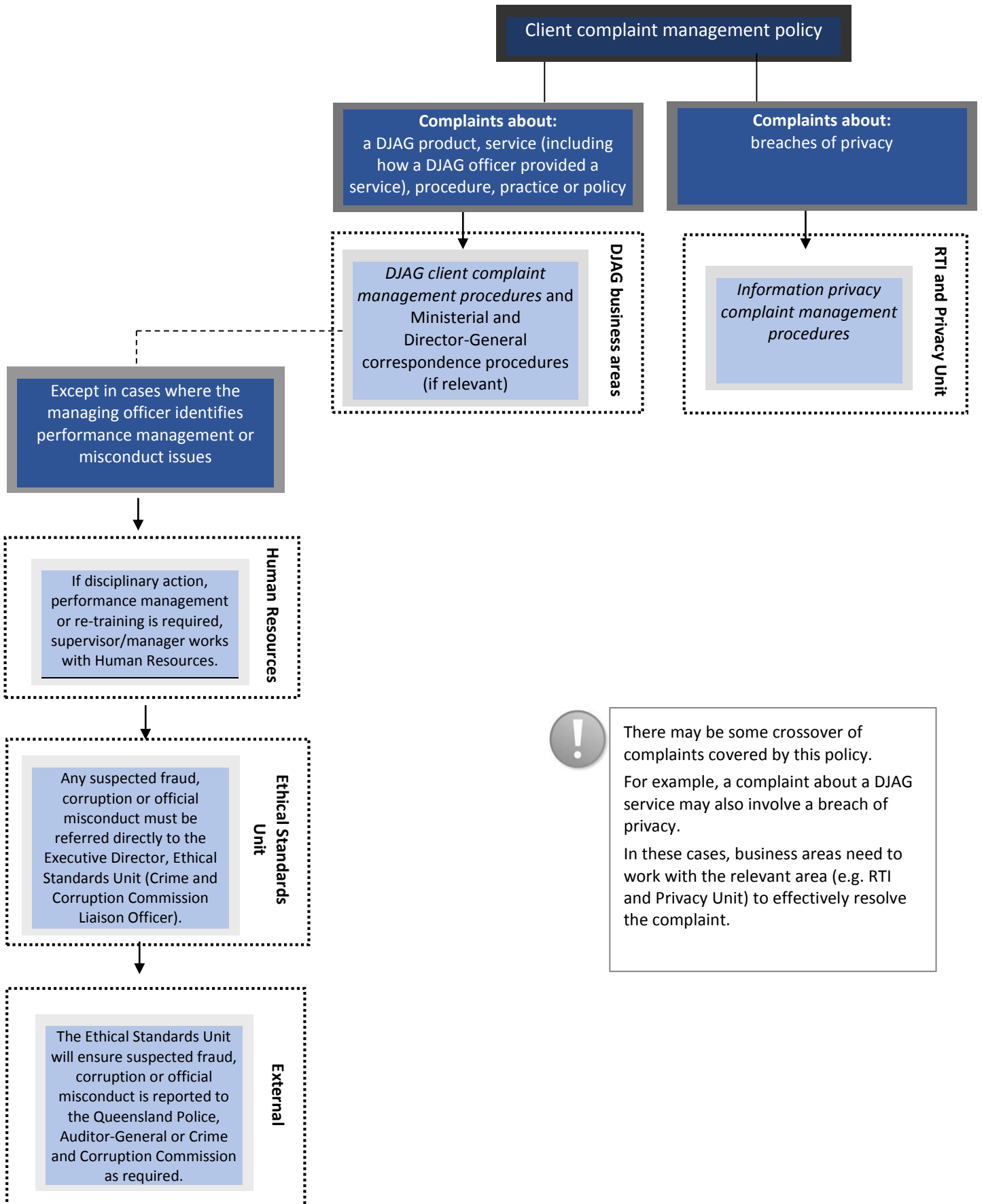
- *Public Service Act 2008*
- *Information Privacy Act 2009*
- *Guidelines for complaint management in organizations—AS/NZS 10002:2014*
- *Developing Effective Complaints Management Policy and Procedures*, Queensland Ombudsman
- *Effective Complaints Management Fact Sheets*, 1-16, Queensland Ombudsman
- *Code of conduct for the Queensland Public Service*
- Department of Justice and Attorney-General: *Workplace Policy*
- Department of Justice and Attorney-General: *Public Interest Disclosure Policy 2011*

15. Version history

Version	Notes	Author	Date of change
1.0	Improvements suggested by Queensland Ombudsman and Internal Audit	Director, Corporate Governance Unit	19 November 2012
2.0	Feedback included	Corporate Governance Unit	8 February 2013
3.0	To incorporate legislation changes to <i>Public Service Act 2008</i> ; respond to the Carmody Inquiry Child Protection recommendations; Response to audit by Queensland Ombudsman in 2013	Corporate Governance Unit	30 June 2015

Appendix 1

Procedures for client complaints in scope of this policy



Appendix 2

Complaints outside the scope of this policy

This policy does not include a range of decisions made under specific legislation, including decisions made by the following:

- a judge or tribunal
- a prosecutor about a legal or court proceeding
- a registrar or Justice of the Peace acting in a quasi-judicial role
- the Public Guardian
- a referee about decisions under the *Building Units and Group Titles Act 1980*
- a dispute resolution officer, the commissioner or commissioner's delegate exercising their functions under the *Body Corporate and Community Management Act 1997*, and
- the Legal Services Commissioner or the commissioner's delegate about complaints under the *Legal Profession Act 2007*.

Other matters outside the scope of this policy are:

- a licensing decision (e.g. for an electrical license)
- an inspector's decision (e.g. a liquor, gaming, or fair trading decision)
- complaints about a lawyer
- decisions about assistance under the *Victims of Crime Act 2009*
- consumer complaints about faulty goods or unscrupulous traders
- allegations against employees involving suspected misconduct, including official misconduct, maladministration or public interest disclosures, and
- denied RTI (right to information) or IP (information privacy) access or amendment applications.

See the department's complaints webpage at <http://www.justice.qld.gov.au/corporate/contact-us/make-a-complaint> 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 treated in the same manner as any other complaint. It must be recorded and every attempt made to resolve it.
Complainant	Any person who lodges a complaint with the Department of Justice and Attorney-General.
Complaint	An expression of dissatisfaction, either verbally or in writing, from a member of the public or from a DJAG staff member about a DJAG administrative decision, staff conduct, a service, procedure, practice or policy.
Complaint officer	An employee appointed by a managing officer 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 DJAG employee who is acting as a member of the public rather than as an employee of DJAG.
External review officer	A DJAG employee external to the relevant business area appointed by the Director-General, a Deputy Director-General Assistant Director-General to resolve an issue that cannot be resolved within a business area.
Internal complaint	A complaint received from a DJAG employee.
Internal review officer	A DJAG officer that manages the review of a complaint, decision or outcome at the request of a complainant. **This officer can be from the same business area as long as they weren't involved in the initial complaint investigation.
Investigation	Reviewing an action or activity in response to a standard or complex complaint.
Managing officer	A line manager or other senior employee appointed by a director or manager to oversee the complaint management system.
Partly resolved	When a complaint has two or more issues, and only one/some of the complaint has been resolved at the time of reporting.
Processing	When a complaint has not yet been resolved, but a resolution is pending. This may or may not be within the specified timeframes. A complaint can be moved from 'processing' to 'resolved' either when the complaint is finalised, or at the discretion of the complaint managing officer in other circumstances (i.e. when the complainant has not responded within an acceptable period of time).
Receiving officer	Any employee who receives a complaint.
Record of complaint	The documented record of a complaint received verbally (using a manual complaint form).

Rejected	A complaint that is outside the scope of the complaints management policy and cannot be resolved by the department. This complaint could also be a vexatious complaint that is rejected.
Resolved	When a complaint has been finalised and the client has been notified of the outcome.
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.
Unresolved	A complaint that cannot, or has not, been resolved due to issues resolving the complaint. This may mean that the complaint remains unresolved for more than one reporting period, and is considered 'overdue'.
Vexatious complaint	A complaint intended to harass, annoy, delay or cause detriment. A complaint considered to be trivial or vexatious may be refused investigation by a business area. The business area director or manager must be consulted before this decision is made.
Withdrawn	When a complainant advised the department that they no longer want to proceed with the complaint. A withdrawn complaint is one that has already been received and classified and categorised by the business area.