

Complaints Management System

JUNE 2019

Responsible officer:
Senior Advisor, Legal and Ethics



Version history

Version	Changes	Date	Amended by
1.0	Initial version	July 2014	Manager, Business Coordination
1.5	Revisions to adopt legislative and organisational changes	31/05/2019	Angus Aire

Next review due in June 2020.

Security

This document has been security classified using the Queensland Government Information Security Classification Framework (QGISCF) as PUBLIC and will be managed according to the requirements of the QGISCF.

Inquiries

Inquiries about this document should be directed to the Queensland Family and Child Commission, by email to legal_and_governance@qfcc.qld.gov.au, or in writing to PO Box 15217, Brisbane City East Qld, 4002.

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References

Family and Child Commission Act 2014

Information Privacy Act 2009

Public Service Act 2008

Right to Information Act 2009

[Code of Conduct for the Queensland Public Service](#)

'Guidelines for complaint management in organizations' (AS/NZS 10002:2014), Australian Standards Organisation

['Complaints management'](#), Department of Housing and Public Works 2018

[Queensland Procurement Policy 2018](#), Department of Housing and Public Works

Purpose

This document implements the requirements of section 219A of the *Public Service Act 2008* (the PSA), including compliance with Australian Standard AS/NZS 10002:2014 *'Guidelines for complaint management in organizations'* (the Australian Standard).

Section 219A of the PSA requires that all Queensland Government departments and public service offices including the Queensland Family and Child Commission (the QFCC) 'must establish and implement a system for dealing with customer complaints.' To comply with the legislation, the complaints management system (CMS) must:

- Provide for the QFCC to take responsibility for managing the receipt, processing and outcome of a customer complaint
- Comply with the Australian Standard about the handling of customer complaints
- Provide for giving notice of the outcome of a customer complaint to the complainant where possible.

This CMS is also intended to integrate complaints management in the context of procurement and is compliant with clause 3.1 of the Queensland Procurement Policy.

Scope

Personnel

This CMS applies to:

- The Commissioner (but not the Principal Commissioner – see below, 'Out of scope')
- All officers employed in the QFCC including temporary and contract staff
- Any other persons engaged by the QFCC such as consultants, and the members of selection committees and advisory panels.

This CMS will be made available to all staff via the induction process, related training courses and the QFCC intranet site. It will be available to the general public via the QFCC website. Updates will be publicised as they occur, with formal reviews conducted annually.

What is a complaint?

This CMS applies to complaints received by the QFCC which fall within the definition of 'customer complaint' in section 219A(4) of the PSA:

- A complaint about the service or action of the QFCC or its staff, by a person who is apparently directly affected by the service or action, and
- Includes, for example, a complaint about:
 - A decision made, or a failure to make a decision, by a QFCC employee
 - An act or omission of the QFCC
 - The formulation of a proposal or intention by the QFCC
 - The making of a recommendation by the QFCC
 - The customer service provided by a QFCC employee.

The above list of possible complaints is not exhaustive but provides guidance on what may be considered an actionable complaint.

Out of scope

This CMS does not apply in the following circumstances:

Outside QFCC responsibility – complaints made to the QFCC about another agency, or a matter which falls under the responsibility of another agency. These matters are handled by the Senior Advisor Legal and Ethics, who will refer them to the relevant agency and advise the complainant of this action.

Child safety – complaints regarding services provided by the Department of Child Safety, Youth and Women or any other agency that provides services to children and young people in Queensland. Complaints of this nature are to be referred to the relevant agency as described above.

Internal complaints – complaints made by QFCC employees about another QFCC employee. Internal complaints are to be managed in accordance with the Complaints Management Corporate Standard (available from Human Resources or on the QFCC intranet).

Right to Information (RTI) or Information Privacy (IP) – complaints relating to the refusal of RTI or IP applications may be the subject of an internal review application, or an external review application to the Office of the Information Commissioner. Refer to the relevant policy and procedures for information on these subjects.

Public interest disclosure (PID) – these matters are typically of a serious internal nature ('whistleblowing') and must be handled according to the QFCC's Public Interest Disclosures Policy and Procedures.

Complaints about the Principal Commissioner – these matters must be handled under the QFCC's *Complaints about the Principal Commissioner: s48A of the Crime and Corruption Act 2001* corporate standard.

Principles

The QFCC views an effective CMS as an inherent component of effective, transparent and accountable service delivery. The QFCC will be guided by the principles set out in the Australian Standard. QFCC employees should refer to the following principles when receiving, handling, and responding to complaints:

People focus – the QFCC will be people-focused and proactive in seeking and receiving feedback and complaints. The QFCC will commit to address issues raised in a reasonable timeframe. Complainants will be treated with respect and actively involved in the complaints process.

No detriment – the QFCC will take all reasonable steps to make sure that complainants are not adversely affected as a result of a complaint made by them, or on their behalf.

Visibility and transparency – the QFCC will ensure that information on how and where to make a complaint is available to the public.

Accessibility – the CMS will be accessible. The QFCC will provide support as and when needed for individuals to make a complaint.

No cost – a complainant should not be charged a fee, or suffer unreasonable expense, to make a complaint.

Responsiveness – receipt of complaints will be acknowledged promptly and prioritised appropriately according to urgency. Complainants will be advised if the QFCC is unable to deal with their complaint. Complaints will be dealt with efficiently, and the expectations of complainants will be appropriately managed.

Objectivity, fairness and equity – each complaint will be managed in an objective manner and without bias. Conflicts of interest (including perceived conflicts) which may impact the handling of complaints will be identified and managed. All complaints will be addressed in an equitable manner and in accordance with this CMS

Privacy and disclosure – personally identifiable information will only be used or disclosed in compliance with law and QFCC policy.

Communication – in the interests of minimising the need for complaints, and to facilitate prompt resolution, the QFCC will explain policy, procedure and decisions to complainants and staff.

Work health and safety – policy and procedure will be put in place to ensure the wellbeing and safety of employees, including through identity protection. The expected conduct of staff and complainants will be made clear.

Complaint involving multiple parties – where a complaint involves the QFCC and one or more other organisations consideration should be given to options for coordinating communication and response, subject to confidentiality obligations.

Empowerment of staff – QFCC employees will be trained and supported in the implementation of this CMS, and feedback will be encouraged.

Accountability – accountability for the operation of the CMS will be clear.

Continuous improvement – the QFCC commits to responding to and learning from complaints and the complaints resolution process.

Prevention of ongoing disputes – the CMS will endeavour to minimise the number of complaints which escalate into ongoing disputes.

Objectives

The QFCC is committed to delivering quality services that are targeted and responsive to the community's needs. This commitment includes building an organisational culture that recognises and embraces an effective, accountable and transparent CMS.

By embracing a culture of effective complaints management, the following outcomes may be achieved:

- Improved outcomes for children and young people generally
- Improved capacity of QFCC staff to manage and resolve complaints in a fair, efficient and consistent manner
- Increase community confidence in the QFCC's commitment to service delivery and effective complaints handling
- Identifying, learning from and preventing errors and system failures

- Reduced incidence of preventable errors due to the identification of opportunities for professional development
- Opportunities to improve performance identified, through the collection and analysis of complaint information
- Improved organisational culture.

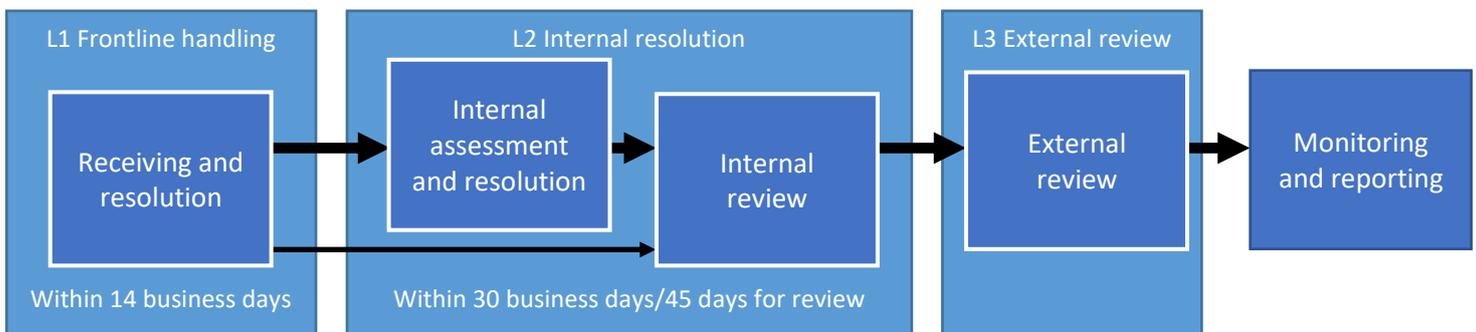
Code of Conduct

All QFCC employees are subject to the Code of Conduct for the Queensland Public Service (the Code of Conduct). The Code of Conduct outlines the standards of conduct the QFCC requires of its employees under these principles, and provides guidelines to assist officers to comply with them. This CMS should be read in conjunction with the Code of Conduct, which provides guidance on engaging with the community in a positive manner (standard 1.1), committing to excellence in service delivery (standard 2.1) and committing to improving business practices (standard 4.5).

Complaints Model

The QFCC has adopted a best practice model of complaints management which recognises three levels of complaints. Under this model, the majority of complaints to QFCC will be resolved at the first level by frontline staff. At each level the complainant or the officer taking the complaint may decide to escalate the complaint to a higher level.

The following diagram provides a top-level view of the complaints model:



This should not be applied so rigidly that it negatively affects the customer experience or the efficiency of QFCC employees in dealing with the complaint. The level of escalation should be relative to the seriousness of the complaint, taking into account any previous contact with the complainant.

Level 1: Locally resolvable issues

These matters are generally able to be managed by officers within the relevant business area. Examples of locally resolvable issues/concerns may include:

- A breakdown in communication occurs, leading to a significant delay between when a person contacts the QFCC and when the person's concerns are acknowledged by a QFCC officer.
- Based on the initial information received from the complainant, it is assessed that the issues raised should be easily resolvable and finalised within 14 business days
- A complaint that is generally less complex in nature.

Level 2: Assessment of more serious/complex matters or requests for internal review

Level 2 complaints may contain multiple issues; may raise issues that are more serious in nature; and/or raise allegations about matters that are in the public interest.

There are cases when a more serious complaint matter is received by front line officers, and a determination is made that the matter is not suitable for local resolution. In this instance, the matter may be progressed directly as a level 2 complaint, and either retained by the relevant business unit, or progressed directly to the Complaints Coordinator for action.

Examples of when an internal review of a matter can be carried out include:

- If an internal business area has attempted local resolution and the process has failed, then the complainant or business area may request that an internal review of the matter be conducted.
- A decision may be made that a level 1 complaint is unable to be resolved to the satisfaction of the complainant. In this circumstance, the matter may be referred to the Complaints Coordinator as a level 2 complaint for further actioning.
- Alternatively, a decision may be made by the relevant Director that the matter is in fact suitable for finalisation by the relevant Program, subject to the approval of the Deputy Commissioner, Corporate and Communications.

Level 3: External review

If the complainant remains dissatisfied with the outcome of the QFCC's internal review of a complaint, advice will be provided to the complainant of their right to have the decision reviewed.

The complainant will be provided details of the most appropriate agency to contact regarding their request for an external review. In most cases, this review will be conducted by the Queensland Ombudsman.

Managing Unreasonable Complaints

The QFCC may refuse to investigate a complaint if it is seen to be abusive, vexatious, trivial, unreasonable, misleading, untrue or where the complainant refuses to cooperate with the QFCC's efforts to investigate. The decision not to investigate will be made by the Complaints Coordinator. If such a complaint is refused investigation, the complainant must be advised in writing that the QFCC is not proceeding with the complaint.

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 QFCC has breached their privacy by not complying with the information privacy principles contained in the *Information Privacy Act 2009*.

All privacy complaints will be dealt with under the QFCC's *Information Privacy Policy*.

How Complaints will be Managed

Receiving complaints

This CMS will be made publicly available to facilitate the making of legitimate complaints and to ensure that the QFCC is transparent in its handling of complaints.

In the first instance, individuals can lodge their complaint with a QFCC officer via telephone or in writing, via post, email or the QFCC's on-line complaint form. Emailed complaints will be sent to the Complaints Coordinator mailbox (legal_and_governance@qfcc.qld.gov.au).

Complainants are not required to lodge their complaint in writing, however it is preferable from a best practice perspective and complainants should be encouraged to do so. Where a simple and easily resolvable complaint issue is raised and is able to be resolved in a very short period of time, i.e. less than five business days, a verbal notice of complaint is acceptable. Details of such complaints must be recorded in writing by the Complaint Officer and forwarded to the Complaints Coordinator.

Complaints should be encouraged to attribute themselves to their complaint, however they should not be prevented or inhibited from making a complaint anonymously if they wish to.

Assisting people to lodge a written complaint

In situations where a complainant is unable to provide their complaint in writing, the receiving officer must create a record of the complaint.

The receiving officer, in consultation with their line manager, is encouraged to consider what means are available to assist the complainant to lodge their complaint. The feasibility of any proposed plans will need to be discussed with the complainant prior to being initiated.

Examples of how a QFCC employee can assist a complainant to lodge their complaint in writing include:

- Speaking to the complainant via the telephone and noting their concerns
- Reading back to the complainant the issues and information that have been recorded
- Arranging to send the recorded information to the complainant and asking the complainant either to:
 - Read the complaint and sign it if they agree with the information recorded by the QFCC employee, or
 - Ask the complainant to have someone read the document to them, have the complainant sign the document if they agree that the information is a true and correct reflection of the issues they are raising, and have the complainant return the signed document back to the QFCC.

Acknowledging receipt of complaints

Complaints should be acknowledged within a **maximum of five working days** from the time that they are received. This acknowledgement may take the form of a telephone call, an email, or a written letter. Verbal confirmation should be followed up with written correspondence.

When acknowledging the receipt of a complaint, employees should also include details of how the QFCC proposes to manage the complaint, including the proposed time frame that the process will take.

Frontline complaint handling

Level 1 complaints will typically be of a less serious nature and are able to be resolved in a short time frame (**within 14 business days**). Every effort should be made to resolve complaints at this stage.

Complaint Officers are responsible for communicating with complainants at this level, and for managing complainant expectations. This includes advising them of predicted timeframes, especially if resolution may take longer than 14 days. Complaint Officers must be mindful of the privacy of other QFCC employees when communicating with complainants.

Complaint Officers should make a detailed record of any complaint they receive, including the nature of the complaint, the actions taken to resolve the complaint, and the outcome. These records should be forwarded to the Complaints Coordinator for monitoring. More complex complaints should be referred to Complaints Coordinator and an immediate supervisor.

Records forwarded for escalation should include, as a minimum:

- The complainant's contact information
- Issues raised by the complainant
- The outcome sought by the complainant
- Any other information required to respond fully to the issues
- Any support or accessibility factors which the complainant requires.

In resolving level 1 complaints, Complaint Officers may not issue an apology on behalf of the QFCC, may not bind the QFCC to significant action, and may not offer recompense. If it is not possible to resolve the complaint at this level, it should be escalated.

Complaint assessment

The resolution of a level 2 complaint should take **no longer than 30 business days**.

If a complaint is of a sufficiently serious or complex nature, or if it is escalated from the frontline level, it must be handled by the manager or director of the relevant team. If there is an actual or perceived conflict of interest the Complaints Coordinator can also conduct the assessment.

On occasion, the resolution of level 2 complaints may take longer than 30 days, at which time it is important to provide the complainant and the Complaints Coordinator with updated advice.

In conducting the assessment, the following issues must be considered:

- If there is more than one issue raised by the complaint, whether they must be separately addressed
- Whether the complaint can be declined due to being vexatious, unreasonable, based on factually incorrect information or being outside of the QFCC's jurisdiction
- Whether other teams within QFCC, or other organisations need to be involved in the complaint
- The impact of the complaint on the complainant, the QFCC and its employees
- What action may be necessary or desirable to resolve the complaint.

Detailed records of any review or investigation and their outcomes must be kept and forwarded to the Complaints Coordinator.

Internal review

To ensure that the QFCC delivers an accountable and transparent review process, the Complaints Coordinator may conduct an internal review of original investigation processes and the associated outcomes. The Deputy Commissioner, Corporate and Communications is however ultimately responsible for determining the appropriateness of all investigative and decision-making processes.

An internal review will take **no longer than 45 business days** from the date QFCC agrees to conduct the review.

The reviewer must consider the rights of any officer who is subject of the complaint, and provide them with natural justice (a 'show cause' process). A report of any review will be provided to the Deputy Commissioner, Corporate and Communications.

It is important that the team and officers involved with the original investigative and decision-making processes are not involved in conducting an internal review of the same matters. If it is not possible to conduct a review of a level 1 complaint due to an actual or perceived conflict of interest, the Deputy Commissioner, Corporate and Communications may engage an external investigator.

Communication with complainant

The complainant should receive regular updates of any internal review or investigation. Investigators and the Complaints Coordinator must be mindful of the privacy of other QFCC employees when communicating with complainants.

If the complaint can be resolved to the satisfaction of the complainant, this resolution should be referred to the Deputy Commissioner, Corporate and Communications for approval before the QFCC makes any commitment to the complainant.

The reasons for any decision must be communicated to the complainant, as well as their avenues for appeal and further review. Should a complainant remain dissatisfied with the decision following an internal review of a complaint, complainants are able to request that the Queensland Ombudsman's Office conducts an external review of their concerns.

When communicating with the complainant, care must be taken to respect the privacy of any QFCC employees who are connected to the complaint.

Vexatious complaints

A complaint may be considered vexatious when the purpose of the complaint is to harass, annoy, delay or cause detriment. A complainant may lack reasonable grounds for lodging the complaint or possess insufficient direct interest in the issue complained about.

If a complaint is considered vexatious, the Complaints Coordinator, after consultation with the Principal Commissioner, may choose to limit or cease correspondence with the complainant. This decision must be approved by the Principal Commissioner and communicated to the complainant in writing.

External review

Complaints that are managed internally by the QFCC, but which remain unresolved will be escalated to another agency to conduct an external review. In general, the QFCC will escalate complaints to the Queensland Ombudsman's Office in cases where the following criteria are met:

- A complaint remains unresolved
- An alternative method of resolving the complaint has failed
- The complainant has been informed of their right to appeal and the complainant has exercised this option.

Procurement Complaints

Complaints regarding procurement must be handled in accordance with the Queensland Procurement Policy and whole-of-government standards published from time to time by the Department of Housing and Public Works.

Complaints about procurement should be referred to the Senior Advisor Procurement at first instance (procurement@qfcc.qld.gov.au). Complainants should be advised to submit their complaint in writing. An acknowledgement must be provided to the complainant in writing within **three business days**.

These complaints should be dealt with by the Senior Advisor Procurement with the assistance of the Complaints Coordinator, and in accordance with this CMS.

When it is not possible to resolve a procurement complaint with the QFCC, then the complainant may seek the assistance of Queensland Government Procurement, which can help to resolve the complaint by facilitating open communication between the parties (please note that Queensland Government Procurement cannot override legally binding contracts).

The QFCC has a statutory obligation to report any matters concerning allegations of corrupt conduct in relation to procurement to the Crime and Corruption Commission. Procurement complaints may be referred to the following Commonwealth agencies where appropriate:

- **Australian Competition and Consumer Commission (ACCC)** – for contraventions of the *Competition and Consumer Act 2010* (Cth)
- **Australian Securities and Investments Commission (ASIC)** – for contraventions of the *Corporations Act 2001* (Cth).

Monitoring and Improvement

Regular monitoring, review and reporting are necessary to continuously improve the CMS. Complaints data offers a valuable source of information on where and how an organisation can improve service delivery, systems, policies and decision-making.

Complaints register

The Complaints Coordinator will maintain a register of all complaints handled under this CMS. This register will record all relevant information gathered in the course of complaints management and will cross-reference other relevant documents where appropriate. Programs will provide complaints reports to the Complaints Coordinator for analysis.

The register will record the following details of each complaint received:

- Date of complaint
- Origin of complaint (including details of complainant)
- Officer taking complainant and their Program
- Subject matter of complaint
- Details of complaint
- Action taken or proposed including referrals
- Outcome (when finalised)

The Complaints Coordinator may investigate to gather this information where it is not provided by the Complaint Officer, including by following-up with the complainant.

Details of all complaints that are received and managed within QFCC will be reported to the Deputy Commissioner, Corporate and Communications on a quarterly basis by the Complaints Coordinator.

Annual report

The register will be used by the Complaints Coordinator to conduct an annual review of all complaints received by the QFCC. This review will cover:

- Any evident patterns in complaints received,
- The efficiency of complaints handling and whether timeframes have been met,
- The level of satisfaction reported by complainants after dealing with the QFCC process,
- Any issues in procedure or policy (including in this CMS) which arise from the complaints,
- Proposals for addressing these issues.

A report will be provided to the Principal Commissioner.

External Reporting

In accordance with section 219A(3) of the PSA, by 30 September each year the following information will be published on the QFCC public website in relation to complaints received in the previous financial year:

- The number of complaints (as defined under this CMS) received by the QFCC in the year
- The number of those complaints resulting in further action
- The number of those complaints resulting in no further action.

The Complaints Coordinator will be responsible for preparing this report and will seek the endorsement of the Principal Commissioner prior to causing it to be published.

Roles and Responsibilities

Position	Obligation in relation to maintaining confidentiality
All employees	<p>Any QFCC staff member handling a complaint is referred to as a Complaint Officer.</p> <p>To respect and put into practice the principles that underpin this corporate standard.</p> <p>To declare all perceived, potential and/or actual conflicts of interest.</p> <p>For officers who receive a complaint via the telephone, the officer must:</p> <ul style="list-style-type: none">• Decide if the complaint can be easily resolved at the first point of contact (Level 1 complaints), or• Decide if the complaint is a more complex matter that needs to be investigated, in which case it is to be referred to the Complaints Coordinator who records the complaint in the complaints register (Level 2 complaints).

Deputy Commissioner, Corporate and Communications Leader Group	Responsible for approving the decisions or actions resulting from the investigation of complaints.
Senior Advisor, Legal and Ethics	<p>Acts as Complaints Coordinator, overseeing the administration of the CMS.</p> <p>Point of contact for Complaint Officers with questions on how they should handle a complaint.</p> <p>Maintain register of complaints.</p> <p>Provide quarterly reports on complaints management (if there are active complaints).</p> <p>Conduct an annual review of complaints management and provide a report on issues and potential improvements.</p> <p>Prepare information for publication on the QFCC website as required by the PSA.</p>
Senior Advisor, Procurement	<p>Handle all complaints related to procurement.</p> <p>Maintain records of complaints and refers these to the Complaints Coordinator for inclusion in the register.</p>
Human Resources team members	Provide support to Complaint Officers, or an officer who is the subject of a complaint, to maintain their health and wellbeing. This may include assistance with leave, or in accessing the Employee Assistance Program.

Approval



Natalie Conner
Deputy Commissioner, Corporate and Communications
 Queensland Family & Child Commission

Approved on:

03 / 06 / 2019