

Complaints management procedure

Version	Date	Comments
1	Dec 2016	Procedure updated. Previous reference: ISU:PR:2015:19
1	Dec 2016	Procedure approved

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1 Associated policy

[Complaints management policy](#)

2 Scope

This procedure applies to all complaints about **the service or actions of the department or its employees**, other than those complaints and complaint management processes that are regulated by legislation, policies or systems (refer to Attachment 4 to the [Complaints management policy](#) for out of scope complaint types and how these are to be dealt with).

3 Procedure

3.1 Categorisation of complaints

Upon receiving a complaint, employees should first assess the type of complaint and consider if the complaint is in scope and is therefore to be dealt with under the [Complaints management policy](#). Complaints that are not in scope should be referred to the appropriate area for dealing with (refer to **Attachment 4** of the Complaints management policy).

If the complaint is in scope employees should then consider if the complaint is a Level 1, 2 or 3 complaint as specified in the policy.

Complaints identified as **Level 1** should be dealt with by employees or management within the division.

Complaints identified as **Level 2** should be dealt with or overseen by the head of the relevant division or General Manager, Executive Director, Director or equivalent.

Complaints identified as **Level 3** should be dealt with by the Office of the Director-General or the Integrity Services Unit.

If employees are unsure of how to categorise a complaint they can contact the Integrity Services Unit on 07 3008 2925.

Employees receiving complaints must be provided with appropriate training to assist them to effectively recognise and categorise complaints to be dealt with under the [Complaints management policy](#), as well as identify those complaints which are out of scope.

3.2 Recording of complaints

Details of Levels 1, 2 and 3 complaints should be recorded on the division's electronic complaints register as soon as possible following receipt of a complaint. Complaints that are being handled through the department's Executive Workflow System (e.g. Mincor) must also be recorded on an electronic complaints register. To reduce duplication, reference may be made to the Workflow reference number for details on how a complaint was handled.

3.3 Complaint information

Complainants are encouraged to provide a reasonable level of relevant information to the department when making a complaint (e.g. dates, details of the issue, supporting information).

Insufficient complaint particulars may impact on how the department can deal with the complaint or whether it deals with it at all.

Complainants should also clearly outline what they would like the department to do to resolve the matter.

Possible remedies include:

- an apology
- an admission of fault
- a change of decision
- an explanation of how and why the problem occurred and what steps have been taken to avoid it recurring
- a change to policy, procedures, practice or system
- a correction of misleading or incorrect records
- re-work is performed as a priority

3.4 Reasonable assistance for complainants

Reasonable assistance should be provided to people who wish to make a complaint. Such assistance may include:

- providing an interpreter if a complainant has language difficulties or is hearing or vision impaired, or
- advising complainants where they can get further help and information.

The costs of arranging reasonable assistance will be borne by the division to which the complaint relates.

3.5 Unreasonable complainant conduct

Unreasonable complainant conduct is behaviour by a complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the parties to a complaint, for example

- unreasonable persistence
- unreasonable demands
- unreasonable lack of cooperation
- unreasonable arguments, or
- unreasonable behaviours.

Where there is any risk to the health and safety of employees involved in complaints management (e.g. a complainant threatens the safety of the employee they have complained about or the employee investigating their complaint) this should be immediately brought to the attention of the relevant manager so appropriate action can be taken.

Possible actions to deal with unreasonable conduct include but are not limited to:

- requesting the complainant refrains from the conduct and advising of the consequences if that does not occur
- having another employee deal with the matter
- limiting or ceasing personal contact with the complainant e.g. communicating in writing
- requiring all communications to occur through the complainant's personal representative
- ceasing to deal with the complainant or the complaint further
- directing that the complainant and associated parties, if relevant, are not to present on departmental property
- referral of the matter to the Queensland Police Service.

It is important that (except in exceptional circumstances) a client's complaint issues, demands or arguments should be acknowledged and appropriately responded to by the department as per this procedure prior to a client being assessed as an unreasonable complainant.

3.6 Timeframes

Level 1 complaints should be acknowledged within three business days, either verbally (for those complaints made verbally) or acknowledged in writing (refer to **Attachment 1** for an 'acknowledgement template').

The complaint should then be assessed and the complainant notified of the outcome within a maximum of 20 business days of the complaint being received by the department.

A written complaint 'outcome template' can be found in **Attachment 2**. The information in the template should be provided verbally if the complainant is agreeable, and a record kept of information provided; however, if a complainant specifically requests a written outcome, then a written response should be provided.

Level 2 complaints (even if received verbally) should be acknowledged in writing within three business days (refer to **Attachment 1** for an 'acknowledgement template').

The complainant should be notified in writing of the outcome within a maximum of 30 business days of the complaint being received by the department. A written complaint 'outcome template' can be found in **Attachment 2**.

Level 3 complaints should be acknowledged in writing within three business days. The timeframe to assess and resolve the complaint should be determined on a case by case basis. The complainant should be notified of the anticipated date for assessment and possible resolution in the acknowledgement letter.

It should be noted that in certain circumstances, complaints may require extended timeframes for resolution. In this circumstance, the complainant should be advised about the extended timeframe, periodically updated on the status of the assessment, where appropriate and the matter should be resolved as quickly as possible.

Please note: in relation to a privacy complaint, a complainant has the right to complain to the Office of the Information Commissioner if they do not receive a response to their complaint within 45 business days.

3.7 Collection of personal information and privacy

Once it is determined that the complaint falls within the scope of the policy, when collecting personal information an employee must provide the privacy notice to the complainant and other persons from whom they are **collecting** personal information.

Personal information is defined in section 12 of the [Information Privacy Act 2009 \(Qld\)](#) as “*information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.*”

A privacy notice is required when an individual who is the subject of the personal information is asked for either the personal information or information of a type that would include the personal information.

The privacy notice must be given to the complainant (as well as any interviewed witnesses or persons who are the subject of the complaint if relevant), if practicable, before the collection of the personal information, or as soon as practicable after the collection.

The privacy notice that must be given at the point of collection is as follows:

“The Department of Housing and Public Works is collecting information, including personal information, for the purpose of assessing and resolving this complaint. Your personal information will be given to other persons where necessary to assess and resolve this complaint. Your personal information will not otherwise be disclosed to another entity without your consent, unless authorised or required by law.”

The notice can be provided verbally or in writing, but preferably in writing.

3.7.1 Providing the privacy notice over the telephone

If a designated employee is collecting personal information from a complainant over the telephone the employee must:

- take care to explain the privacy notice clearly and
- ask the complainant if they have understood the privacy notice, and if they would like any part of the notice repeated.

A file note should be kept as a record that the privacy notice was provided to the complainant.

3.7.2 Providing a written notice at interview

If a designated employee is collecting personal information at an interview, the employee must:

- give the interviewee the privacy notice at the start of the interview
- explain to the interviewee what is in the privacy notice and ask the interviewee to read the notice before continuing with the interview and
- try to answer any questions the interviewee has about the privacy notice before the interview continues.

If employees have questions regarding collecting personal information and the privacy notice they can contact the department’s Manager, Right to Information and Privacy on telephone 07 3008 3118.

3.8 Complaint enquiries

All complaints received will require some form of enquiry. This could range from checking paperwork to verifying information for a Level 1 complaint, to a formal investigation for a Level 3 complaint. The level of enquiries should be commensurate with the seriousness, frequency and consequences of the complaint.

Enquiries should be conducted promptly, fairly and objectively. If there are delays in dealing with a complaint, complainants should be notified.

Decisions should be made having regard to the weight of evidence and on the balance of probabilities.

Complaints should be referred to another employee where the matter is outside the original employee's area of expertise or delegation, or if there may be a conflict of interest.

3.9 Natural justice

It is important that employees who are the subject of a complaint are afforded natural justice. The Queensland Ombudsman's 2007 Good Decision Making Guide states that, *in simple terms, natural justice or procedural fairness means that a person who might be adversely affected by an administrative decision (the affected person) must be given a 'fair hearing' before the decision is made. However, there are generally considered to be three aspects of natural justice:*

1 The notice requirement - *The notice to the affected person must identify the critical issues and contain sufficient information for the person to be able to participate meaningfully in the decision-making process.*

2 The fair hearing rule - *A fair hearing means that the affected person is given a reasonable opportunity to 'speak or respond' and also that the decision-maker genuinely considers the affected person's submission in making the decision.*

3 The lack of bias rule - *The person making the decision must act impartially in considering the matter. Bias is a lack of impartiality for any reason and may be in favour of or against the affected person. It may arise from the decision-maker having some financial or other personal interest in the outcome of the decision (conflict of interest), or giving the impression that they have prejudged the issue to be decided (prejudgement).*

Bias can be actual or apprehended. Apprehended (or the appearance of) bias is judged by whether a fair-minded observer properly informed as to the facts or the nature of the proceedings or process might reasonably apprehend that the decision-maker might not bring an impartial or unprejudiced mind to the resolution of the issue.

Natural justice is required when legislation expressly provides that a decision-maker must observe natural justice or when the common law supplements any statutory procedures. At common law, natural justice is required when a proposed decision may affect a person's rights, interests or legitimate (reasonable) expectations. So in cases where your decision may adversely affect any person, give them a reasonable opportunity to comment on the critical issues, and information or material that may be unfavourable to them, before you make your decision. Also ensure you do not have a conflict of interest in the outcome and that you do not act in a way that suggests you are biased in favour of or against any person who will be affected by your decision.

3.10 Confidentiality

Confidentiality will be respected and maintained at all times within the constraints of the need to fully investigate a complaint, subject to any legal authorisation or requirements for disclosure and consistent with the principles of natural justice.

3.11 Complaint outcome

Complainants are to be advised of the outcome of enquiries into their complaint as soon as possible after a decision has been made. Complainants are to be given reasons for negative decisions and are to be advised of available complaint review options as outlined in sections 2.6 and 2.7 of the [Complaints management policy](#).

Consideration should be given to verbally discussing and explaining the outcome to complainants prior to issuing written outcome advice.

Written advice should be sent if the complaint was submitted in writing or if the complainant requests it.

A written complaint 'outcome template' can be found in **Attachment 2**.

For privacy reasons, the department will not disclose to a complainant specific action taken against an employee as a consequence of a complaint e.g. that the employee has received training or has been disciplined. The only information that can be disclosed to a complainant concerning action taken against an employee is that appropriate management action has been taken.

3.12 Storage of complaint information

Records should be retained on the outcome of all complaints. File notes should be made for complaints that are resolved verbally.

Documentation relating to complaints should be stored on a file that is retained in locked storage. Information relating to complaints should be accessible only by those employees whose duties require them to use the information.

Notification that a separate complaint file exists may be placed on a project/client file, where relevant.

3.13 Dealing with employee records which could reasonably be considered to be detrimental to an employee's interests

Records relating to complaints may include employee records.

As per section 12 of the [Public Service Regulation 2008 \(Qld\)](#), if the department intends to:

- (a) use an employee record about the employee in a way that could reasonably be considered to be detrimental to the employee's interests, or
- (b) place on the employee's employment file an employee record about the employee that could reasonably be considered to be detrimental to the employee's interests

the department must ensure that at least 14 days before taking the action mentioned in (a) or (b) above:

- the employee is given the opportunity to read the record and to acknowledge having read it by initialling it and
- the employee is given a copy of the record and
- if the employee has refused to read the record or to acknowledge having read it by initialling it, the refusal is noted on the record and
- the employee is given the opportunity to respond in writing at any time to the record's contents and
- any written response by the employee is attached to the record.

If the department reasonably considers that giving the employee access to the record would be likely to prejudice an existing relevant investigation or inquiry, the department is not required to give the employee access to the record until the likelihood of prejudice to the investigation or inquiry ends, or six months after the action in paragraph (a) or (b) above is taken, whichever is the earlier.

3.14 Reporting

As outlined in section 5 of the policy, every four months divisions must formally review the number and nature of Level 1¹ and 2 complaints, the time taken to resolve complaints and any local trends or issues. A suggested template for reporting is provided in **Attachment 3**.

3.15 Business improvements

Following resolution of a complaint, the responsible designated employee should review the need for any business improvements to reduce the reoccurrence of a similar complaint using **Attachment 4** if required. Business improvements impacting on more than one region/section of a division shall be referred to the Business Improvement/Quality Unit or equivalent of that division.

Business improvements relating to compliance with the [Information Privacy Act 2009 \(Qld\)](#) should be made in consultation with the Manager, Right to Information and Privacy on telephone 07 3008 3118.

4 Approval

Robyn Turbit
Assistant Director-General, Corporate Services
Delegate of the Director-General

Date: 19 December 2016

¹ The former HPW Board of Management agreed in June 2013 that Housing and Homelessness Services (formerly Housing Services) is not required to keep Level 1 complaints statistics. As at December 2016, interim arrangements are currently being implemented to enable reporting.

- Attachment 1:** Complaint acknowledgement template
- Attachment 2:** Complaint outcome template
- Attachment 3:** Suggested reporting template for divisions
- Attachment 4:** Business improvement opportunities

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Attachment 1: Complaint acknowledgement template

NB: If using this template for a privacy-related complaint please refer to the Integrity Services Unit or to the Manager RTI and Privacy to check on timeframes/review options etc.

Ref No: [xxxx]

[Date]

[Complainant contact details]

Dear [complainant details]

I refer to your [letter/telephone call/email/etc] received by the [insert details of area] on [insert date] regarding your complaint that [insert complaint details].

Your complaint has been registered and the reference number for your complaint is [insert complaint reference number].

Following an assessment of your concerns it has been determined that your complaint will be managed by [insert name of contact, position, area and a contact number].

For your information, the department's Complaints management policy and procedure can be found by accessing 'Contact Us' and 'Make a complaint' from the department's main website (www.hpw.qld.gov.au). Your complaint is being dealt with as a Level [select 1 or 2] complaint pursuant to this policy.

On the conclusion of the department's enquiries, you will be notified in writing of the outcome within a maximum of [select 20 or 30] business days from the date your complaint was received.

If you have any questions in the meantime please raise these directly with [insert name of contact] on telephone number [insert] or by email to [insert email].

Yours sincerely

XXXXXXXXXXXX

Attachment 2: Complaint outcome template

NB: If using this template for a privacy-related complaint please refer to the Integrity Services Unit or to the Manager RTI and Privacy to check on timeframes/review options etc.

Ref No: [xxxx]

[Date]

[Complainant contact details]

Dear [complainant details]

I refer to your [letter/telephone call/email/etc.] received by the [insert details of area] on [insert date] regarding your complaint concerns that [insert complaint details].

In dealing with your complaint, [insert contact officer details] [insert details e.g. obtained information from you, reviewed relevant information and spoke with the employee who was the subject of your complaint].

Information gathered during this complaint process included: [explain information gathered]

Following careful consideration of all available information, I have concluded that [explain outcome].

Accordingly, your complaint is now finalised.

If you are dissatisfied with how your complaint has been dealt with, you can request an internal review of this decision by the department which must include the grounds for seeking the review.

This request will be reviewed and a determination made as to whether the review is warranted.

Following this, if you remain dissatisfied with the action/s taken by the department in relation to your complaint and after all internal review options have been exhausted, you can request that the department's decision be reviewed by the Queensland Ombudsman.

If you have any questions regarding this matter please contact [insert name of contact] on telephone number [insert] or by email to [insert email].

Yours sincerely

XXXXXXXXXXXX

Attachment 3: Suggested reporting template for divisions

Date of meeting: _____

Complaints Management Reporting

Purpose

To provide the executive management team (or equivalent) with the details of Level 1 and 2 complaints for [division] for the four months ending [date].

Background

[Division] is committed to effectively handling complaints in a timely and professional manner.

This report advises the number and nature of Level 1 and 2 complaints including service/product related complaints, privacy complaints, as well as complaints regarding [division] employees.

This report also advises the time taken to resolve complaints and highlights any significant trends and issues.

Level 1 complaints

Summary

Number of complaints outstanding	New complaints lodged this reporting period	Complaints finalised this reporting period	Total complaints outstanding at end of the reporting period

Nature of new Level 1 complaints

Type / subject of complaint	Number of new complaints this reporting period	Percentage of new complaints
Service/product (cost)		%
Service/product (quality)		%
Service/product (time)		%
Service/product (other)		%
Staff (conduct)		%
Staff (skill/knowledge)		%
Staff (other)		%
Privacy		%
Other		%
		%

Time taken to resolve Level 1 complaints finalised this reporting period

Timeframes	Number	Percentage	Comments
Within 20 business days		%	
Longer than 20 business days		%	
		%	

Level 2 complaints

Summary

Number of complaints outstanding	New complaints lodged this reporting period	Complaints finalised this reporting period	Total complaints outstanding at end of the reporting period

Nature of new Level 2 complaints

Type / subject of complaint	Number of new complaints this reporting period	Percentage of new complaints
Service/product (cost)		%
Service/product (quality)		%
Service/product (time)		%
Service/product (other)		%
Staff (conduct)		%
Staff (skill/knowledge)		%
Staff (other)		%
Privacy		%
Other		%
		%

Time taken to resolve Level 2 complaints finalised this reporting period

Timeframes	Number	Percentage	Comments
Within 30 business days		%	
Longer than 30 business days		%	
		%	

Trends and issues

Significant trends or issues for attention

A large proportion of complaints this reporting period related to concerns regarding _____

Additional analysis indicates that _____.

Recommendations have been made to _____ to _____ and therefore _____.

The following business improvement recommendations are outstanding at the end of current reporting period:

Attachment 4: Business improvement opportunities

Complaint reference number:
Date:
Prepared by:

Issue	Recommendation	Employee responsible for implementing recommendation	Timeframe to implement	Date finalised