

# Complaints management procedure

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# 1 Associated policy

Complaints management policy.

## 2 Scope

This procedure applies to all complaints about the service, actions or decisions of the department, its employees or persons engaged by the department to provide a service on its behalf, other than those complaints and complaint management processes that are regulated by legislation, policies or systems

A complaint is the verbal or written expression of dissatisfaction about the policies, products, projects or services provided by us and/or our staff that has not been resolved at the first attempt at resolution.

This includes:

- past, current or proposed policies, products, projects or services
- past or current staff, including the customer service provided by staff
- actions or decisions made, including proposing an action, making a recommendation and failing to take an action or make a decision.

This procedure covers external complaints made to us by members of the public, stakeholders or staff members acting as members of the community. Certain specific complaints are excluded from the scope of this policy as they are managed under legislative or contractual requirements and therefore are out of scope.

This procedure is supported by the departmental Complaints management policy and local complaints processes which include further guidance on specific complaints excluded from the scope of the policy. Local processes are required to be compliant with the Complaints management policy, the [Public Service Act 2008](#) 2008, the [Human Rights Act 2019](#) and the guiding principles of the Australian/New Zealand Standard, AS/NZS 10002:2014 *Guidelines for complainant management in organisations*.

For clarity, this procedure does not provide another avenue of complaint. For example, where a complainant has a matter dealt with under the department's Employee complaint policy, the same matter will not be dealt with under this procedure.

### 2.1 Out of scope

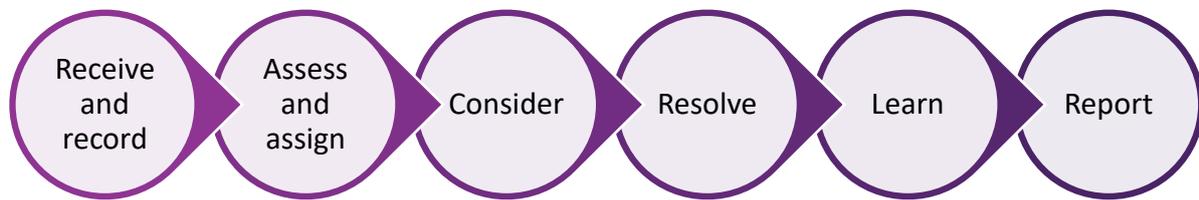
The following types of complaints are not dealt with under this Complaints management procedure and are managed through the relevant legislation, policies and procedures:

- reports of suspected corrupt conduct and public interest disclosures that are dealt with under the department's Prevention and management of corrupt conduct and public interest disclosure policy, the [Crime and Corruption Act 2001](#) and the [Public Interest Disclosure Act 2010](#)
- employee complaints that are dealt with under the department's Employee complaints policy and Employee complaints guideline
- complaints about community housing tenants
- complaints about organisations funded by the department under the [Housing Act 2003](#) or the [Community Services Act 2007](#)
- employee appeals that are dealt with under chapter 7 of the [Public Service Act 2008](#)
- reviewable decisions that are dealt with under the [Housing Act 2003](#) and related procedures
- complaints that are primarily contractual in nature
- matters subject to legal proceedings
- complaints and concerns raised by suppliers or members of the public about the procurement activities of other government agencies that may be dealt with under the [Queensland Procurement Policy](#)
- complaints about access application decisions dealt with under the [Right to Information Act 2009](#)
- complaints about access and amendment application decisions under Chapter 3, Part 2 of the [Information Privacy Act 2009](#)

For information about where to refer the above-mentioned complaints, see Attachment 4.

## 3 Procedure

All complaints are to be managed in accordance with the principles outlined at section 2 of the Complaints management policy. The department's complaints management model is:



### 3.1 Procedural fairness (natural justice)

The department manages complaints in accordance with the principles of procedural fairness (also known as natural justice). Procedural fairness provides that persons who may be adversely affected by an administrative decision must be provided:

- notice – any notice must identify the critical issues and contain sufficient information to enable meaningful participation in the decision making process
- fair hearing appropriate to the circumstances – this means an opportunity to respond or to speak and that any submission is provided to, and genuinely considered by the decision maker
- lack of bias – the decision maker must act impartially in considering the matter

Should an employee have any questions about the application of procedural fairness during a complaint resolution process they should contact Governance, Planning and Reporting.

### 3.2 Confidentiality

Persons involved in the complaint's resolution process are to maintain confidentiality at all times subject to any legal authorisation or requirements for disclosure and consistent with the principles of procedural fairness (natural justice).

S.3.3.9 of this procedure details the requirements for collecting personal information and privacy.

### 3.3 Model of complaint management

#### 3.3.1 Receiving and recording a complaint

##### 3.3.1.1 Receipt of a complaint

When a customer/client or member of the public contacts the department, the matters raised should be assessed to determine if they are actually a complaint or are part of normal interactions between the department and its customers/clients or members of the public. If it is a complaint it needs to be dealt with under the Complaint management policy and procedure if resolution was not able to be achieved in the first contact regarding the complaint.

A complaint may be submitted through any mode of communication including in person, by phone, by email, by SMS and by letter. A complaint may be received by any employee of the department.

The department provides a complaint submission form through its website for complainants to encourage provision of relevant information. Should an employee receive a verbal complaint it is suggested they use the form to record the complaint and gather as much information as possible to assist with resolving the complaint.

Where possible, the employee should verify the information provided with the complainant and ensure all issues have been identified and recorded accurately to assist with the assessment of the complaint. Details an employee should try to obtain (noting that some complainants will wish to remain anonymous) are the complainant's name, address, contact details, whether they have previously raised this issue, if they have supporting documentation, relevant dates, if human rights have been raised as part of the complaint and the outcome being sought. Refer to

section 3.3.9 of this procedure regarding provision of privacy notices when collecting personal information during the complaint management process.

Where the complainant indicates they require assistance with lodging their complaint such as an interpreter or an advocate, all reasonable assistance should be provided to the complainant. Any cost associated with such assistance is to be met by the relevant division. Advice on accessing services for vision or hearing impairments is available at [Find a translator or interpreter | For government | Queensland Government](#)

If the complainant indicates they are a victim of crime, they should be provided with information about available assistance to recover from impacts resulting from the crime.

Divisional Complaints Management Officers (DCMO) can provide advice and assistance with providing support to the complainant.

### 3.3.1.2 Receipt of complaint during internal administrative review process

Where a complaint is received about a matter that is the subject of an internal administrative review process (e.g. debt review), the DCMO will discuss the complaint with the person responsible for the internal administrative review and the complainant to determine if the complaint will take precedence. It will generally be preferable to allow the internal administrative review process to be completed particularly where it will address the issues which are the subject of the complaint.

## 3.3.2 Recording the complaint

Once an employee has received the complaint, they should forward all information to their DCMO and not take any further action unless otherwise instructed. The DCMO is responsible for recording the complaint in the department's complaints management register. The DCMO will assign a reference number to the complaint which should be used in all documentation.

## 3.3.3 Assessing and assigning the complaint

### 3.3.3.1 Initial assessment

The DCMO is required to conduct an initial assessment to determine if the complaint should be dealt with under the Complaints management policy and this procedure.

The DCMO is required to assess the complaint to determine if it contains elements of corrupt conduct or a public interest disclosure. (Refer to Attachment 3 for definitions.) Where such issues are identified the complaint is to be referred immediately to Integrity Services for further assessment.

Where a matter is referred to Integrity Services, no action is to be taken to address the complaint until advice has been received from this area. The Integrity Services is required to provide advice in a timely manner so that if a complaint is returned for resolution, the division is able to meet allocated timeframes.

The DCMO is required to assess the complaint to determine if any human rights are involved in the complaint. Where the DCMO identifies human rights are engaged or the complainant has identified their complaint contains human rights, the DCMO is to complete a Record for assessing human rights compatibility in complaints.

Where the matter being complained about is already the subject of an internal process (e.g. an internal administrative review or dispute resolution process) the complainant should be advised the complaint will not be progressed until the ongoing matter is finalised.

The DCMO's action in referral of a complaint and the response are to be recorded in the complaints management register.

The responsible officer must update the register regularly as actions are taken to resolve the complaint. All documentation that forms part of the complaint including correspondence, investigation outcomes, and human rights assessments need to be filed with the details of the complaint

### 3.3.3.2 Not a matter to be dealt with under the policy

See 2.1 of this procedure.

Where the complaint should be managed under different legislation or a different complaints system the DCMO is to advise the complainant including how to contact the appropriate area.

The DCMO may also consider whether the matter is one that can be practically investigated (e.g. complaint was made a lengthy period after the issue occurred), is already being dealt with in another jurisdiction or by another

agency, or appears to be frivolous, vexatious, misconceived or lacking in substance and make a recommendation to the relevant Director or other senior officer on accepting the complaint.

As a Whole of Government service provider DCHDE may receive complaints about other agencies. These complaints should be referred to the relevant agency for resolution. Customer service staff will record two entries in the Complaints Management Register. One that records receipt of the complaint and the second to record the referral information.

### 3.3.3.3 Level of complaint

Where the DCMO determines the complaint should be managed in accordance with the Complaints management policy, the DCMO is to determine the level of the complaint in accordance with Attachment 5.

Consideration of the appropriate level may include the complexity and/or sensitivity of the issues, the potential impact on the department of adverse outcomes, the likelihood of an investigation requiring strong capabilities and experience or a comprehensive review requiring high levels of analytical skills.

### 3.3.3.4 Assigning the complaint

Once the DCMO has determined the level of the complaint, the complaint should then be assigned accordingly. When assigning responsibility to a decision maker, the DCMO should consider any known or potential conflict of interest which the complainant may perceive as bias. Similarly, consideration should be given to any previous complaints made by the complainant which would indicate assigning a new decision maker to the complaint.

The complaint may be forwarded by email, if appropriate, with all provided information attached, as well as advice on the level assigned to the complaint, the timeframes for acknowledgement and resolution and links to the departmental templates for complaint management

Where the matter has been identified as engaging human rights, the responsible officer should complete the Record for assessing human rights compatibility in complaints and make a determination of the nature of the human rights limited through the decision making process.

The DCMO should record the complaint in the complaints management register and manage the complaint in accordance with appropriate timeframes.

## 3.3.4 Consideration of complaint

### 3.3.4.1 Consideration of complaint issues

Upon receipt of a complaint for resolution, the responsible officer should identify the issues raised by the complainant in order to give consideration to how to address the issues identified. Such consideration may require identifying the original decision maker, the relevant legislation, policies or procedures, any previous actions taken in response to the complaint, and discussion with subject matter experts to clarify the issues or intended resolution strategies.

It is good practice to document the issues identified and the steps which may be needed to resolve or address the issues before taking any action. A review plan template is at Attachment 10 of this procedure.

Where matters involve other work units/divisions/agencies, consideration must be given to how the complaint resolution process will appropriately engage with those areas.

Section 3.3.5 of this procedure provides guidance on approaches to complaint resolution.

### 3.3.4.2 Complaints by victims of crime

A victim who feels that the department has engaged in conduct that is inconsistent with the fundamental principles of justice may make a complaint to the department or, if the victim is not comfortable doing this, the complaint can be submitted to the Victim Service Coordinator appointed under the Victims of Crime Association. A victim may also complain to the Victim Services Coordinator if the victim is unsatisfied with the outcome of their complaint, or if a response is not provided by the department in a timely manner.

Contact details for the Victim Service Coordinator can be found in Attachment 1.

### 3.3.4.3 Consideration of human rights issues in complaint management

When a complaint is received, the complainant may have already identified their complaint is about a breach of their human rights however the department is required to assess all complaints to determine if the complaint engages human rights even if an individual does not identify human rights when complaining to the agency.

When human rights have been identified in a complaint it will be necessary to determine whether the action or decision being complained about has limited human rights. If human rights have not been limited, then the action or decision is compatible with human rights.

Where an action or decision has limited human rights, consideration must be given to whether the limitation is justifiable and reasonable in the circumstances. When considering the complainant's human rights against the department's purpose in taking action or making a decision, it should be kept in mind that the stronger the limitation on the complainant's human rights, the stronger the justification needs to be. The department must be prepared to justify that the benefits gained by fulfilling the purpose of the limitation outweigh the harm caused by the limitation of the human right.

A flowchart depicting the complaints management process focusing on assessment of human rights is provided at Attachment 11 of this procedure. The decision and the considerations should be documented on the Record for assessing human rights compatibility in complaints template as these details may be examined if a complaint is made to the QHRC or other external agency such as the Ombudsman or the complaint outcome decision is reviewed by a tribunal or court.

#### 3.3.4.4 Consideration of complaint resolution strategies

The nature of the complaint will determine resolution approaches which may include working directly with the complainant to resolve the issues, document review, informal inquiries or a formal investigation. The approach will be dependent on the nature and complexity of the complaint, legislative requirements, who is involved in the matter and the likely outcome of the matter.

Where a decision maker determines to assign another officer to conduct a review or investigation, it is the decision maker's responsibility to ensure that officer has the required capabilities to undertake the complaint resolution on their behalf, and there are no conflicts of interest with the complainant.

All steps involved in the resolution strategy must be documented including file notes of any discussions held with people as part of enquiries (refer section 3.3.9 of this procedure regarding provision of privacy notices when collecting personal information during the complaint management process).

Where the matter requires a review or investigation, it is recommended a plan be prepared identifying the issues and proposed steps including persons who will need to be interviewed. A Review Plan template can be found at Attachment 10 of this procedure.

The decision maker is able to identify and implement any resolution strategy they deem appropriate to the situation. Consideration should be given to the need to provide the complainant with an opportunity to respond to preliminary findings before finalising the resolution process, particularly where the preliminary findings may be of an adverse nature. Any response forms part of the record and should be included in the final report.

Similarly, if it appears an adverse finding is likely to be made against an employee through the process, that employee is to be provided with an opportunity to respond to the information before a finding is made. It is recommended the responsible officer consult with Human Resources Business Partners to appropriately prepare and present this advice.

#### 3.3.4.5 Consideration of business improvement strategies

An essential part of the complaints management system is the ability to learn from the matters brought to the department by complainants and identify opportunities to improve the way the department delivers services. As such, where appropriate, the responsible officer should identify where changes may be made to reduce the reoccurrence of similar or other complaints or to improve accessibility and usability of the department's services.

Identified business improvement strategies are to be recorded in the complaints management register which are reviewed by Divisional Heads and senior management to identify and implement continuous improvement opportunities.

Business improvement strategies can range from reviewing and revising local practices and procedures to undertaking team training to ensure shared understanding and consistent application of processes to state-wide review of policy and procedure to improve service delivery and customer satisfaction.

### 3.3.5 Resolution of complaint

#### 3.3.5.1 Determining a resolution

Where the decision maker had assigned responsibility for undertaking the resolution strategy, the completed review or investigation will need to be submitted to the decision maker for consideration and acceptance.

Where the officer assigned to resolve the complaint has undertaken their own resolution strategy, the officer must document their process including an analysis of information gathered and the decision.

The decision maker will be required to determine what actions may be required to address the complaint including those identified by the complainant as their stated outcome and ensure an implementation plan is devised to address any identified actions.

### 3.3.5.2 .Determining a resolution for a complaint involving human rights

Where a complaint engages human rights, and it is determined that the complainant's human rights have been limited in a way that does not meet the requirements of the [Human Rights Act 2019](#) the decision maker must give consideration to the appropriate remedies.

### 3.3.5.3 Outcome examples

The decision maker is responsible for determining if action is required to address the findings of the complaint as an outcome. Possible outcomes include but are not limited to:

- an explanation of the original action or decision
- a change of the original decision
- correction of incorrect or misleading records
- formal or informal dispute resolution
- a statement of regret (not an admission of wrongdoing)
- an apology (admission of wrongdoing)
- policy, procedure or practice review
- improved implementation (change management practices)
- program review
- monitoring compliance
- improved communication – e.g. regular team meetings
- staff training or other professional development activity

## 3.3.6 Respond to complainant

### 3.3.6.1 Elements of an outcome response to the complainant

The complainant is to be provided with outcome advice which uses clear and simple language to explain the decision. The advice at a minimum should include the following:

- the issues which were reviewed
- the process used to review the complaint
- the information which was assessed in the review
- the findings which were reached against each issue/allegation
- advice on the outcomes the complainant sought
- advice on any business improvement recommendations
- the review rights available to the complainant (internal or external)

### 3.3.6.2 Elements of an outcome response to the complainant involving human rights

Where the complaint engaged human rights, the outcome advice should also include the following:

- whether the department's action or decision has limited the complainant's human right in a way that does not meet the requirements of the Human Rights Act 2019
- where the complainant's human rights have been limited in a way that does not meet the requirements of the Human Rights Act 2019, what remedies will be applied

### 3.3.6.3 Advising the Divisional Complaints Management Officer

The decision maker is responsible for providing the DCMO with a copy of all relevant documentation including the outcome advice, to allow the DCMO to record the matter on the complaint management register including storage of associated documentation.

An outcome advice template is available at Attachment 7 of this procedure.

### 3.3.7 Learn

#### 3.3.7.1 Outcome advice to involved internal parties

Where internal persons were involved in the complaint's resolution process, those persons should be provided with outcome advice. For those who provided information but are not otherwise directly impacted it is enough to provide advice that acknowledged their participation and advises the process is finalised.

For those parties with a greater involvement, particularly those who participated in the original action or decision that was the subject of the complaint, it is necessary to provide advice on the process, the findings and learnings including any system changes which will be made as a result of the process.

Where an internal party was the subject of adverse findings resulting from the complaint resolution process (and noting the requirements of procedural fairness as described at section 3.1 of this procedure) the responsible officer should consult with relevant Human Resources Business Partner in developing the written outcome advice.

#### 3.3.7.2 Implementing business improvements by divisions

Identified business improvements are to be recorded on the complaints management register and the DCMO is to provide the Divisional Head with quarterly reports to monitor progress of implementation of the recorded business improvements.

#### 3.3.7.3 Monitoring of business improvements by the Board of Management

GPR will provide the Board of Management with a quarterly report on complaints data including all business improvement strategies. This report will include identification of trends and aid in risk management and strategic, operational and business planning activities. It is anticipated departmental monitoring of business improvements strategies may aid in reduction of complaints and improved service delivery.

#### 3.3.7.4. Review of complaints management system by GPR

GPR will monitor and analyse the data held within the complaints management register as well as consult with the DCMOs to determine where improvements may be made to the department's complaints management system.

GPR will be responsible for identifying and reporting on issues and potential responses to the Board of Management or to Divisional Heads as appropriate.

#### 3.3.7.5 Human Rights Continuous Improvement Network

The Human Rights Continuous Improvement Network is responsible for continuous review of complaints which engage human rights, in order to provide advice on business improvement to reduce such complaints and to improve the management of human rights complaints through consultation and education.

### 3.3.8 Reporting

#### 3.3.8.1 Internal reporting

DCMOs are required to maintain the complaints management register for all complaints within their division including all associated documentation.

GPR is responsible for working with DBG to determine the viability of developing a whole of department complaints management system linked to the department's electronic documents and records management system.

#### 3.3.8.2 External reporting

The Program Manager, Policy and Compliance will collate and provide data from the departmental complaints management register regarding human rights complaints in accordance with s. 97(2)(b) of the [Human Rights Act 2019](#) for inclusion in the department's annual report and as otherwise required.

The Program Manager, Policy and Compliance will arrange the publication of the following complaints information for each financial year according to section 219A of the [Public Service Act 2008](#):

- a. the number of complaints received by the department in the year
- b. the number of those complaints resulting in further action
- c. the number of those complaints resulting in no further action
- d. the number of complaints that involve human rights .

The department will advise the Victim Service Coordinator of the outcome of complaints made by victims of crime for entering into the Victim Assist Queensland Complaints register.

### 3.3.9 Collection of personal information and privacy

#### 3.3.9.1 Personal information

Once it is determined that the complaint falls within the scope of the Complaints management policy, when collecting personal information, a privacy notice must be provided to the complainant and other persons from whom personal information is being collected.

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.*”

#### 3.3.9.2 Privacy notice

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 Communities, Housing and Digital Economy 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.

#### 3.3.9.3 Providing the privacy notice over the telephone

If personal information is being collected 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.

The file note of the discussion should include that the privacy notice was provided to the complainant.

#### 3.3.9.4 Providing a written notice at interview

If the decision maker or the responsible officer is collecting personal information at an interview, that person 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 3117

A copy of the privacy note for distribution is at Attachment 12 of this procedure.

### 3.3.10 Records management

All matters to do with the resolution process for the complaint are to be appropriately documented including the name of the person creating the record, the date of the events the record relates to and the names of the persons (and roles if applicable) referenced in the record.

All hard copy documentation should be stored on a file in locked storage. All information related to the complaint, whether stored electronically or in hard copy, should be accessible only to persons requiring access due to their role and responsibilities.

A copy of all information relating to the complaint is to be forwarded to the DCMO to be saved on the complaints management register.

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

Records relating to complaints may include employee records.

As per section 17 of the [Public Service Regulation 2018 \(Qld\)](#), 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.

The responsible officer should consult with Human Resources Business Partner if they intend to make a decision regarding an employee's records that could reasonably be considered to be detrimental to the employee's interests.

### 3.3.12 Internal review

#### 3.3.12.1 Internal review submission

Where a complainant is dissatisfied with the action taken by the department in response to their complaint, and the matter is closed, they may request that the department review the decision.

Any request for internal review must be submitted within three months from the date of the decision made in relation to the complaint. The request for a review should include:

- the decision/s which the complainant is seeking to be reviewed
- the reason/s why the complainant considers the decision/s to be wrong
- the outcome the complainant is seeking.

Upon receipt of a request for internal review the matter should be referred to the DCMO for registering, where a reference number will be assigned, and an internal reviewer identified.

The preferred timeframe for completion of an internal review is 30 business days however the nature and complexity of the original complaint will dictate the timeframe of the review.

The DCMO will acknowledge receipt of the request for an internal review. An acknowledgement template is at Attachment 8 of this procedure.

Where applicable, the department may refer a complaint to a probity advisor for independent external review. Referrals will be managed by GPR.

#### 3.3.12.2 Conducting an internal review

The review is to be conducted by a person who is independent of and senior to the original decision maker, or where the original decision maker assigned the review/investigation to another person, senior to the person who conducted the original review/investigation.

The reviewer should consider whether the original decision maker:

- identified and addressed all the relevant issues
- sought and considered appropriate evidence
- complied with legislative requirements and the department's internal policies and procedures

- made a decision that was reasonably open to be made, having regard to the circumstances and all information
- adequately explained the original decision to the complainant.

Should the reviewer determine it is necessary, the matter may need to be re-investigated.

### 3.3.12.3 Outcome advice

Following completion of the review, the reviewer is to provide outcome advice to the complainant including advice on external review rights. An outcome advice template is available at Attachment 9 of this procedure.

### 3.3.12.4 External review rights

If a complainant is dissatisfied with the department's resolution of their privacy complaint or they have not received a response to their privacy complaint within 45 business days, they can lodge a complaint with the Office of the Information Commissioner.

If a complainant is dissatisfied with the department's resolution of their human rights complaint or they have not received a response to their human rights complaint within 45 business days, they can lodge a complaint with the Queensland Human Rights Commission for independent resolution.

## 4 Human Rights

The procedure has been reviewed for compatibility with human rights under the [Human Rights Act 2019](#). The procedure was not found to limit any human rights under the Act therefore, it is reasonable to conclude the procedure is compatible with human rights.

## 5 Approval

This procedure was approved by the Director-General on 30 June 2022.

## Version Control

Version	Date	Comments
1	September 2016	Previous reference ISU:PY:2016:44
2	December 2019	Procedure updated and approved
3	June 2022	Procedure updated and approved

**Attachment 1: Contacts**

**Attachment 2: References**

**Attachment 3: Definitions**

**Attachment 4: Contacts for complaints not covered by the Complaints management policy**

**Attachment 5: Level of complaint**

**Attachment 6: Complaint acknowledgement template**

**Attachment 7: Complaint outcome template**

**Attachment 8: Acknowledgement of request for internal review template**

**Attachment 9: Internal review outcome template**

**Attachment 10: Review plan template**

**Attachment 11: Human rights complaints process flowchart**

**Attachment 12: Privacy notice**

## Attachment 1: Contacts

Director, Governance, Planning and Reporting  
Strategy and Corporate Services  
Department of Communities Housing and Digital Economy  
Level 23, 111 George Street, Brisbane Qld 4000  
Phone: 07 3008 3864  
Email: [corporatecompliance@chde.qld.gov.au](mailto:corporatecompliance@chde.qld.gov.au)

Director, Integrity Services Unit  
Department of Communities Housing and Digital Economy  
Level 16, 111 George Street, Brisbane Qld 4000  
Phone: (07) 3109 4897

Manager, Right to Information and Privacy  
Legal Services, Corporate Services  
Department of Communities Housing and Digital Economy  
Level 2, 60 Albert Street, Brisbane Qld 4000  
Phone: 07 3008 3117

Queensland Ombudsman  
Level 18, 53 Albert Street, Brisbane Qld 4000  
Phone: 07 3005 7000  
Web: [Home - Queensland Ombudsman](http://www.ombudsman.qld.gov.au)

Office of the Information Commissioner, Queensland  
Level 7, 133 Mary Street, Brisbane, Qld 4000  
PO Box 10143, Adelaide Street, Brisbane Qld 4001  
Phone: 07 3234 7373  
Toll Free: 1800 642 753  
Email: [enquiries@oic.qld.gov.au](mailto:enquiries@oic.qld.gov.au)

Queensland Human Rights Commission  
Level 20, 53 Albert Street, Brisbane, Qld, 4000  
City East Post Shop, PO Box 15565, City East QLD 4002  
Phone: 1300 130 670  
Email: [enquiries@qhrc.qld.gov.au](mailto:enquiries@qhrc.qld.gov.au)

Victims Assist Queensland  
GPO Box 149, Brisbane 4001  
Phone: 1300 546 587  
Email: [victimsassist@justice.qld.gov.au](mailto:victimsassist@justice.qld.gov.au)

## Attachment 2: References

The requirements set out in this document are based on, and are consistent with, relevant Government legislation, regulations, directives, information standards and/or policies at the time of publication.

### Legislation and regulations

[Crime and Corruption Act 2001](#)

[Information Privacy Act 2009](#)

[Public Interest Disclosure Act 2010](#)

[Public Service Act 2008](#)

[Right to Information Act 2009](#)

[Victims of Crime Assistance Act 2009](#)

[Human Rights Act 2019](#)

### Department of Communities, Housing and Digital Economy documents

[Complaints management policy](#)

[Employee complaints policy](#)

[Employee complaints guideline](#)

[Prevention and management of corrupt conduct and public interest disclosure policy](#)

### Other Resources

Standards Australian **AS 10002:2022** Guidelines for complaint management in organisations.

## Attachment 3: Definitions

Term	Description
<b>Departmental Policy</b>	A set of principles or rules that provides a definite direction for the organisation and that creates a framework for a course of action to be adopted by the department or its business area/s. It is usually prompted by an external driver, e.g. change in legislation, directives, industry or information or accounting standards. Categories of departmental policy documents include: human resources; information and communication technology; procurement; finance; disaster management; legal; integrity; communication; planning, performance and risk; travel and sustainability.
<b>Guideline</b>	Information and guidance that assists a user to undertake a procedure or understand concepts about a process. Guidelines can be specific steps that need to be followed to complete a given process as described in an individual procedure. Guidelines form part of the corporate policy library.
<b>Procedure</b>	The sequence of actions or instructions to be followed when implementing policy to solve a problem or accomplish a task.
<b>Anonymous complaint</b>	The identity of the person making the complaint is unknown.
<b>Procedure</b>	The sequence of actions or instructions to be followed when implementing policy to solve a problem or accomplish a task.
<b>Complainant</b>	Any person or organisation who would like to make a complaint. This includes a member of the public, stakeholder or staff member acting as a member of the community.
<b>Complaint</b>	An expression of dissatisfaction about the service or actions of the department, its employees or persons providing services on behalf of the department where a response or resolution is explicitly or implicitly expected or legally required. A complaint is not a question, an enquiry or a request for information or re-work, unless the person specifies that they wish to make a complaint.
<b>Corrupt conduct</b>	Has a specific meaning under the <a href="#">Crime and Corruption Act 2001</a> . It means conduct of a person, regardless of whether the person holds or held an appointment, that: <ul style="list-style-type: none"> <li>a. adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— <ul style="list-style-type: none"> <li>(i) a unit of public administration; or</li> <li>(ii) a person holding an appointment; and</li> </ul> </li> <li>b. results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in (a) in a way that— <ul style="list-style-type: none"> <li>(i) is not honest or is not impartial; or</li> <li>(ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</li> <li>(iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and</li> </ul> </li> <li>c. would, if proved, be: <ul style="list-style-type: none"> <li>(i) a criminal offence; or</li> <li>(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</li> </ul> </li> </ul>

	<p>Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that</p> <ol style="list-style-type: none"> <li>a. impairs, or could impair, public confidence in public administration; and</li> <li>b. involves, or could involve, any of the following – <ol style="list-style-type: none"> <li>(i) collusive tendering</li> <li>(ii) fraudulent applications for licences, permits and other authorities under an Act necessary to protect – <ol style="list-style-type: none"> <li>a) the health and safety of persons</li> <li>b) the environment</li> <li>c) the use of the State’s natural resources</li> </ol> </li> <li>(iii) dishonestly obtaining benefits from the payment or application of public funds or the disposition of state assets evading State taxes, levies, duties or fraudulently causing a loss of State revenue</li> <li>(iv) fraudulently obtaining or retaining an appointment; and</li> </ol> </li> <li>c. would be: <ol style="list-style-type: none"> <li>(i) a criminal offence</li> <li>(ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.</li> </ol> </li> </ol> <p>Corrupt conduct can be attributed to any person, regardless of whether or not they are employed in the department, including:</p> <ul style="list-style-type: none"> <li>• employees</li> <li>• people who used to but no longer work in the department</li> <li>• people who subsequently take up an appointment in the department</li> <li>• people who are suppliers or providers to the department</li> <li>• other private individuals or organisations</li> <li>• people outside Queensland where there is a direct link between the conduct and its adverse effect on the department)<sup>1</sup></li> </ul> <p>Refer to <a href="#">Prevention and Management of Corrupt Conduct and Public Interest Disclosure Policy and Procedure</a> for further information</p>
<b>Human Rights Complaint</b>	<p>A complaint about an alleged contravention of section 58(1) of the Human Rights Act 2019, that we have:</p> <ul style="list-style-type: none"> <li>• acted or made a decision that is not compatible with human rights; or</li> <li>• in making a decision, failed to give proper consideration to a human right relevant to the decision.</li> </ul>
<b>Customer</b>	<p>Any person who is on the receiving end of:</p> <ul style="list-style-type: none"> <li>• decision made or a failure to make a decision by a public service employee of the department</li> <li>• an act or failure to act of the department</li> <li>• the formulation of a proposal or intention by the department</li> <li>• the making of a recommendation by the department</li> <li>• breach of privacy</li> </ul> <p>the customer service provided by a public service employee of the department</p>
<b>Public Interest Disclosure</b>	<p>Means a disclosure of information made to the proper authority:</p> <ol style="list-style-type: none"> <li>(1) by an employee about: <ol style="list-style-type: none"> <li>(a) the conduct of another person that could, if proved, be corrupt conduct or maladministration that adversely affects a person’s</li> </ol> </li> </ol>

<sup>1</sup> “Corruption in focus: A guide to dealing with corrupt conduct in the Queensland public sector”, Crime and Corruption Commission, July 2014, page 1.3.

	<p>interests in a substantial and specific way or</p> <ul style="list-style-type: none"> <li>(b) a substantial misuse of public resources (other than an alleged misuse based on a mere disagreement over policy that may properly be adopted about amounts, purposes and priorities of expenditure) or</li> <li>(c) a substantial and specific danger to public health or safety or</li> <li>(d) a substantial and specific danger to the environment or</li> </ul> <p>(2) by any person (including an employee) about:</p> <ul style="list-style-type: none"> <li>(a) a substantial and specific danger to the health or safety of a person with a disability (as defined in section 11 of the <a href="#">Disability Services Act 2006</a> or</li> <li>(b) the commission of an offence against a provision mentioned in Schedule 2 of the <a href="#">Public Interest Disclosure Act 2010</a> (PID Act) if the commission of the offence is or would be a substantial and specific danger to the environment or</li> <li>(c) a contravention of a condition imposed under a provision mentioned in Schedule 2 of the PID Act if the contravention is or would be a substantial and specific danger to the environment or</li> <li>(d) the conduct of another person that could, if proved, be a reprisal.</li> </ul> <p>A public interest disclosure includes all information and help given by the discloser to the proper authority for the disclosure.</p>
<b>Staff or staff member</b>	All temporary and permanent employees, consultants, contractors, students or any other person who provides us with services on a paid or voluntary basis.
<b>Responsible Officer</b>	Employee assigned responsibility to undertake review into complaint or an internal review, up to and including making decision on complaint/internal review outcome.

## Attachment 4: Contacts for complaints not covered by the Complaints management policy

Nature of complaint	Contact	Relevant links
Corrupt conduct	Integrity Services Unit Ph: (07) 3109 4897, or (07) 3109 4863	<a href="#">Crime and Corruption Act 2001</a>
Public Interest Disclosure	Email: <a href="mailto:IntegrityServices@chde.qld.gov.au">IntegrityServices@chde.qld.gov.au</a>	<a href="#">Public Interest Disclosure Act 2010</a>
Employee complaints	Local HR Business Partner in the first instance	CHDE <a href="#">Employee Complaints Policy and Employee Complaints Guideline</a>
Employee appeals		
Reviewable decisions that are dealt with under the <i>Housing Act 2003 (Qld)</i>	Housing Act Reviews Team (HART) (07) 3109 4761 1300 364 560 <a href="mailto:RegulatoryServices.HART@chde.qld.gov.au">RegulatoryServices.HART@chde.qld.gov.au</a>	<a href="#">Housing Act 2003</a>
Contractual complaints	Local manager in the first instance	
Complaints about organisations funded by the department under the <i>Housing Act 2003 (Qld)</i> or the <i>Community Services Act 2007 (Qld)</i>	Local contract manager in the first instance. A list of funded organisations and their contract manager is located on the CoMIT Team Site.	<a href="#">CoMIT team site</a>
Matters subject to legal proceedings	Local manager in the first instance and consult with the General Counsel, Legal Services	<a href="mailto:legalservices@hpw.qld.gov.au">legalservices@hpw.qld.gov.au</a>
Complaints about procurement activities of other government agencies (i.e. not this department)	Refer to Audit and Compliance Unit, Queensland Government Procurement Ph: 3215 3560	<a href="#">Queensland Procurement Policy</a>
Complaints regarding access application decisions under the <i>Right to Information Act 2009 (Qld)</i>	Manager, Right to Information & Privacy, Legal Services Ph: 07 3008 3118	<a href="#">Right to Information Act 2009</a> Chapter 3, Part 2

## Attachment 5: Level of Complaint

The department has assigned levels to complaints, which assist in identifying the seriousness of the complaint, the likely consequences of the complaint and the timeframe for resolution of the complaint. Please note that in nominating a potential level of decision maker for resolution of complaints, the decision maker may choose to assign a lower level officer to review or investigate the complaint and report back with findings.

### Level 1

<b>Definition</b>	Level 1 complaints are generally straightforward with minimal potential to impact on a division. Such complaints are generally able to be resolved at the point of service or may require some enquiries and/or investigation.
<b>Examples of level 1 complaints</b>	<ul style="list-style-type: none"> <li>• An incorrect invoice has been sent out repeatedly</li> <li>• A tradesperson did not turn up to undertake a job despite repeated requests</li> <li>• A repeated failure to respond to a request for service</li> </ul>
<b>How complaint is to be made</b>	These complaints may be made verbally or in writing.
<b>Decision maker</b>	Level 1 complaints may be resolved by supervisors or managers with regard to any actual or perceived conflicts of interest
<b>Timeframe</b>	Acknowledgement: 3 business days from receipt of complaint Outcome: 20 business days from receipt of complaint

### Level 2

<b>Definition</b>	Level 2 complaints are generally of a more complex or serious nature and have the potential to impact negatively on a division. Such complaints will require enquiries and/or investigation.
<b>Examples of level 2 complaints</b>	<ul style="list-style-type: none"> <li>• Industry, customer or client is dissatisfied with an element of departmental operations; or program expenditure/progress is unsatisfactory</li> <li>• A social housing tenant complains that an Area Manager has made inappropriate / suggestive comments, including sending a rude text message</li> <li>• An employee disclosed a client's personal information to a party outside the department.</li> </ul>
<b>How complaint is to be made</b>	These complaints may be made verbally or in writing, however the department's preference is for the complaint to be made in writing.
<b>Decision maker</b>	Level 2 complaints may be resolved at the Director or above level with regard to actual or perceived conflicts of interest
<b>Timeframe</b>	Acknowledgement: 3 business days from receipt of complaint Outcome: 30 business days from receipt of complain

### Level 3

<b>Definition</b>	Level 3 complaints are generally complex and significant and have the potential to impact negatively on the department and/or cause lasting detriment or significant consequences. Such complaints will usually require comprehensive assessment and/or investigation.
<b>Examples of level 3 complaints</b>	<ul style="list-style-type: none"> <li>• Departmental action has threatened the operations or viability of a private business, or another government department</li> <li>• A division inappropriately disposed of files containing sensitive personal information resulting in a party outside the department gaining access to the files.</li> </ul>
<b>How complaint is to be made</b>	These complaints may be made verbally or in writing, however the department's preference is for the complaint to be made in writing.

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<b>Decision maker</b>	Level 3 complaints should be resolved by the Office of the Director-General or GPR with regard to actual or perceived conflicts of interest
<b>Timeframe</b>	Acknowledgement: 3 business days from receipt of complaint Outcome: to be determined on case by case basis (ideally within 90 business days) but notified to complainant

If the complaint is about or includes limitations on human rights the department has 9 weeks to resolve the complaint before it can be referred to the QHRC.

## Attachment 6: Complaint acknowledgment template

Ref No: [xxxx]

[Date]

[Complainant contact details]

Dear [complainant details]

I refer to your [letter/telephone call/email/etc] received by [insert name/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 on the department's Compliments and Complaints webpage. 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 7: Complaint outcome template

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 within three months from the date of this advice. Your request must explain why you are asking for a review.

A request for a review will be considered, and a decision made about whether a review will be undertaken.

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 8: Acknowledgement of request for internal review template

Dear [complainant details]

I refer to your [letter/telephone call/email/etc] received by [insert name/details of area] on [insert date] requesting an internal review of a recent decision made in response to your complaint.

Your request for internal review has been registered and the reference number is [insert internal review reference number].

Your internal review 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 on the department's Compliments and Complaints webpage. Your internal review is being dealt with 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 [30] business days from the date your request for internal review was received.

**OR**

The department has assessed your request for an internal review and determined that an internal review is not warranted because (provide reasons e.g. the complainant has not provided new information, the legislation does not allow for another decision).

***If the decision is not to proceed with a review include the following paragraph:***

If you remain dissatisfied with the action/s taken by the department in relation to your complaint you can request that the department's decision be reviewed by the Queensland Ombudsman. You can contact the Queensland Ombudsman by:

Telephone: (07) 3005 7000

Web: [Home - Queensland Ombudsman](#)

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 9: Internal review outcome template

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] requesting an internal review of a decision made about your complaint.

In dealing with your internal review, [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 review process included: [explain information gathered]

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

Accordingly, the internal review is now finalised.

If you remain dissatisfied with the action/s taken by the department in relation to your complaint you can request that the department's decision be reviewed by the Queensland Ombudsman. You can contact the Queensland Ombudsman by:

Telephone: (07) 3005 7000

Web: [Home - 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

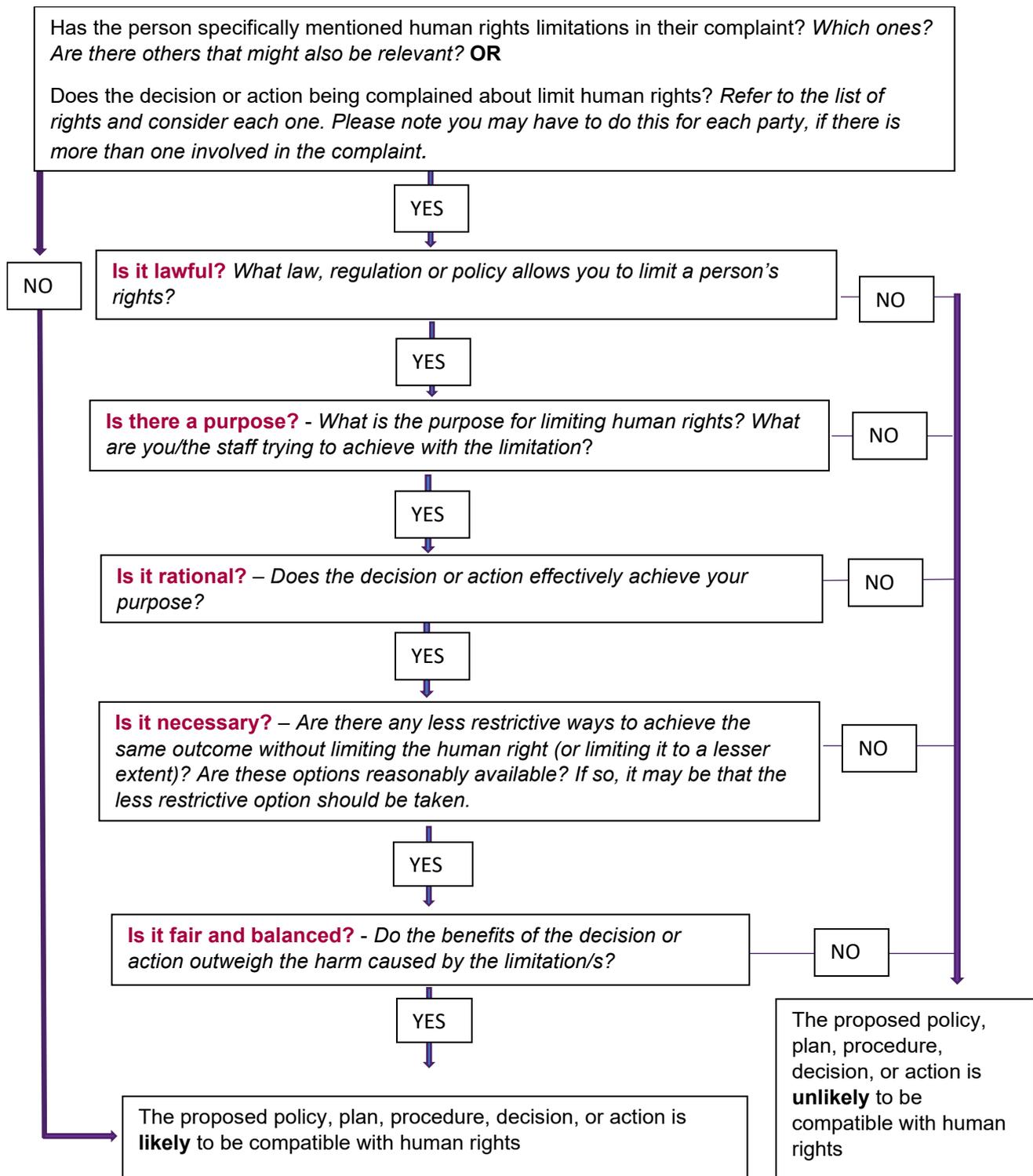
XXXXXXXXXXXX

## Attachment 10: Review plan template

Complaint reference no:	Complainant name and contact details (if known):
Complaint summary:	Review officer:

Issue	Action required	Resources	Witnesses identified	Timeframes
<i>Claims HSC did not consider supporting evidence for bond loan application</i>	<i>Review application and decision</i>	<i>Obtain all documentation associated with application and relevant legislation and policy/procedure</i>	<i>Identify persons who processed application and decision maker</i>	<i>1 week to obtain documents 1 week to review 3 days to provide decision</i>

## Attachment 11: Human rights complaints process flowchart



## Attachment 12: Privacy notice



Department of  
**Communities, Housing  
and Digital Economy**

### PRIVACY NOTICE

The Department of Communities, Housing and Digital Economy 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.

***If providing privacy notice in person consider seeking a signature acknowledging receipt of the notice which will require having two copies of the notice available.***

**Name:**

**Signature:**

**Date:**