

Customer Complaints Management Procedure

Owner Governance, Performance and Risk
Last Reviewed 27/04/2021

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Version 1.00

1. Purpose

The department considers customer complaints as opportunities to identify policies and procedures requiring improvement, and is committed to effectively handling complaints (including anonymous complaints) in a responsive and timely manner.

This procedure provides the processes for managing customer complaints, and should be read in conjunction with the [Complaints Management Policy](#).

2. Scope

This procedure applies only to customer complaints where a customer expresses dissatisfaction with, and is directly affected by, a service, action or decision made by the department, its staff or persons it has engaged to provide services on its behalf, and may include:

- a decision made or a failure to make a decision by a public service employee of the department
- an act or failure to act of the department
- the formulation of a proposal or intention by the department
- the making of a recommendation by the department
- the customer service provided by a public service employee of the department.

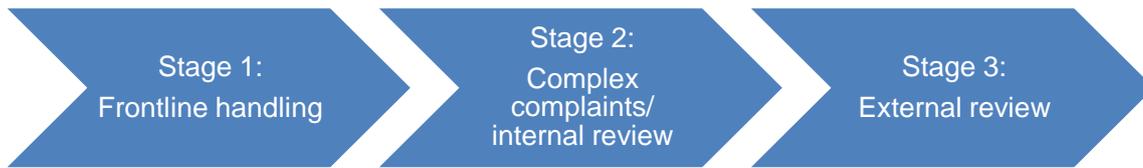
This procedure **does not apply to**:

Type of complaint	Referred to
Complaint about the Director-General	<ul style="list-style-type: none"> • <i>Crime and Corruption Act 2001</i> (CC Act), section 48A • Complaints about the Director-General Policy
Complaint comprising allegation/s about corrupt conduct	<ul style="list-style-type: none"> • CC Act 2001 • The complaint may be referred to the Crime and Corruption Commission (CCC) for investigation or investigated by the department and reported to the CCC if required under the CC Act.
Employee grievances and appeals	<ul style="list-style-type: none"> • Chapter 7, <i>Public Service Act 2008</i> • Managing Employee Grievances Policy • Managing Employee Grievances Procedure • Commission Chief Executive Directive: Appeals (03/17)
Human Rights complaints	<ul style="list-style-type: none"> • Human Rights Complaints Procedure
Information Privacy complaints	<ul style="list-style-type: none"> • <i>Information Privacy Act 2009</i> • Information Privacy Policy
Public Interest Disclosures	<ul style="list-style-type: none"> • <i>Public Interest Disclosure Act 2010</i> • Public Interest Disclosures Policy and Procedure
Right to Information complaints	<ul style="list-style-type: none"> • <i>Right to Information Act 2009</i> • Chapter 3, Part 2 of the <i>Information Privacy Act 2009</i>.

Note the Complaints Management Policy does not provide a complainant with an additional avenue of complaint (e.g. a complaint that has been dealt with under the department's Employee grievances policy will not also be dealt with under this policy).

3. Procedure

The Department of Tourism, Innovation and Sport's (DTIS) complaint management system is comprised of three stages:



3.1 Stage 1: Frontline handling

- Complaints may be received by the department in-person, over the telephone, via hard copy correspondence, online or via email.
- Officers at the first point of contact can resolve less serious complaints, where possible, in consultation with their supervisor.
- Officers resolving the complaint are responsible for undertaking appropriate recordkeeping of the complaint details and resolution.
- If a complaint is unresolved, or assessed as more complex, it will be referred to Stage 2.
- If a complainant is not satisfied with the outcome of the complaint, they may request an internal review (Stage 2).
- Complaints received about a customer complaint outcome, or the process used in dealing with a Stage 1 complaint, will be referred to Stage 2.

3.2 Stage 2: Complex complaints/internal review

- All Stage 2 complaints must be referred to the Governance, Performance and Risk (GPR) Team, Corporate Services, DTIS via MECs or email at ethics@dtis.qld.gov.au.
- A designated complaints review officer will:
 - review complaints, upon receipt of a request for internal review by the complainant; or
 - investigate serious and complex complaints referred directly from Stage 1.
- An internal review officer must be an employee who is independent of, and an equally or more senior officer to the original decision-maker, and review the complaint in accordance with this procedure.
- Review officers may re-make decisions or provide remedies to complainants within the scope of the officers' delegated authority.

3.3 Stage 3: External review

- Where a complaint remains unresolved after Stage 2, the department will advise the complainant of relevant review and appeal options, such as the Queensland Ombudsman and/or other external agencies.

4. Complaint assessment

Upon receiving a complaint, employees should first assess the type of complaint and consider if it is in scope to be dealt with under the Complaints Management Policy. Complaints not in scope should be referred to the appropriate area for action. If the complaint is in scope, employees should then consider if the complaint requires a Stage 1, 2 or 3 response.

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

A complaint about a decision or action of the department received more than one year after the complainant was notified of that decision or action, will be reviewed only if the authorised reviewing officer considers that exceptional circumstances exist.

A request for internal review is to be submitted within three months of the date of the decision which is the subject of the internal review being requested. If received after this timeframe, DTIS will refuse to consider the review request unless it is satisfied there were exceptional circumstances which contributed to the delay in the request (e.g. long term significant ill-health or incarceration of complainant, flood or other natural disaster affecting the complainant).

If the department is unable to address the complaint, where possible, it may be referred to the appropriate external agency (such as the Queensland Ombudsman) with the consent of the complainant.

Anonymous complaints are treated on merit.

4.1 Timeframes

Timeframes for responses and resolutions to complaints are dependent on the nature of the complaint. The below table provides guidance on the timeframes the department should endeavour to meet, when responding to complaints.

Stage	Classification	Description	Complaint Manager Level	Timeframe for internal assessment
Stage 1	Informal	A simple, informal complaint able to be resolved at the point of service by the receiving officer, with oversight by supervisor or manager.	Local (Supervisor or Manager)	Resolved within five business days.
Stage 2	Standard	A formal complaint that usually raises one issue or concern.	Director	<ul style="list-style-type: none"> Acknowledgement of complaint within 10 business days from date of receipt. Resolution of complaint within 20 business days from date of receipt.
	Complex/Internal Review	A formal complaint that is complex or involves an internal review.	Executive Director (or, for a review, an officer who is of equal or higher rank than the original decision-maker)	<ul style="list-style-type: none"> Acknowledgement of complaint within 10 business days from date of receipt. Resolution of complaint within 30 business days from date of receipt.
Stage 3	External Review	External review complaints that involve multiple or complex issues and/or are serious in nature.	Queensland Ombudsman	Determined by legislative requirements.

4.2 Complaint outcome

Complainants must be advised of the outcome of their complaint, as soon as possible after a decision has been made. Complainants should be given reasons for negative decisions and advised of available internal and external complaint review options.

For privacy reasons, the department will not disclose to a complainant specific action taken against an employee as a consequence of a complaint.

Records should be retained on the outcome of all complaints, with file notes made for complaints resolved verbally.

5. Considerations

5.1 Information Privacy

Staff are required to ensure the handling of all personal information throughout a complaint management process is managed in accordance with the *Information Privacy Act 2009*. Once it is determined the complaint falls within the scope of the Complaints Management Policy, when collecting personal information (that is, the department is asking for personal information as part of investigating the complaint), a privacy notice must be provided to the complainant and other persons from whom personal information is being collected.

DTIS is committed to dealing with complaints in a confidential manner respectful to both the complainant and the respondent. A complainant's personal information, such as their identify, may need to be disclosed where it is necessary to:

- investigate the complaint
- refer the complaint to another agency (such as the Crime and Corruption Commission)
- give a respondent the opportunity to respond to allegations in a complaint.

For advice relating to information privacy, please contact DTISPrivacy@dtis.qld.gov.au.

5.2 Confidentiality

Persons involved in the complaints 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).

5.3 Human Rights

When undertaking a complaint investigation process, the reviewing officer must consider if any human rights are relevant to and are likely to be impacted by a particular decision, and whether any limitation of human rights are reasonable and justified.

5.4 Reasonable assistance

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
- advising complainants where they can get further help and information
- the costs of arranging reasonable assistance will be borne by the business area to which the complaint relates.

5.5 Procedural fairness (natural justice)

The department manages complaints in accordance with the principles of procedural fairness (also referred to as natural justice, although this term is generally associated with courts of law). Procedural fairness provides that persons who may be adversely affected by an administrative decision must be provided:

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

5.6 Conducting an Internal Review

Internal reviews are to be conducted by a person who is independent of and equal or 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 relevant issues
- sought and considered appropriate evidence
- complied with applicable 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 relevant information
- adequately explained the original decision to the complainant.

The matter may need to be re-investigated, should the review determine it is necessary.

Internal review rights are not applicable to privacy complaints or human rights components of a complaint. Please see the Information Privacy Policy and Human Rights Complaints Procedure for further information.

5.7 Unreasonable complainant conduct

Unreasonable complainant conduct includes:

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

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

- requesting the complainant refrains from the conduct
- having another employee deal with the matter
- limiting or ceasing personal contact with the complainant (e.g. communicating in writing only)
- requiring all communications to occur through the complainant's personal representative
- ceasing to deal with the complainant or the complaint further.

A customer's complaint should be acknowledged and appropriately responded to by the department, prior to being assessed as an unreasonable complainant. There may be exceptional circumstances where it is determined the complainant is persistently behaving unreasonably, based on the above conduct examples. The decision to cease contact with persistent unreasonable complainants should be made in consultation with [Ethics](#) team.

Any decision to deem a complainant conduct unreasonable or to take actions to deal with unreasonable conduct must have regard to human rights.

For resources and more information about the management of unreasonable complainant conduct, refer to [Identifying and Managing Unreasonable Complainant Conduct](#) (Queensland Ombudsman, March 2019).

6. Recordkeeping and reporting

6.1 Recordkeeping

Where divisions receive complaints directly (i.e. via email or telephone), they are responsible for recording summary details as soon as possible following receipt of a complaint, either through:

- [Complaints Lodgement Form](#) emailed to Ethics@dtis.qld.gov.au; or
- lodged in MECS as a 'Complaint for Action'.

In addition, business areas should maintain full and accurate complaints records as per the [Public Records Act 2002](#).

6.2 Reporting

To enable annual reporting of complaints, the GPR Team maintains a whole-of-department Complaints Register and undertakes internal quarterly complaints activity reviews to ensure the currency and completeness of the Register.

On an annual basis, DTIS reports publicly (in the annual report) on:

- number of complaints received, assessed and actioned by the department
- number of complaints resulting in further action
- number of complaints requiring no further action.

7. Definitions

Term	Definition
Complainant	The person who makes a complaint.
Complaint	Expression of dissatisfaction, verbally or in writing, about the products, policies, services or actions of the department and or the associated conduct of officers or representatives of the department.
Corrupt Conduct	Under the <i>Crime and Corruption Act 2001</i> (CC Act), there are two different types of corrupt conduct:

Term	Definition
	<p>"Type A" corrupt conduct involves conduct that affects, or could affect, a public officer (an employee of a public sector agency) so that the performance of their functions or the exercise of their powers:</p> <ul style="list-style-type: none"> • is not honest or impartial, or • knowingly or recklessly breaches public trust, or • involves the misuse of agency-related information or material. <p>Common examples of "Type A" corrupt conduct include fraud and theft, extortion, unauthorised release of information, obtaining or offering a secret commission and nepotism.</p> <p>"Type B" corrupt conduct involves specific types of conduct that impair, or could impair, public confidence in public administration. This may include:</p> <ul style="list-style-type: none"> • collusive tendering, or • fraud relating to an application for a licence, permit or other authority relating to public health or safety; the environment; or the State's natural, cultural, mining or energy resources, or • dishonestly obtaining public funds or State assets, or • evading a State tax, levy or duty or fraudulently causing a loss of State revenue, or • fraudulently obtaining or retaining an appointment. <p>Both "Type A" and "Type B" corrupt conduct must be either a criminal offence or serious enough to warrant dismissal.</p> <p>Refer to section 15 of the CC Act for the legal definition.</p>
Customer complaint	<p>A complaint about a product, service or action (or inaction) of the department, or its staff. Customer complaints include complaints about any of the following—</p> <ul style="list-style-type: none"> • a decision made, or a failure to make a decision, by an employee • an act, or failure to act, of the department • the formulation of a proposal or intention by the department • the making of a recommendation by the department • the customer service provided by an employee of the department
Delegate	<p>The person authorised to perform a specific task or function on the Director-General or Minister's behalf. Delegations and authorisations are recorded in the department's delegation schedules.</p>
Natural justice (also referred to as Procedural Fairness)	<p>The common law duty to accord a person procedural when making a decision that affects their rights, interests or legitimate expectations. The duty to accord procedural fairness consists of three key rules:</p> <ul style="list-style-type: none"> • the fair hearing rule, which requires a decision-maker to accord a person who may be adversely affected by a decision an opportunity to present his or her case • the rule against bias, which requires a decision-maker not to have an interest in the matter to be decided and not to appear to bring a prejudiced mind to the matter • the no evidence rule, which requires a decision to be based upon logically probative evidence.

8. Review

This procedure will be reviewed within two years of the **Last Reviewed** date.

9. Approval



John Lee

A/Director-General

Department of Tourism, Innovation and Sport

Date: 28/04/2021