

Complaints Management Policy

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

CHD/2018/4317
Version 1.00

1. Purpose

In compliance with Section 219A of the *Public Service Act 2008* (PS Act) and Australian Standard AS/NZS 10002:2014 *Guidelines for complaint management in organisations*, this policy establishes the principles and obligations of the Department of Tourism, Innovation and Sport (DTIS) concerning the management and resolution of complaints.

2. Principles

Effective complaints management is fundamental to the provision of quality services and provides a mechanism for obtaining feedback from clients, resolving disputes and reforming policies and procedures.

The department considers 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, in line with the following principles:

- complaints will be acknowledged promptly, treated seriously and assessed in a timely manner
- the department will consider human rights in all decision-making and actions, in accordance with the *Human Rights Act 2019*
- the level of investigation will be proportionate to the seriousness, frequency and consequences of a complaint
- the complaints management process will be easily accessible and free of charge to complainants
- the department will handle complaints in a way that is culturally appropriate and responsive to any special needs of people involved
- all reasonable steps will be taken to ensure a complaint is not subject to reprisal
- personal information obtained through, and in connection with, complaints will be collected and handled in accordance with information privacy principles in the *Information Privacy Act 2009* (IP Act)
- complaints will be managed in a manner that protects privacy and confidentiality to the extent possible under the law, and subject to requirements of natural justice
- complainants are to be treated with fairness and respect
- complaints will be recorded and reported on in accordance with legislative requirements.

3. Authority

The application of this policy enables the department to meet its obligations under the:

- [Public Service Act 2008](#)
- [Public Sector Ethics Act 1994](#)
- [Human Rights Act 2019](#)
- [Code of Conduct for the Queensland Public Service.](#)

4. Scope

This policy applies to:

- permanent, temporary and casual employees (full-time and part-time)
- consultants/contractors performing work for the department
- school-based trainees, scholarship holders, cadet work-experience placements and other persons on placement or work experience with the department, including volunteers.

This policy applies to 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 the following:

- 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
- human rights complaints.

This policy **does not apply to:**

Type of complaint	Refer 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 suspected 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 complaints and appeals	<ul style="list-style-type: none"> • Chapter 7, <i>Public Service Act 2008</i> • Commission Chief Executive Directive: Appeals (03/17) • Managing Employee Grievances Policy
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
Complaints about Right to Information (RTI) access application decisions dealt with under the RTI Act.	<ul style="list-style-type: none"> • <i>Right to Information Act 2009</i> (RTI Act) • Chapter 3, Part 2 of the <i>Information Privacy Act 2009</i>.

Further, this policy does not apply to:

- complaints about the department that are made to, and dealt with, by the Office of the Minister for Tourism Industry Development and Innovation and Minister for Sport
- complaints primarily contractual in nature
- matters subject to legal proceedings
- complaints seeking a review of a decision made in relation to a funding application under a Sport and Recreation funding program (referred to the applicable funding program guidelines).

The department will not accept complaints about matters:

- already dealt with or currently being dealt with by the department, another department or agency, a court or tribunal
- impractical to investigate
- appearing to be frivolous, vexatious, misconceived or lacking in substance.

For the purposes of this policy, the following are not considered complaints:

- questions, enquiries and requests for information or action
- feedback obtained during public consultation processes
- feedback received about matters outside the direct responsibility of the department
- feedback received about another agency or organisation
- complaints that are primarily contractual disputes or are in relation to matters subject to legal proceedings.

This policy does not replace, modify or revoke any legislative requirements or appeal processes applying to the management of particular types of complaints (e.g. privacy complaints, RTI, criminal conduct, corrupt conduct, Public Interest Disclosures, and complaints under the *Industrial Relations Act 2016*). For clarity, this policy does not provide another avenue of complaint. For example, where a complainant has a matter dealt with under the department's Employee Grievances Policy, the same matter will not be dealt with under this policy.

5. Types of complaints

Type of complaint	Refer to
Customer complaint	<ul style="list-style-type: none">• PS Act, section 219A• Customer Complaint Management Procedure
Human Rights Complaint	<ul style="list-style-type: none">• <i>Human Rights Act 2019</i>• Human Rights Complaints Procedure

5.1 PS Act

Section 219A of the PS Act requires departments to establish a complaints management system for dealing with customer complaints, which must:

- provide for the department to take responsibility for managing the receipt, processing and outcome of a customer complaint
- comply with any Australian Standard about the handling of customer complaints that is in effect from time to time; and
- provide for giving notice of the outcome of a customer complaint to the complainant (unless the complaint was made anonymously).

5.2 Human Rights Act 2019

The *Human Rights Act 2019* requires departments to make decisions and provide services in a manner compatible with human rights, through the identification and due consideration of human rights impacts when making decisions.

Further information on how human rights are assessed and managed in the complaints management system are included in the Human Rights Complaints Procedure.

6. Unreasonable complainant conduct

As per the Code of Conduct for the Queensland Public Service, departmental employees are expected to interact with complainants in a professional, respectful and courteous manner. Complainants are expected to treat employees the same way.

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. Examples of unreasonable complainant conduct can include but are not limited to:

- persistence – making excessive calls or sending excessive emails
- demands – asking for more reviews than provided for in the policy or demanding different outcomes without evidence the original decision was wrong
- behaviours – making self-harm threats or threatening harm to others, using abusive language or threatening violence.

Unreasonable complainant conduct will be managed in a manner consistent with the department's obligation to ensure a healthy and safe work environment as per the [Work Health and Safety Act 2011](#). The department will not tolerate complainant conduct or conduct from associated persons presenting a risk to employees' health and safety.

7. Internal review of complaint outcomes

If a complainant is dissatisfied with how their complaint under this policy has been addressed (excluding privacy complaints and human rights components of a complaint), they can ask for their complaint to be reviewed by the department. A request for internal review is to be submitted within three months of the date of the decision which is the subject of the requested internal review.

Following assessment of the request, and if a review is warranted, it will be undertaken by an employee who is independent of, and no less senior than, the original decision maker or the investigator/reviewer assigned by the decision-maker.

Requests for an internal review should include:

- department's complaint reference number, if known
- decision/s the complainant is seeking to be reviewed
- reasons why the complainant considers the decision/s is/are wrong
- outcome being sought.

8. External review of complaint outcomes

If a complainant is dissatisfied with any action taken by the department in relation to a complaint, and after they have exhausted all available avenues of review within the department, they can request for the department's decision to be reviewed by the [Queensland Ombudsman](#).

9. Reporting

In accordance with Section 219A (3) of the PS Act, the department will publish data in relation to complaints received under this policy, for the previous financial year on its website (in the department's annual report).

10. Responsibilities

This section summarises the responsibilities in relation to the department's complaints management activities.

Director-General:

- accountable for the delivery of complaints management for DTIS
- ensures the department has established and implemented systems for dealing with complaints
- ensures information on the department's complaints management policy is made publicly available.

Deputy Director-General, Corporate Services:

- provides oversight of the department's complaints management function, and ensures the department maintains:
 - compliance with this policy
 - clear management responsibilities for complaint management activities
 - compliance monitoring and reporting schedules and systems.

Divisional Heads and senior managers:

- ensure complaints are dealt with fairly, objectively and in a timely manner
- ensure employees are adequately trained to deal with complaints
- regularly review and analyse complaints data to identify and implement continuous improvement opportunities
- refer significant and serious complaints to ethics@dtis.qld.gov.au.

Managers, supervisors and employees:

- deal with complaints fairly, objectively and in a timely manner in accordance with this policy and DTIS' complaints management framework
- ensure complaints management activities within their business area are transparent, accountable and able to withstand external scrutiny
- adequately document and file complaints management actions, approvals and decisions
- promote a workplace culture where feedback and complaints are taken seriously and inform continuous improvement
- review and monitor complaints relevant to the business area to ensure they are appropriately managed, including considering complaints management as part of risk management and operational planning activities
- seek advice from and/or refer complex complaints to the appropriate business area, as set out in the table on page two of this policy.

Governance, Performance and Risk, Corporate Services

- develop and maintain a complaints management framework to support the principles of this policy and other associated complaints management documents
- provide advice and assistance to departmental staff undertaking complaints management activities
- coordinate and provide advice for complaints-related communications, and maintain complaints management information/data on the department's intranet and website
- undertake complaints management administration, including coordinating external reporting as required under Section 219A (3) of the PS Act and internal performance reporting for risk management and continuous improvement
- support and provide advice to departmental officers with respect to complaints management capability development and knowledge sharing.

11. Definitions and glossary of terms

Term	Definition
Complainant	<p>A person, organisation or their representative (including clients, consumers, service users, customers, etc.) making a complaint.</p> <p>(source: AS/NZS 10002:2014)</p>
Complaint	<p>A generic term referring to the expression of dissatisfaction, orally or in writing, about the products, services or actions of the department or its employees 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, unless the person specifies that they wish to make a complaint, and excludes the items specifically excluded as complaints under this policy.</p>
Corrupt conduct	<p>(1) <i>Corrupt conduct</i> means conduct of a person, regardless of whether the person holds or held an appointment, that –</p> <ul style="list-style-type: none"> (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"> (i) a unit of public administration; or (ii) a person holding an appointment; and (b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that – <ul style="list-style-type: none"> (i) is not honest or is not impartial; or (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (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 (c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and (d) would, if proved, be – <ul style="list-style-type: none"> (i) a criminal offence; or (ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment. <p>(2) Without limiting subsection (1), conduct that involves any of the following could be corrupt conduct under subsection (1) –</p> <ul style="list-style-type: none"> (a) abuse of public office; (b) bribery, including bribery relating to an election; (c) extortion; (d) obtaining or offering a secret commission; (e) fraud; (f) stealing; (g) forgery; (h) perverting the course of justice; (i) an offence relating to an electoral donation; (j) loss of revenue of the State; (k) sedition; (l) homicide, serious assault or assault occasioning bodily harm or grievous bodily harm; (m) obtaining a financial benefit from procuring prostitution or from unlawful prostitution engaged in by another person; (n) illegal drug trafficking; (o) illegal gambling.
Employee	<p>A person is a public service officer (or employee) if the person is employed under the PS Act as:</p> <ul style="list-style-type: none"> (a) a chief executive; or (b) a senior executive; or (c) an officer of another type.
Human Rights	<p>The <i>Human Right Act 2019</i> commenced on 1 January 2020 and works to protect fundamental human rights.</p> <p>Government departments and public service employees have a responsibility to respect, protect and promote the human rights of individuals. They must act in a way that is compatible with human rights obligations when delivering services and interacting with the community.</p>

Term	Definition
Natural justice	Natural justice comprises the following elements: <ul style="list-style-type: none"> • notice to the person who will be adversely affected by a potential decision • reasonable opportunity to respond • absence of bias on the part of the decision-maker.
Personal information	As defined under the <i>Information Privacy Act 2009</i> , and includes 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.
Public interest disclosure	A disclosure made under Chapter 2 of the Public Interest Disclosure Act 2010 including all information and help given by the discloser to a proper authority for the disclosure.
Reprisal	Causing, or attempting or conspiring to cause, detriment to another person because, or in the belief that – <ol style="list-style-type: none"> (a) the other person or someone else has made, or intends to make, a public interest disclosure (b) the other person or someone else is, has been, or intends to be, involved in a proceeding under the Public Interest Disclosure Act 2010 against any person. An attempt to cause detriment includes an attempt to induce a person to cause detriment.

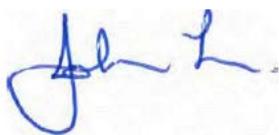
12. References

- [Crime and Corruption Act 2001](#)
- [Human Rights Act 2019](#)
- [Information Privacy Act 2009](#)
- [Public Interest Disclosure Act 2010](#)
- [Public Records Act 2002](#)
- [Public Service Act 2008](#)
- [Public Sector Ethics Act 1994](#)
- [Right to Information Act 2009](#)
- [Work Health and Safety Act 2011](#)
- [Directive 2/17 – Managing employee complaints](#)
- [Directive 03/17 - Appeals](#)
- [Code of Conduct for the Queensland Public Service](#)
- [Complaints about the Director-General Policy](#)
- [Managing Employee Complaints Policy](#)
- Public Interest Disclosures Policy and Procedure
- [Identifying and Managing unreasonable complainant conduct](#) (Queensland Ombudsman, October 2018)
- [Australian/New Zealand Standard – Guidelines for complaints management in organizations \(AS/NZS 10002-2014\) Queensland Ombudsman Guide to developing effective complaints management policies and procedures](#)

13. Review

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

14. Approval



John Lee

A/Director-General

Department of Tourism, Innovation and Sport

Date: 28/04/2021