

PROCEDURE

COMPLAINTS MANAGEMENT POLICY

Policy Statement

The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (the department) is committed to effective complaints management by managing complaints in an accountable, transparent, timely and fair manner.

The department recognises that effective complaints management is integral to good client service; it values all complaints and encourages a people-focused and proactive approach to complaints management.

The department's Complaints Management System is operated in accordance with s.219A of the *Public Service Act 2008*. The Office of the Queensland Ombudsman oversees the management of complaints under the *Ombudsman Act 2001*.

The *Human Rights Act 2019* also has application, and is to be considered in each case

Objectives

The objectives of this policy are to ensure:

- fair, accountable, transparent, and responsive management of complaints about the department's functions
- complaints are handled promptly and as close to the source as possible
- effective monitoring of complaints
- identification and implementation of business improvement opportunities
- referral of relevant matters to the Queensland Police Service (QPS) and other complaints bodies with appropriate urgency appropriate recording of all complaints

Definitions

A **complaint** is an expression of dissatisfaction about the department's products, services or staff that requires a response or resolution. Complaints raised by or on behalf of people with disability about other government agencies or the National Disability Insurance Scheme (NDIS) are also recorded as complaints and assessed, and support is provided to resolve them through information, advocacy and/or referral.

Principles

The complaints management principles underlying this policy reflect the Australian/New Zealand Standard AS/NZS 10002-2014 Guidelines for complaint management in organisations, and s.219A of the *Public Service Act 2008* – which prescribes the need for a transparent complaints management system in all Queensland Government agencies, including annual reporting.

The department is committed to the following complaints management principles:

- provision of a free and accessible complaints process, that supports natural justice and procedural fairness for all persons, with no reprisals or detriment from making a complaint
- people have the right to be supported by a friend, an advocate, an interpreter, or a community elder
- provision of information about where to lodge a complaint, how to make a complaint and how complaints will be managed, including referring complaints to external agencies, where required



- opportunity for complaints to be made anonymously, with complainants advised of the limitations of an anonymous complaint
- provision of clear information about what can or cannot be achieved by a complaints process, and aiding anyone who wishes to make a complaint
- responding to complainants in a respectful, fair, objective, and timely manner, that respects the confidentiality of personal information
- communicating with parties about the progress of the complaint
- providing a clear explanation of the final decision, any recommendations, review options and any available external review mechanisms
- employees adhering to the department's record-keeping policy and procedure including the use of the departmentally approved complaints management IT system to monitor and review the progress of the complaint
- wherever relevant, inform the continuous improvement of the department's procedures and practices
- departmental employees receiving complaints must be treated with respect. Abusive, aggressive, or disrespectful behaviour towards staff during their interactions will not be tolerated.

Scope

The Complaints Management Policy applies to all clients and also employees of the department (engaged by the department as under the *Public Service Act 2008* and *Forensic Disability Act 2011*).

This policy also applies to other parties not defined by the *Public Service Act 2008* and *Forensic Disability Act 2011* who have been authorised by the department, through formal agreement, to perform activities or duties or provide a service or services on behalf of the department.

This policy applies where a person expresses dissatisfaction about:

- a decision the department has made or not made
- service the department has provided or not provided
- a service that is funded by the department the behavior of the department's employees
- a decision or action of the department in relation to the individual's personal information that may be a breach of the departments obligations under the *Information Privacy Act 2009*
- a decision or action of the department that may breach the *Human Rights Act 2019*
- a decision or action of any government agency, including the National Disability Insurance Agency (NDIA), which may require referral action

A complaint about a decision or action of the department should be made no later than 12 months after the complainant was notified or made aware of the decision or action. Complaints made outside this time period will only be actioned if the department considers that exceptional circumstances warrant consideration of the out-of-time complaint, including capacity or understanding of the complainant to make a complaint at the time the matter arose.

The policy is applied in an inclusive way to ensure all matters received by the department are thoroughly assessed and members of the community wishing to make a complaint are appropriately assisted by way of referral to an appropriate agency, information provision or advocacy.

All complaints will be assessed in relation to the Department's *Human Rights Act 2019* obligations, regardless of whether the complainant expressly identifies a human rights breach.

Complaints not Managed under this Policy

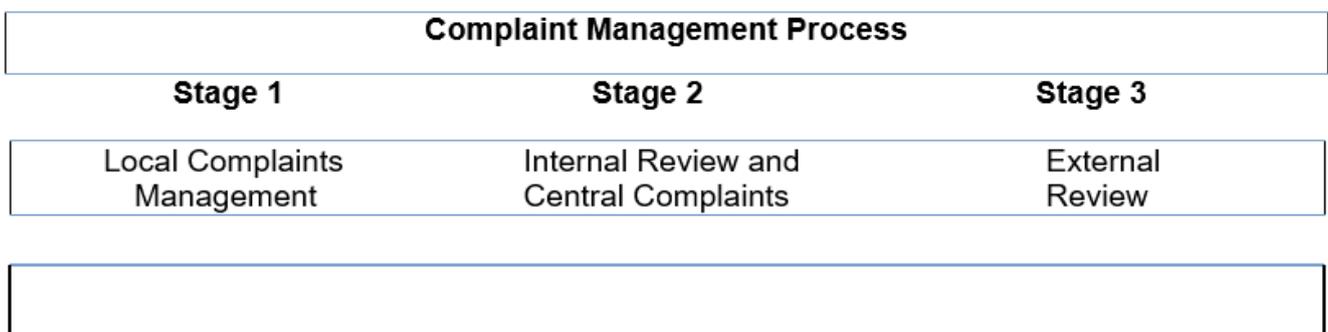
The department may determine not to deal with the following complaints under this Policy:

- matters currently being dealt with or that have been previously dealt with by a court, tribunal or external complaints agency
- matters that have already been subject to an Internal Review and an outcome has been determined
- matters that involve criminal offences, which will be reported to the QPS.

Complaints Management Model

The department’s complaints management model is a three-stage process, which includes the option for an external review

Figure 1.



Stage 1 – Complaints Management (Local Resolution)

Frontline staff are empowered to resolve less serious complaints (low complexity complaints) wherever possible at first contact.

Serious complaints (medium and high complexity complaints) should be referred to a more senior officer within the work unit.

All Stage 1 complaints will be recorded to enable the department to monitor trends and issues and to ensure comprehensive reporting is possible.

Stage 2 – Internal Review and Central Complaints

If complainants are dissatisfied with the outcome of their Stage 1 complaint, they can seek an internal review within 12 months of the outcome.

Serious complaints and complaints not suitable for local resolution can also commence at Stage 2.

All Stage 2 complaints and Internal Reviews are assessed and actioned independently from the initial decision-maker by the department’s Complaints and Investigations Unit.

Stage 3 – External Review

If complainants remain dissatisfied after progressing through Stages 1 and 2, they can pursue external options, e.g. alternative dispute resolution; complaints agencies such as the Queensland Ombudsman, the Human Rights Commission or other avenues of appeal or review.

Reporting

A report detailing the performance of the complaints management system will be made available through the department’s Annual Report which is prepared by 30 September each year. This will be

aligned with the reporting requirements, as set out in the *Public Service Act 2008* and *Human Rights Act 2019* and the Australian/New Zealand Standard AS/NZS 10002-2014 Guidelines for complaint management in organisations.

Regular de-identified complaints reports will also be made available to senior departmental staff for analysis to identify trends, systemic issues and potential improvements.

Review and Auditing

The department is committed to continually improving its services and will monitor agreed system improvements resulting from the review of complaints.

Regular reviews and self-audits of the effectiveness of the entire complaints management system will occur and include an evaluation of the major elements of the system including compliance with the policy, procedure and guidelines including complaints capture, recording and internal reporting, time taken to manage complaints, correctness of complaint outcomes.

The Complaints Management Policy and procedures will be reviewed at least every two years.

Roles and Responsibilities

Director-General is responsible for:

- establishing a system that manages complaints effectively and efficiently, including by allocating accountability for that system
- publishing reports required by legislation.

Deputy Director-General, Disability, Seniors and Carers is responsible for:

- managing the department's complaints management system
- implementing a complaints management system, including policy, case management system, complaints team staffing and training
- preparing annual and other required reporting on complaints
- establishing linkages and referral points with other state and Commonwealth complaint agencies

Deputy Directors-General, Executive Directors and Directors are responsible for:

- implementing the complaints management policy, procedure, and associated tools for administering and recording complaints and ensuring the complaints process is effectively administered
- ensuring that all staff record all Stage 1 complaints in an appropriate tool for reporting purposes
- ensuring all staff are appropriately trained in complaints management
- reviewing recommendations, and providing management responses, made through investigation reports, internal reviews or any complaint management process that relate to business process improvement
- ensuring recommendations made through investigation reports, internal reviews and any complaint management process are implemented, within agreed timeframes
- ensuring ongoing continuous improvement of service delivery by making changes to process where the trends and issues identified indicate a change to service delivery process is required

Director, Disability Inclusion, Disability, Seniors and Carers, is responsible for:

- monitoring implementation of the complaints management policy and procedure and delivery of an effective complaints management system

- providing specialist complaints management advice and investigation to support relevant service delivery and business areas of the department
- providing effective complaints management capability for centrally investigated/managed complaints and internal reviews
- conducting internal reviews where the regional office or business area has provided an initial response, and the client is not satisfied with the process or outcome
- ensuring accurate complaint records of all Stage 2 complaints are recorded in the departmentally approved tool to record the receipt, management, and outcome of complaints, including any recommendations made
- developing the department's complaints management tool and information and accessibility portals/options (web pages, fact sheets, etc.) about the department's complaint process
- monitoring implementation of recommendations made through investigation reports and internal reviews that were agreed to by Deputy Directors-General, Executive Directors, and AS&RS Directors
- facilitating the annual public and regular internal reporting of complaints data, including the analysis of reporting and provision of trend data to identify areas of improvement
- referring matters to an external agency for action where appropriate
- escalating matters as appropriate with the NDIA for NDIS-related matters
- analysing complaints management data to identify trends and areas of improvement
- facilitating reviews of the effectiveness of the department's complaints management system including its policy, procedure, guidelines and recording requirements.

Departmental Managers are responsible for:

- determining the response to Stage 1 complaints received within their area
- managing low, medium, and high complexity complaints and referring matters for internal review or to an external agency for action where appropriate
- ensuring appropriate complaints management tools are being used to record Stage 1 complaints received and actions taken in managing complaints
- implementing the complaints management policy, procedure, and associated guidelines locally and ensuring the complaints process is effectively administered
- providing complaints management advice and support to relevant teams within their division
- implementing recommendations, agreed by DDGs, EDs and the Director, made through investigation reports and internal reviews to improve service delivery, within the agreed time frames
- ensuring all complaints are handled in accordance with the departmental complaints management policy and procedure
- providing Stage 1 complaints data to the Director, Disability Inclusion on request.

All departmental employees are responsible for:

- handling complaints in accordance with the department's complaints management policy and procedure
- maintaining accurate records of the receipt, management, and outcome of complaints, including any recommendations made
- referring complaints as necessary to the Complaints and Investigation Unit.

This policy should be read in conjunction with the department's Complaints Management Procedure.

Records File No: <If applicable>

Date of approval: January 2023 – Deputy Director-General, Disability, Seniors and Carers

Date of operation: January 2023

Date to be reviewed: December 2024

Office: Office of Deputy Director-General, Disability, Seniors and Carers

Help Contact: Complaints and Investigation Unit

Links:

Public Service Act 2008

Disability Services Act 2006

Guide, Hearing and Assistance Dogs Act 2009

Forensic Disability Act 2011

Ombudsman Act 2001

Public Interest Disclosures Act 2010

Information Privacy Act 2009

Human Rights Act 2019

Related Legislation, Procedures and Guidelines

Complaints management procedure

Australian/New Zealand Standard AS/NZS 1002-2014 Guidelines for complaints management in organizations.

Office of the Queensland Ombudsman provides guidelines and advice on the policy development of Complaints Management Systems for Queensland Government Agencies.

Code of conduct for the Queensland Public Service

Public Service Act 2008

Ombudsman Act 200

Public Sector Ethics Act 1994

Human Rights Act 2019

Information Privacy Act 2009

Child Protection Act 1999

OPERATIONAL PROCEDURE

Community Services Act 2007

Home and Community Care Act 1985

Guardianship and Administration Act 2000

Aged Care Act 1997

Residential Tenancies and Rooming Accommodation Act 2008

Crime and Corruption Act 2001

Civil Liability Act 2003

Victims of Crime Assistance Act 2009