

# Department of Communities, Disability Services and Seniors

## POLICY

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**Title:** Complaints Management

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### 1. Policy Statement

The Department of Communities, Disability Services and Seniors 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*.

### 2. 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 QPS and other complaints bodies with appropriate urgency
- appropriate recording of all complaints

### 3. Definitions

A **complaint** is an expression of dissatisfaction about the department's products, services, or staff that requires a response or resolution including issues experienced with the National Disability Insurance Scheme<sup>1</sup>.

### 4. Principles

The complaint management principles underlying this policy reflect the Australian/New Zealand

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<sup>1</sup> Although the National Disability Insurance Scheme is not the responsibility of the Queensland Government, due to the significant investment we are monitoring issues that Queenslanders contact DCDSS for assistance.

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 providing assistance to 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 complaint 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

## 5. Scope

The Complaints Management Policy applies to all employees of the Department of Communities, Disability Services and Seniors 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
- the service the department has provided or not provided
- a service that is funded by the department
- the behaviour of the department's employees
- an act or practice of the department in relation to the individual's personal information that may be a breach of the department's obligations under the *Information Privacy Act 2009*

A complaint about a decision or action of the Department must 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.

## 5.1 Excluded

The following complaints will be managed in accordance with the relevant legislation, and the department’s policies and procedures.

- matters currently being dealt with or that have been previously dealt with by a court, tribunal or external complaints agency
- matters where employees have not conducted themselves in accordance with the Code of Conduct or Service Standards when dealing with their customers which have been referred to the Crime and Corruption Commission for assessment/investigation
- decision of a minor administrative nature made by the department or funded services
- matters that have already been subject to an Internal review and an outcome has been determined
- allegations of suspected harm or risk of harm to a child will be actioned immediately by urgent referral or reporting to the Department of Child Safety, Youth and Women and if appropriate QPS
- matters that may involve criminal offences, which will be reported to QPS

## 6. Complaints Management Model

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

Figure 1.

Complaint Management Process <sup>1</sup>		
Stage 1	Stage 2	Stage 3
Complaints	Internal	External
Management	Review	Review

<sup>1</sup> For further details on the Complaints Management Process refer to the Complaints Management Procedure or Guidelines

### 6.1 Stage 1 - Complaints Management

- Frontline staff are empowered with clear delegations 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 complaints must be entered into the department’s electronic complaints management tool.

### 6.2 State 2 - Internal Review

If a complainant is dissatisfied with the complaint management process undertaken at Stage 1, an internal review can be requested within 12 months of the outcome, including grounds for the decision, being provided to the complainant.

### 6.3 State 3 - External Review

If the complainant remains dissatisfied after progressing through Stages 1 and 2, they can pursue external options - e.g. alternative dispute resolution; complaints agency such as the Queensland Ombudsman or other avenues of appeal or review.

## 7. 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 the Australian/New Zealand Standard AS/NZS 10002-2014 - Guidelines for complaint management in organizations.

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

## 8. 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 associated procedures will be reviewed every two years.

## 9. Roles and Responsibilities

### ***Director-General is responsible for:***

- establishing a system that manages complaints effectively and efficiently.

### ***Assistant Directors-General, Executive Directors, AS&RS Directors are responsible for:***

- local and regional implementation of the complaints management policy, procedure and associated tools for the administration and recording of complaints and ensuring the complaints process is effectively administered
- ensuring all staff are appropriately trained in complaints management
- reviewing recommendations<sup>2</sup>, and providing management responses, made through investigation reports, internal reviews or any complaint management process that relate to business process improvement
- ensuring recommendations<sup>3</sup> 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

<sup>2</sup> Recommendations may also be provided to staff of an equivalent level within program areas

<sup>3</sup> Same as above

where the trends and issues identified indicate a change to service delivery process is required.

***Director, Safeguards, Disability Connect Queensland, is responsible for:***

- facilitating the development of the complaints management policy and procedure and the delivery of an effective complaints management system
- providing specialist complaints management advice and investigation to support to 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 conducted an initial response, and the client is not satisfied with the process or outcome
- maintaining accurate complaint records by ensuring use of the departmentally approved tool to record the receipt, management and outcome of complaints, including any recommendations made
- oversight of the department's complaints management tool and information and accessibility portals/options (Web pages, fact sheets etc) pertaining to the department's complaint process
- ensuring that recommendations made through investigation reports and internal reviews that were agreed to by Assistant Directors-General, Executive Director/ AS&RS Director are implemented
- 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
- analysis of 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 complaints received within their area
- managing low, medium and high complex complaints and referring matters to an external agency for action where appropriate
- ensuring the departmental complaints management tool is being used to record complaints received and actions taken in managing complaints
- local implementation of the complaints management policy, procedure and associated guidelines and ensuring the complaints process is effectively administered
- providing complaints management advice and support to relevant teams within their division
- implementing recommendations, agreed by the ADG/ED/AS&RS Director, made through investigation reports and internal reviews to improve service delivery, within the agreed timeframes
- ensuring all complaints are handled in accordance with the departmental complaints management policy and procedure
- ensuring the departmental complaints management tool is being used to record complaints received and actions taken in managing complaints

***All departmental employees are responsible for:***

- handling complaints in accordance with the department's complaints management policy and procedure
- maintaining accurate complaint records by to record 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 and the Complaints Management Guidelines.

## **10. Authority**

*Public Service Act 2008*

*Disability Services Act 2006*

*Guide, Hearing and Assistance Dogs Act 2009*

*Forensic Disability Act 2009*

*Ombudsman Act 2001*

*Public Interest Disclosures Act 2010*

*Information Privacy Act 2009*

## **11. Related legislation, procedures, and guidelines**

Complaints management procedure

Complaints management guidelines

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 Sector Ethics Act 1994*

*Child Protection Act 1999*

*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*

*Crime and Misconduct Act 2001*

*Civil Liability Act 2003*

*Victims of Crime Assistance Act 2009*

*Mental Health Act 2000*

*Domestic and Family Violence Protection Act 1989*

*Family and Child Commission Act 2014*

*Workplace Health and Safety Act 1995*

*Human Services Quality Standards*

*Forensic Disability Act 2011*

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**Date of approval:** 1 July 2019 – Max Wise A/Assistant Director General

**Date of operation:** 1 July 2019

**Date to be reviewed:** 30 June 2021

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**Office:** Office of Disability Connect Queensland

**Help Contact:** Complaints and Investigation Unit

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**Links:**

Complaints Management Procedure

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Clare O'Connor

Director-General