

**Department of Employment,
Small Business and Training
Customer Complaints
Management Policy**



Policy statement

The Department of Employment, Small Business and Training (DESBT) is committed to delivering high quality services that respond to community need. We will ensure that complaints received are dealt with fairly, promptly and in an efficient and confidential manner, and that the complainant is aware of the complaints management process and what to expect when they lodge a complaint.

Purpose

This policy implements section 219A of the *Public Service Act 2008*. Under this section, Queensland Government departments must implement an effective complaints management system that complies with *AS/NZS 10002:2014—Guidelines for complaint management organisations*, and the Queensland Ombudsman's *Guide to Developing Effective Complaints Management Policies and Procedures (2006)*.

This policy sets the direction for customer complaints management in DESBT. The Customer Complaints Management Guideline and the Information Privacy Policy (pending Board of Management (BOM) approval set out the steps to successfully manage customer complaints consistently, fairly, reasonably and on time.

Objective

The objectives of this policy are to ensure:

- fair, accountable, transparent and responsive management of complaints about DESBT's functions;
- it is accessible and responsive to the needs of all, including children and young people;
- identification and correction of errors or omissions;
- effective monitoring of complaints;
- identification and implementation of business improvement opportunities; and
- that 85% of all customer complaints are resolved within the designated timeframes.

Definition

Under the *Public Service Act 2008*, section 219A (4), a customer complaint:

- a) means a complaint about the service or action of a department, or its staff, by a person who is apparently directly affected by the service or action
- b) includes, for example, a complaint about any of the following:
 - I. a decision made, or a failure to make a decision, by a public service employee of the department
 - II. an act, or failure to act, of the department
 - III. the formulation of a proposal or intention by the department
 - IV. the making of a recommendation by the department
 - V. the customer service provided by a public service employee of the department.

Complaints are recorded according to one or more of the following issue categories:

Issue	Description
Provision of a service	A complaint relating to how a service is provided including timeliness, quality or cost of the service
Provision of a Communication channel	A complaint relating to how information and delivery of services is provided including ease of use and access and customer experience
Staff conduct	A complaint relating to the behaviour of a staff member when providing a service
Administrative decision	A complaint about a decision made by a DESBT officer when providing a service, including misconduct and maladministration
Policy/procedure	A complaint about the process followed to provide a service
Privacy	A complaint about a breach of DESBT's obligations under the Information Privacy Act 2009 which sets out the rules for proper handling of personal information, including how it is collected, stored, secured, accessed, amended, used and disclosed
Human Rights	A complaint about an alleged contravention or breach of section 58 (1) of the Human Rights Act 2019 by a public entity in relation to an act or decision of the public entity. In addition, the complainant may not have explicitly identified or alleged a human rights breach in their complaint, however the agency may determine that the complaint does engage human rights and so it should be recorded as such.

Complaints in scope

This policy applies to:

- complaints received from **external** customers including:
 - the public which includes representatives of customers, including family members such as a child, adult survivor, a parent, trusted adult, an independent support person, staff member, volunteer or community member who is an authorised representative of the complainant;
 - other departments; and
 - employee/employer associations.
- complaints received anonymously;
- complaints contained within a comment or feedback on social media channels; and
- Incoming Ministerial, Director-General (DG), Deputy Director-General (DDG), Executive Director (ED) or Regional Director (RD) correspondence or contact, whether that be in the form of a formal letter, email or phone call may contain a complaint. The relevant business area is responsible for deciding if ministerial, DG, DDG, ED or RD correspondence contains a complaint under this policy.

It is important to note that some complaints once received and assessed, may then be determined to be out of scope due to the nature of the complaint or as they are not in actual fact a complaint e.g. comments made on social media channels that do not require any further action to be taken. It is also important to note that while they are subsequently considered out of scope for this complaints management policy, they will be managed and assessed but in a different manner.

Complaints out of scope

For complaints reporting under s.219A of the *Public Service Act 2008*, the following types of complaints are excluded:

- Complaints (grievances) by departmental employees about their employment (*Public Service Act 2008* and Public Service Commission directives);
- Complaints that are assessed as a public interest disclosure (*Public Interest Disclosure Act 2010*);
- complaints involving corrupt conduct (*Crime and Corruption Act 2001*);
- complaints related to appeals that are internally reviewable by the department and then externally reviewable by the Queensland Civil and Administrative Tribunal; and
- denied right to information (RTI) or information privacy (IP) access or amendment applications.
- complaints about matters which fall outside of the Department's portfolio.

It is important to note that some complaints once received and assessed, may then be determined to be out of scope and so will be handled in a different manner. Examples of this are denied program access, information privacy complaints and abusive or vexatious complaints.

Information on the process for handling such complaints can be found in the Treatment of out of scope customer complaints (Appendix 1).

Definitions

Term	Definition
Anonymous complaint	A complaint received from a complainant who does not wish to identify themselves. An anonymous complaint must be treated in the same manner as any other complaint. It must be recorded, and every attempt made to resolve it.
Complainant	Any person who lodges a complaint with the Department of Employment, Small Business and Training
Complaint	An expression of dissatisfaction within the scope of this policy
Complaint officer	An employee appointed by a managing officer to assist in resolving complaints.
Complex complaint	A complaint that has multiple issues and/or is serious in nature and usually requires an internal assessment and internal review.
Corrupt Conduct	Under the <i>Crime and Corruption Act 2001</i> , corrupt conduct is conduct by anyone that adversely affects a public agency or public official so that the performance of their functions or the exercise of their powers is not honest or impartial, knowingly or recklessly breaches public trust or involves the misuse of agency-related information or material.
Customer Complaints Annual Report	DESBT will submit a Customer Complaints Annual Report to the Director-General for approval, detailing the number of complaints received and their resolution, taken from the Customer Complaints Register. This report is to be published on the DESBT website by 30 September each year.

Term	Definition
Customer Complaints Register	All complaints must be recorded in the Customer Complaints Register even those that are resolved at point of service. The Customer Complaints Register can be in the form of a database or spreadsheet as deemed appropriate.
Dispute	A disagreement on a matter of law or fact, or a conflict of views between parties about legal duties, rights or interests; a disagreement about an administrative decision by a party who is adversely affected by the decision (this definition is relevant to 'Out of scope Customer complaints')
External Review	Review of a complaint by an agency external to DESBT following internal review.
Human Rights complaint	Is a complaint about an alleged contravention or breach of section 58 (1) of the <i>Human Rights Act 2019</i> by a public entity in relation to an act or decision of the public entity. Examples of HR complaints are a belief that the complainant has been discriminated against whether that be their sex, age, disability marital status, in the course of their employment etc, sexually harassed or has experienced racial hatred. In addition, agencies are to consider human rights when resolving all complaints. This involves 3 key steps: <ol style="list-style-type: none"> 1. Identify the human right relevant to the complaint; 2. Consider whether the action or decision limits those human rights; and 3. Assess whether the limitation is justified and reasonable in the circumstances.
Internal assessment	Initial assessment and response to the complainant that is performed by an DESBT officer. May be the complaint officer or managing officer
Internal review	Review of an internal assessment by an internal review officer.
Internal Review officer	An DESBT officer that manages the review of an internal assessment at the request of a complainant. **This officer can be from the same business area as long as they weren't involved in the internal assessment.
Managing Officer	A line manager or other senior employee appointed by a director or manager to oversee the complaint management system.
Maladministration	Inefficient or dishonest administration; mismanagement.
Misconduct	Unacceptable or improper behaviour especially by an employee or professional person.
Not sustained	A complaint that has been finalised where the issues raised by the complainant have not been verified or otherwise cannot be resolved.
Partially sustained	When a complaint has two or more issues, and only one/some of the complaint has been sustained.
Pending – review still underway	When a complaint has not been finalised due to the review still being underway
Privacy complaint	A complaint by an individual about an act or practice of DESBT in relation to the individual's personal information.

Term	Definition
Processing	When a complaint has not yet been resolved, but a resolution is pending. This may or may not be within the specified timeframes. A complaint can be moved from 'processing' to 'resolved' either when the complaint is finalised or at the discretion of the complaint managing officer in other circumstances (i.e. when the complainant has not responded within an acceptable period of time).
Receiving officer	Any DESBT employee who received a complaint
Record of complaint	The documented record of a complaint received verbally (using a manual complaint form).
Rejected	A complaint that is outside the scope of the complaints management policy and cannot be resolved by the department. This complaint could also be a vexatious complaint that is rejected.
Sustained	When a complaint has been finalised, the issues raised by the complainant have been verified and the Customer has been notified of the outcome.
Simple complaint	A complaint that is resolved at the point of service.
Standard complaint	A complaint that usually has only one single issue or concern
Unsustained	A complaint that has been finalised where the issues raised by the complainant have not been verified or otherwise cannot be resolved.
Vexatious complaint	A complaint intended to harass, annoy, delay or cause detriment. A complaint considered to be trivial or vexatious will be refused investigation by a business area.
Withdrawn	When a complainant advised the department that they no longer want to proceed with the complaint. A withdrawn complaint is one that has already been received and classified and categorised by the business area.

Guiding principles

Our Customer complaints management system is part of a broader system for managing various types of complaints. Complaints are managed depending on the type of issue reported. Some areas of DESBT comply with additional policies and laws that support this framework in relation to specific services such as Right to information and Information privacy.

Some areas of DESBT also comply with additional policies and laws which support this framework in relation to specific services. An example is Right to Information (RTI), however this policy does not replace or interfere with legislation or policy dealing with complaints about privacy or right to information.

Nor does it interfere with complaints such as staff grievances, public interest disclosures, official misconduct or mal-administration, criminal conduct or illegality, or matters specifically dealt with through other legislative and/or appeal processes.

DESBT's complaint management system is underpinned by the better practice complaint management principles set out in the table below, which are outlined in the *Guidelines for complaint management in organisations - AS/NZS 10002:2014* and the Queensland Ombudsman's *Guide to Developing Effective Complaints Management Policies and Procedures (2006)*.

Guiding principles	What does this mean in DESBT
Enabling complaints	
People focus	<ul style="list-style-type: none"> • Everyone has a right to complain. • DESBT proactively seeks and receives feedback and complaints. • DESBT has a strong commitment to addressing any issues raised within a reasonable timeframe. • People making complaints are treated with respect, and they should be actively involved in the complaints process as far as practicable and appropriate.
Ensuring no detriment to complainant	<ul style="list-style-type: none"> • Complainants are not adversely affected because of a complaint made by them or on their behalf.
Visibility and transparency	<ul style="list-style-type: none"> • Information about how and where a complaint may be made is well publicised on DESBT's website and made available (both in writing and verbally) at frontline service locations.
Accessibility	<ul style="list-style-type: none"> • DESBT will provide all reasonable and practical help and support to make it easy for all complainants to make a complaint by recognising the particular needs of people, including people with a disability, children, young people, people living in regional and remote areas, the aged and people from culturally and linguistically diverse backgrounds. • A complaint may be made to any employee of DESBT in person, by phone, email letter or using the online form on DESBT's website. • DESBT will accept complaints from representatives of customers, including family members, friends and other people or organisations that act in support of the person.
No charges	<ul style="list-style-type: none"> • A complainant will not be charged a fee to complain.

Guiding principles	What does this mean in DESBT
Managing Complaints	
Responsiveness	<ul style="list-style-type: none"> Complaints are acknowledged promptly and responded to fairly, reasonably and in a timely manner. Anonymous complaints are treated like any other complaint. Staff are aware of the policy and guidelines available on website and the DESBT intranet. Adequate resources, including trained staff, are available to manage complaints. Complaints are recorded and tracked, timeframes for resolution are monitored.
Objectivity and fairness	<ul style="list-style-type: none"> Complaints are taken seriously and are handled fairly, objectively and without bias. Complaints are assessed and categorised on nominated criteria. Managing officers may refuse to investigate a complaint if it is considered to be abusive, trivial or unreasonable. The principles of natural justice and provision of avenues for review are applied to all complainants. Reviews of decisions will be made by people other than the original decision maker.
Equity	<ul style="list-style-type: none"> All complaints are to be handled in an equitable manner and in accordance with DESBT's Customer Complaints Management Policy. The Complaints Guidelines addresses the issue of how to manage the conduct of complainants who act unreasonably, such as unreasonable persistence, demands, lack of cooperation, arguments and behaviour.
Privacy and disclosure	<ul style="list-style-type: none"> Personally identifiable information about any individual should only be disclosed or used in compliance with all relevant privacy laws i.e. the <i>Information Privacy Act 2009</i> and ethical obligations when managing a complaint.
Communication	<ul style="list-style-type: none"> DESBT will provide explanations for policies, procedures and decisions in its communication with complainants and its staff, particularly those staff handling complaints.

Guiding principles	What does this mean in DESBT
Managing the parties	
Conduct of parties	<ul style="list-style-type: none"> The Customer Complaints Management policy and Guidelines makes clear the expected behaviour of both its staff and complainants.
Work health and safety	<ul style="list-style-type: none"> The Customer Complaints Management Policy and Guidelines ensure the health and safety of staff involved in complaint management, including identity protection as required.
Complaint involving multiple parties	<ul style="list-style-type: none"> If a complaint involves multiple organisations, consideration should be given to options for coordinating communication with the complainant. Communication and information exchange between organisations should be pre-arranged, however this should be subject to privacy and confidentiality obligations.

Guiding principles	What does this mean in DESBT
Empowerment of staff	<ul style="list-style-type: none"> • Staff are properly empowered to implement its complaints management system as relevant to their role. • DESBT encourages staff feedback as it is a valuable source of insight into problems with the organisation, products, services or the complaints management system.

Guiding principles	What does this mean in DESBT
Accountability, learning and prevention	
Accountability	<p>DESBT will ensure that accountability for the operation of its complaint management policy is clear.</p> <p>The policy and procedures are reviewed annually to ensure relevance and effectiveness.</p> <p>Mechanisms are in place to gather and record information to meet reporting requirements, identify complaint trends, monitor the time taken to resolve complaints and identify potential business improvements.</p> <p>Information about complaint trends in DESBT will be published annually.</p>
Continuous improvement	<ul style="list-style-type: none"> • Adequate and timely feedback is provided to all complainants about the progress of their complaint, the outcome reached by DESBT and the reasons for DESBT's decision. • Complainants are notified of available review mechanisms. If a complainant is unsatisfied with the outcome of their complaint, they may request an internal review. If a complainant remains unsatisfied with the outcome after an internal review, they may seek an external review. • DESBT will seek regular feedback about the way it manages complaints. • Complaint trends, systemic issues and potential system improvements will be provided to the Board of Management Meeting quarterly. This information will then be used to inform the continuous improvement process.

Guiding principles	What does this mean in DESBT
Prevention of <u>ongoing</u> disputes due to unresolved complaints	<ul style="list-style-type: none"> • DESBT’s complaints management framework minimises the possibility of unresolved complaints being escalated into ongoing disputes by: <ul style="list-style-type: none"> ○ The implementation of a three stage complaints management process involving internal assessment, internal review and external review ○ Customer complaint guidelines provide guidance to staff to manage complaints appropriately and effectively ○ Customer complaint guidelines that provide the rights and obligations of the complainant and DESBT’s complaint management staff ○ Ensuring DESBT’s Customer Complaints Management Policy is publicly available

Prevention

To minimise disputes occurring we provide:

- adequate staff training by ensuring all DESBT staff receive compulsory complaints training, including privacy and RTI, and that all complaint officers and managing officers receive complaint management training
- unambiguous and comprehensive documentation of Customer complaints management policy and guidelines.
- established communication paths.

Management

- We ensure that all parties in the dispute are informed of their rights and responsibilities.
- In some cases, we may provide a person independent of DESBT to assist the complainant with their complaint.
- An appropriate apology, given at the right time, will often avoid the escalation of the dispute.

Responsibilities and accountabilities

DESBT’s responsibilities under the Customer Complaints Management Policy are:

- to provide a common framework across the DESBT to develop and review service, product, action or decision related complaint handling procedures, including the administrative decision-making processes
- to add value to using complaints data to identify areas where the DESBT can improve business processes and systems.
- to promote public confidence in the department by ensuring openness and transparency in handling complaints about its services, products, action and decisions
- to capture and analyse information on service, product, action or decision related complaints to improve service delivery to the public
- to provide officers handling complaints with appropriate training in areas such as interviewing skills, problem solving and conflict resolution skills
- to publish an annual report of Customer Complaints documented in the Customer Complaints Registers by 30 September each year.
- to review the Customer Complaints Management Policy and Guidelines annually and report on the results of the review to the DESBT Board of Management.

- the review will consider customers and staff feedback, the results of annual internal audits and any external audits, changes in policy, legislation or organisational structure and opportunities to use technological innovations.

Reviewing Customer Complaints Management Policy and Guidelines

The Customer Complaints Management Policy and Guideline will be reviewed annually by the Strategy and Governance team.

The Terms of Reference for this review will include:

- the complaints management processes used within the business units;
- ensuring these processes are compliant with the departments policy and guidelines;
- determination that the management of complaints has led to improved administrative practices and customer service within DESBT; and
- consideration of feedback from customers, staff, internal audits and external audits, changes in policy, legislation or organisational structure and opportunities to use technological innovations.

The Strategy and Governance team will also continually monitor the complaint management system, including the complaints received and actions taken. This may take the form of an audit, which will provide the following information on the process:

- Conformity to the DESBT Customer Complaints Management Guidelines; and
- Suitability to achieve complaint management objectives.

Reporting on complaints

Internal to DESBT Reporting

Business areas are to provide their completed complaints registers to the Strategy and Governance team for analysis and quarterly reporting to the DESBT Board of Management.

Business managers are to review complaints and their Customer Complaints Registers to identify and implement business improvements.

All complaints are to be classified and then analysed to identify systemic, recurring and single incident problems and trends.

Each business unit will consider this information when formulating and reviewing its operational plans.

DESBT will undertake action to determine the level of satisfaction of complainants with its complaint's management process. This will take the form of annual online complaints satisfaction survey.

External to DESBT Reporting

DESBT will submit a Customer Complaints Annual Report to the Director-General for approval, which details the number of complaints received and their resolution.

This report is to be published on the DESBT website by 30 September each year.

References

- *Public Service Act 2008*
- *Information Privacy Act 2009*
- *Human Rights Act 2019*
- *Guidelines for complaint management in organisations - AS/NZS 10002:2014*
- *Developing Effective Complaints Management Policy and Procedures*, Queensland Ombudsman
- *Effective Complaints Management Fact Sheets*, 1-16 Queensland Ombudsman
- *Code of conduct for the Queensland Public Service*
- *Further Education and Training Act 2014*
- Royal Commission into Institutional Responses to Child Sexual Abuse Volume 6 and 7
- DESBT Information Privacy Policy (pending BOM approval)
- DESBT Public Interest Disclosure Policy (under development)

Endorsement/approval

Document owner:	Director, Strategy and Governance
Policy approved by:	Director-General
Approval date:	29 November 2019

Appendix 1

Treatment of out of scope customer complaints

The following complaints matters have different management processes and are out of scope of the DESBT Customer complaints policy.

If your complaint relates to any of the following matters, please read the relevant section below to find out about the appropriate process.

Allegations against employees involving suspected corrupt conduct and public interest disclosure complaints

- a) The definition of Corrupt Conduct (as at 1 March 2019) the complaint must satisfy 'Adversely affects or could affect directly or indirectly the performance of functions or exercise of powers of: unit of public administration, a person holding an appointment, Results or could result in the performance or functions or exercise of powers in a way that: is not honest or impartial, involves a breach of the trust place in the person either knowingly or recklessly, 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, Would if proved be a criminal offence, a disciplinary breach providing reasonable grounds for terminating the person, Would, regardless of whether the persons holds or held an appointment - Impair, or could impair, public confidence in public administration; and
- b) Involve, or could involve, any of the following:
 - (i) Collusive tendering;
 - (ii) Fraud relating to an application for a licence, permit or other authority under and Act with a purpose or object of any of the following (however described):
 - (A) Protecting health or safety of persons;
 - (B) Protecting the environment;
 - (C) Protecting or managing the use of the State's natural, cultural, mining or energy resources;
- c) Involve, or could involve, any of the following:
 - (i) Dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;
 - (ii) Evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;
 - (iii) Fraudulently obtaining or retaining an appointment; **and**
- d) Would, if proved, be:
 - (i) A criminal offence; or
 - (ii) A disciplinary breach providing reasonable grounds for terminating the person's service, if the person is or were the holder of an appointment.

Contact DESBT Ethical Standards on (07) 3334 2417 ethics@desbt.qld.gov.au

All cases of suspected corrupt conduct must be reported to the Crime and Corruption Conduct Commission (CCC) by the CCC Liaison Officer within DESBT.

Employee complaints made by current public servants

Refer to the Employee Complaints Policy on the Intranet, however if you require any further information contact Ethical Standards on (07) 3334 2417 or Ethics@desbt.qld.gov.au

Denied right to information (RTI) or information privacy (IP) access and amendment applications

If the department makes a decision in relation to your application for access to documents, including a decision to refuse you access to documents that no documents exist or can be located, or not to waive charges, you may either:

- apply for an internal review of the decision, by a different departmental officer no less senior than the original decision-maker.
- contact the Right to Information Unit at Department of Environment and Science via email
Email: Right to Information (mail to: rtiservices@des.qld.gov.au with a CC to DESBT Legal Services (mail to: corporate.legal@desbt.qld.gov.au
- apply directly to the Information Commissioner (<http://www.oic.qld.gov.au/about/right-to-information/apply-for-external-review-of-an-access-or-amendment-decision>) for an external review of the decision.

You should note that in general a 20 business days-time limit applies in which you can lodge an application for review.

It is important to note that some complaints once received and assessed, may then be determined to be out of scope so may be handled in a different manner. Examples of this listed below:

Complaints concerning denied program access

The DESBT manages a number of funding programs where decisions are made based on an eligibility criterion. Applicants who not agree with a funding outcome or administrative decision will be given an opportunity to request a review of decision. They will have been provided details of this process when they received the decision to deny their application.

Complaints concerning breaches of privacy

Such complaints are to be managed in accordance with the *Information Privacy Act 2009*. These complaints are managed by the designated Complaints Manager and the Complaints Officer within the relevant division however if there are any concerns that suspected corrupt conduct may be involved, advice can be sought by contacting the Ethical Standards team on 3334 2417 or Ethics@desbt.qld.gov.au.

It is also important to note that the department may identify a possible Information Privacy breach has occurred before a complaint is lodged. The procedure to report and notify such a breach is found in the Information Privacy Policy and the Notifiable Data Breach Procedure (under development)

Complaints concerning legal complaints

Legal complaints will be managed in accordance with the relevant legislation and treated as disputes. For advice regarding such complaints, contact corporate.legal@desbt.qld.gov.au

Abusive, trivial or unreasonable complainants

Business units may refuse to investigate a complaint if it is seen to be abusive, trivial, unreasonable, misleading, and untrue or where the complainant refuses to cooperate with DESBT's efforts to investigate. The decision not to investigate will be made by the managing officer. If such a complaint is refused investigation, the complainant must be advised in writing that the department is not proceeding with the complaint.

Complaints about matters which fall outside of DESBT's portfolio

Where a complaint relates to a matter which is not within DESBT's portfolio, but lies with another Queensland Government Department, DESBT's practice is to refer the complaint to the relevant agency to be dealt with appropriately.

Where a complaint relates to a matter that does not fall within the Queensland Government's jurisdiction, for example, is a Commonwealth matter, DESBT will advise you of the appropriate avenue to make your complaint.