

# Whole of Department POLICY

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**Title:** Complaints Management

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## 1. Policy Statement:

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

The department recognises that effective and accessible complaints management is integral to good client service and encourages a people-focussed and proactive approach to complaints management that supports the National Principles for Child Safe Organisations.

The department also recognises that culturally responsive complaint processes lead to improved engagement, increased trust, stronger relationships, and better outcomes.

## 2. Objectives:

The objectives of this policy are to:

- ensure the fair, efficient, consistent and culturally responsive management of complaints;
- identify business improvement opportunities through the collection and analysis of complaint information;
- promote confidence in the department's commitment to listen to our clients and their families, involve them in decision-making about their own lives and the implementation of policies and programs that impact them.

## 3. Principles:

The department is committed to the following complaints management principles:

### 3.1 Enabling complaints

#### 3.1.1 *People focussed*

- providing a people-focused and proactive approach to seeking and receiving feedback and complaints, and demonstrating a strong commitment to address issues raised within reasonable timeframes;
- complaints can be made anonymously, with complainants advised of the limitations of an anonymous complaint. Complaints lodged without contact information, where the complainant wishes to be exempt from active involvement, will be addressed if sufficient information is provided;



- people making complaints are treated with respect and are actively involved in the complaints process as far as practicable and appropriate in the circumstances.

### **3.1.2 Ensuring no detriment to complainant**

- all reasonable steps are taken to ensure that complainants are not adversely affected because of the complaint made by them or on their behalf.

### **3.1.3 Visibility and transparency**

- information about how and where a complaint may be made is well publicised and accessible.

### **3.1.4 Accessibility**

- information is provided and publicly available on where to lodge a complaint, how to make a complaint and the types of supports available for anyone requiring assistance;
- information about how complaints are managed, including referring complaints to external agencies, is available on the department's website and at frontline service locations;
- information is available about what can or cannot be achieved by a complaints process;
- complainants have the right to be supported by a friend, a carer, an advocate, an interpreter, a community Elder or Independent Entity.

### **3.1.5 No Charge**

- the complaints process is free.

## **3.2 Managing complaints**

The department responds to complainants in a respectful, fair, objective and timely manner that respects the privacy of personal information. Complaints are managed in accordance with the department's complaints management procedures.

### **3.2.1 Responsiveness**

- each complaint received is promptly acknowledged and assessed in accordance with the issues raised;
- complainants are advised where the department is unable to deal with either part or all of their complaint;
- complaints are dealt with efficiently and where set timeframes cannot be met, a new timeframe will be provided;
- complainants are advised about: the complaint process, the expected timeframes, their involvement in the process and the possible or likely outcome of their complaint, where applicable in a culturally responsive way.

### **3.2.2 Impartiality and fairness**

- each complaint is managed in an impartial and unbiased manner and conflicting interests do not interfere with, or be perceived to interfere with, the management and resolution of complaints e.g., avenues are available for the review of the complaint outcome by people other than the original decision maker;
- the department is committed to acting compatibly with human rights and to consider human rights before making a decision in accordance with the *Human Rights Act 2019*;

- the complaints process is culturally responsive and safe for Aboriginal and Torres Strait Islander peoples.

### **3.2.3 Equity**

- all complainants are treated in an equitable and respectful manner with clearly communicated outcomes;
- a child's safety, wellbeing and best interests are considered paramount and any conflict is resolved in favour of the child.

### **3.2.4 Privacy and disclosure**

- personally identifiable information about any individual will only be disclosed or used in compliance with all relevant privacy laws and ethical obligations when managing a complaint;
- officers adhere to the department's record keeping policy and procedure, including the use of the department's electronic complaints management system to record, monitor and review the progress of the complaint;
- complaints relating to public interest disclosures are managed under the requirements of the *Public Interest Disclosure Act 2010*.

### **3.2.5 Communication**

- complainants are provided information on the progress of the complaint, including when the department is unable to deal with part or all of their complaint;
- explanation of the outcome of a decision, any recommendations, review options and any available external review mechanisms are provided to the complainant in a culturally responsive way;
- frontline staff and staff handling complaints have access to clear and simple process guides and information to inform effective communication with complainants.

## **3.3 Managing the parties**

### **3.3.1 Conduct of parties**

- employees have the right to feel safe and respected in the workplace; complainants who display abusive or aggressive behaviour will be requested to change their behaviour and if the behaviour continues, the employee has the right to refuse to deal with the complainant;
- ongoing unreasonable complainant conduct which raises health, safety, resource or equity issues will be managed under a departmental communication protocol;
- threats received that include mention of criminal activity, abuse or aggressive behaviour towards a departmental officer or point of service are taken seriously and forwarded to the applicable Manager to ensure employee safety.

### **3.3.2 Work health and safety**

- the complaints system is supported by the department's policies and procedures about staff health and safety, including identity protection if required.

### 3.3.3 **Complaint involving multiple parties**

- complaints involving multiple parts of the department or organisations are managed efficiently, including providing a single point of contact in the department and communicating complaint resolution roles and responsibilities to complainants.

### 3.3.4 **Empowerment of staff**

- staff are properly empowered to implement the complaint management system as relevant to their role through regular training, monitoring and staff feedback.

## 3.4 **Accountability, learning and prevention**

### 3.4.1 **Accountability**

- complaint data is used for reporting purposes, including monitoring time taken to resolve complaints;
- employees receive ongoing training in complaints management to ensure accurate recording and management of complaints.

### 3.4.2 **Continuous improvement**

- regular complaints reporting occurs to identify trends, systemic issues and opportunities for business improvements;
- recommended actions are made to improve existing and inform new quality services;
- periodic satisfaction surveys of complainants occur and there is continual monitoring of the department's complaint management process.

### 3.4.3 **Prevention of ongoing disputes**

- a three level complaints management process is followed to minimise the possibility of complaints escalating into ongoing disputes.

## 4. **Scope:**

### 4.1 **Application**

This policy applies to all employees (as defined by the *Public Sector Act 2022*) of the department and to other parties 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.

### 4.2 **What is a complaint?**

For the purpose of this policy, a **complaint** is:

- an oral or written expression of dissatisfaction, made by or on behalf of a person who is directly affected regarding:
  - a decision made or not made by the department; or
  - a service provided or not provided by the department; or
  - a service that is funded or contracted by the department; or

- the behaviour or performance of the department's employees, including contracted persons; and
- requires a response or outcome; and
- not prescribed as 'out of jurisdiction' in the Complaints Management Policy (refer 4.3); and
- remains unresolved following a first attempt at resolution process (refer 4.4); or
- would benefit from being managed in accordance with the complaints management policy without a first attempt at resolution being attempted.

### 4.3 Out of jurisdiction

The following matters are deemed to be out of jurisdiction of the department's complaints management policy, and will be managed in accordance with the relevant legislation, departmental policies and procedures:

- decisions made by a court, tribunal or external complaints agency;
- concerns about the functions or decisions made by organisations outside of the department, **except** for funded, non-government service providers where there is an impact on the provider's ability to deliver client services in accordance with its funding agreement;
- funded, non-government service provider matters that concern employer-employee and organisational governance concerns;
- allegations of suspected harm or risk of harm to a child, which will be actioned by immediate referral to a Regional Intake Service;
- matters subject to review under the *Right to Information Act 2009*;
- matters concerning the outcome of National Redress Scheme for Institutional Child Sexual Abuse applications;
- allegations against employees including corrupt conduct and serious misconduct or maladministration;
- an expression of dissatisfaction by a person who is not directly affected by the service or action will be addressed as feedback (Child Safety) or an enquiry (Disability Services and Seniors).

Where suitable, staff may provide advice or support to refer an out of jurisdiction matter to the most appropriate area, agency or organization.

### 4.4 First attempt at resolution

In most instances, expressions of dissatisfaction should initially be referred to the point of service that has caused the dissatisfaction. The matter will be considered, and a response provided to resolve the dissatisfaction. This is considered the **first attempt at resolution**, and the expression of dissatisfaction may be resolved at this point.

If, after the first attempt at resolution, the person **remains** dissatisfied and they again express their dissatisfaction to the department, then the subsequent expression of dissatisfaction becomes a **complaint** for the purposes of this policy.

Staff may escalate an initial expression of dissatisfaction to be managed as a complaint if the concerns include:

- alleged limitations of the *Human Rights Act 2019*
- Conduct and Performance Excellence (CaPE) allegations
- alleged breaches of the *Information Privacy Act 2009*
- Public Interest Disclosures
- out of scope allegations
- matters that would benefit from being managed in accordance with this policy.

The level of escalation should be relative to the seriousness of the matter and the nature of previous contact the complainant has had with the department.

#### 4.5 Complaints Management System

The department's complaints management system includes **three levels** – complaint, internal review and external review.

Every complaint and internal review will be assigned an investigator and decision-maker. The decision-maker must be appropriately authorised as outlined in the complaints management procedure.

#### 4.6 Timeframes

- *All concerns* will be acknowledged within **three business days** of receipt, unless:
  - there is a formal strategy in place limiting communication with the complainant; or
  - the complainant is anonymous and there is no contact information available.
- Addressing a **complaint** should take no more than **30 business days** from the point of receipt, to providing a written response to the complainant;
  - *complaints* lodged in excess of **one year** of the original decision, action or inaction will be considered on merit and will only be investigated at the department's discretion.
- Undertaking an **internal review** should take no more than **20 business days** from the point of receipt, to providing a written response to the complainant;
  - *internal reviews* must be lodged within **20 business days** of the previous complaint matter closure date. A request made outside of the timeframe will be assessed on merit and will only be investigated at the department's discretion.

### 5. Governance:

#### 5.1 Reporting

- A report detailing the performance of the complaints management system is made available through the department's Annual Report which is published by 30 September each year. This is aligned with the reporting requirements set out in the *Public Sector Act 2022*, and the



Australian Standard AS 10002-2022 – *Guidelines for complaint management in organisations*;

- A report is provided to the Human Rights Commission yearly, outlining the outcome of complaints of alleged limitation of Human Rights raised with the department;
- Quarterly reporting is provided to the Public Service Commission relating to complaints regarding maladministration and misconduct.

## **5.2 Review and Auditing**

- The department is committed to continually improving its services, including complaints management;
- 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. This includes compliance with the Policy and Procedure, complaints recording and internal reporting, time taken to manage complaints and correctness of complaint outcomes;
- The department will invite complainants to provide feedback about the department's management of their specific complaint, and provide relevant information about how to do so, when communicating complaint outcomes;
- This policy and associated procedures will be reviewed every two years or otherwise as required.

## **6. Roles and Responsibilities:**

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

- establishing a system that manages complaints effectively and efficiently.

### **6.2 Complaints Unit is responsible for:**

- maintaining the complaints management policy and procedure, and the delivery of an effective complaints management system;
- providing specialist complaints management advice and training to relevant service delivery and business areas of the department;
- providing effective complaints management for centrally managed complaints and internal reviews;
- facilitating the annual public and high-level departmental reporting of complaints data, including the provision and analysis of trend data to identify areas of improvement;
- referring matters to external agencies for action where appropriate;
- facilitating reviews and audits of the effectiveness of the department's complaints management system including its policy, procedure, recording and reporting requirements.

### **6.3 Regional Senior Advisors are responsible for:**

- managing complaints in accordance with this policy and any associated procedures;

- maintaining accurate complaint records of complaints received regionally or at a service centre level, by using the departmentally approved system to record the receipt, assessment, management, and outcome of complaints, including any recommendations made;
- ensuring appropriate adherence to regionally approved quality assurance checks and approvals of complaints received and managed at a regional and service centre level;
- regional analysis of complaints management data to identify regional trends and areas of improvement for the region;
- providing complaints management advice and support to relevant regional and service delivery areas within their region;
- implementing recommendations, agreed to by the Regional Executive Director / Regional Director / Director, which have been made through complaints management processes and internal reviews to improve service delivery, within the agreed timeframes.

#### **6.4 Directors (Disability Services and Seniors) are responsible for:**

- managing complaints in accordance with this policy and any associated procedures;
- maintaining accurate records of complaints received within their directorate/unit, by using the approved system to record the receipt, assessment, management and outcome of complaints, including any recommendations made;
- ensuring adherence to approved quality assurance checks and approval of complaint outcomes received and managed at a directorate level;
- implementing recommendations, agreed to by the Regional Executive Director / Regional Director / Executive Director, which have been made through complaints management processes and internal reviews to improve service delivery, within the agreed timeframes.

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

- managing complaints in accordance with this policy and any associated procedures;
- maintaining an awareness of complaints management processes available to clients of the department and promoting access to these;
- seeking guidance and support when necessary from their immediate line manager, relevant regional Senior Advisor, or Complaints Unit, in the management of complaints.

### **7. Authority:**

This policy reflects the Australian Standard AS 10002-2022 – *Guidelines for complaint management in organisations*, and ensures the department meets its obligations under s.219A of the *Public Sector Act 2022* which prescribes the need for a complaints management system in all Queensland Government agencies.

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#### **Definitions:**

**Complainant:** A person, organisation or their representative who expresses dissatisfaction with the department where they are directly affected by the decision, service or behaviour they are raising





**Directly Affected:** Greater than the concerns of a bystander who has no interest in the outcome; where a person's right or interests would be affected if the administrative action stood or continued.

**Independent Person:** The term independent person is the term used in practice to describe the role of the Independent Aboriginal or Torres Strait Islander Entity chosen by a child, young person, parent or family as someone who will help in the family's meaningful participation in decision making. Refers to Section 6 of the *Child Protection Act 1999*.

**Procedural fairness:** Often used interchangeably with the term 'natural justice', procedural fairness involves the right to be given a fair hearing during the complaint management process, and involves applying three rules:

1. Notice rule: providing the complainant (or other affected person) with sufficient information for the complainant to participate meaningfully in the complaint decision-making process
2. Hearing rule: the complainant (or other affected person) is given a reasonable opportunity to speak or respond, and any submission they provide is genuinely considered by the complaint decision-maker
3. Bias rule: the complaint decision-maker must act impartially and have no personal stake in the decision.

**Unreasonable conduct by complainant:** Any behaviour by a person which because of its nature or frequency, raises substantial health, safety, resource or equity issues for the people involved in the complaint process.

**Vulnerability:** The state of being especially susceptible to detriment due to circumstances including disability, age, literacy levels, gender, trauma and stress.

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<b>Office:</b>	Office of the Chief Practitioner
<b>Help Contact:</b>	Complaints Unit – 1800 080 464

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### References:

AS 10002-2022 – *Guidelines for complaint management in organisations*

Complaints Management Procedure

*Memorandum of Understanding concerning management of complaints between DCYJMA and the Office of the Public Guardian*

*Child Protection Act 1999*

*Youth Justice Act 1992*

*Disability Services Act 2006*

*Guide Hearing and Assistance Dogs Act 2009*

*Information Privacy Act 2009*

*Right to Information Act 2009*

*Human Rights Act 2019*

*Public Sector Act 2022*

*Public Sector Ethics Act 1994*

*Crime and Corruption Act 2001*

Public Sector Commission's Conduct and Performance Excellence framework

Aboriginal and Torres Strait Islander Cultural Capability Framework

Customer vulnerability – Requirements and guidelines for the design and delivery of inclusive service ISO 22458

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Director-General



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