

Corporate Governance Unit

Client complaint management policy

Effective date: 12/12/2019

Version: 4.4

Policy Statement

The Department of Justice and Attorney-General (DJAG) is committed to delivering high quality services that respond to the community's needs. DJAG values the benefits of effective complaint handling. We believe our clients should be able to provide feedback (both positive and negative) about our services and the way we provide them.

Effective complaint management is about accountability, access and business improvement. It is an important part of our client service.

Scope

This policy applies to:

- all DJAG staff¹, including temporary staff, contractors and consultants, and
- any other person who provides a service, on a paid or voluntary basis, on behalf of DJAG.

What is a complaint under this policy?

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; and
- (b) includes, for example, a complaint about any of 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;
 - a recommendation made by the department; and/or
 - the customer service provided by a public service employee of the department.

Human rights complaints

Complaints under the *Human Rights Act 2019* may not be lodged until after 1 January 2020. Complaints under the *Human Rights Act* will only be able to be made about alleged breaches which occur after 1 January 2020.

The *Human Rights Act 2019* (HR Act) requires public entities (including DJAG and DJAG employees) to act and make decisions compatibly with human rights, as well as to give proper consideration to human rights when making decisions.

If an individual believes their human rights have been breached due to an action or decision of DJAG, they can make a complaint.

There are 23 sections in the HR Act that set out the protected human rights. These are listed in Appendix 2.

¹ Including the CEO and all statutory roles and statutory appointments that are required to administer DJAG financial, performance management and service delivery functions on behalf of the department.



In scope

This policy applies to:

- complaints received from both external clients (i.e. the public) and internal clients (i.e. DJAG business areas providing services to other DJAG business areas);
- complaints received anonymously; and
- complaints received by Ministerial or Director-General correspondence or contact.
 - Business areas are responsible for deciding if Ministerial or Director-General correspondence contains a complaint under this policy.

Out-of-scope

Decisions made by courts or tribunals, inspectors, commissioners, or denied requests for information are out of scope of this policy. Complaints regarding these decisions are investigated through other processes and/or legislative requirements.

There are policies that manage other out-of-scope complaints, such as; corruption, fraud, or complaints by public servants.

See [Appendix 1](#) for a list of out-of-scope complaints. For information about resolving out-of-scope complaints, please see DJAG's complaints webpage <https://www.justice.qld.gov.au/about-us/contact/compliments-complaints>.

Purpose

This policy implements section 219A of the *Public Service Act 2008* in DJAG. Under this section, Queensland Government departments must implement an effective complaints management system that complies with any Australian Standard about the handling of customer complaints.

Principles

- DJAG's complaint management system is underpinned by the better practice complaint management principles in the table below, which are outlined in the *Guidelines for complaint management in organizations—AS/NZS 10002:2014* and the Queensland Ombudsman's *Policy and Procedure Guide*.

Principles	What this means in DJAG
People focus	<ul style="list-style-type: none">• Everyone has a right to complain.• DJAG proactively seeks and receives feedback and complaints.• People making complaints are treated with respect.• Complainants are not adversely affected because of a complaint made by them or on their behalf.• DJAG will accept complaints from representatives of clients, including family members, friends and other people or organisations that act in support of the person.
Visibility, transparency and access	<ul style="list-style-type: none">• Information about how and where a complaint may be made is well publicised on DJAG's websites and made available (both in writing and verbally) at frontline service locations.• A complaint may be made to any employee of DJAG in person, by phone, email, letter or using the online form on DJAG's websites.• DJAG 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 disability; children;

Principles	What this means in DJAG
	<p>young people; people living in regional and remote areas; the aged; and people from culturally and linguistically diverse backgrounds.</p> <ul style="list-style-type: none"> • A complainant will not be charged a fee to complain.
Responsive-ness	<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 procedures available on DJAG's websites and intranet. • Adequate resources, including trained staff, are available to manage complaints. • Complaints are recorded and tracked, timeframes for resolution are monitored and complainants are entitled to reasonable progress reports.
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. • Personal information is managed in line with the <i>Information Privacy Act 2009</i> and ethical obligations • 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.
Feedback	<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 DJAG and the reasons for DJAG'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 internal review, they may seek external review. • DJAG will seek regular feedback about the way it manages complaints.
Remedies	<ul style="list-style-type: none"> • Appropriate remedies that are fair to both the complainant and DJAG are offered. Complainants are able to request a remedy that is considered as the first option. • Informal resolution and compromise is attempted wherever possible. • Similar remedies are offered to all persons in a similar situation.

Principles	What this means in DJAG
Accountability, learning and prevention	<ul style="list-style-type: none"> The policy and procedures are reviewed periodically to ensure relevance and effectiveness. 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. Potential system improvements revealed by complaints are identified by the area responsible and reported regularly to the Director-General. Information about complaint trends in DJAG will be published annually.
Training	<ul style="list-style-type: none"> All DJAG staff receive compulsory general complaints training, including on privacy and RTI. DJAG complaint investigation officers and managing officers can access complaint management training through the Queensland Ombudsman. In addition, the DJAG Dispute Resolution Branch offers training on how to handle complaints.

Requirements

- Business areas will provide complaints reports through divisional managers to Corporate Governance Unit for analysis and reporting to the Director-General.
- Business managers will review complaints information and reports to identify and implement business improvements.

Definitions

Term	Definition
Complainant	Any person who lodges a complaint with DJAG.
Complaint	An expression of dissatisfaction, either verbally or in writing, from a member of the public or from a DJAG staff member about DJAG staff conduct, a service, procedure, practice or policy.
Complaint investigation officer	An employee appointed by a managing officer to resolve complaints.
Human rights complaint	A complaint by an individual about an alleged contravention of section 58(1) of the Human Rights Act 2019 (HR Act) by a public entity in relation to an act or decision of the public entity.
Managing officer	A line manager or other senior employee appointed by a director or manager to oversee the complaint management system. This can be the business area manager.

Legislation

- Public Service Act 2008*
- Information Privacy Act 2009*
- Human Rights Act 2019*

Related policies and delegations

- Queensland Ombudsman's *Policy and Procedure Guide*.

• Supporting documents

• Internal

Corporate Governance	
Complaints Management Handbook	https://intranet.justice.govnet.qld.gov.au/_data/assets/pdf_file/0020/126263/Client-complaints-management-handbook.pdf
Ethical Standards Unit	
Public Interest Disclosure	https://intranet.justice.govnet.qld.gov.au/_data/assets/pdf_file/0018/123741/public-interest-disclosure-v4.pdf
Workplace Policy	http://intranet.justice.govnet.qld.gov.au/_data/assets/pdf_file/0008/75392/Workplace-Policy.pdf
Financial Services Branch	
Financial Management Practice Manual (FMPM)	http://intranet.justice.govnet.qld.gov.au/divisions-and-branches/corporate-services/finance/financial-management-practice-manual-fmpm
Financial Delegations	http://intranet.justice.govnet.qld.gov.au/divisions-and-branches/corporate-services/finance/financial-delegations
Right to Information and Privacy	
Management of technical (low level) privacy breaches	http://intranet.justice.govnet.qld.gov.au/_data/assets/word_doc/0003/178374/management-of-technical-low-privacy-breaches.docx

• External

The Public Service Commission	
Code of Conduct for the Queensland Public Service 2011	http://www.premiers.qld.gov.au/publications/categories/policies-and-codes/code-of-conduct.aspx
Department of the Premier and Cabinet	
Reference Guide – Measuring Customer Experience	https://www.forgov.qld.gov.au/sites/default/files/measuring-customer-experience.pdf?v=1543967023
Queensland Legislation	
<i>Public Service Act 2008</i>	https://www.legislation.qld.gov.au/view/html/inforce/current/act-2008-038
<i>Information Privacy Act 2009</i>	https://www.legislation.qld.gov.au/view/html/inforce/current/act-2009-014
<i>Human Rights Act 2019</i>	https://www.legislation.qld.gov.au/view/html/inforce/current/act-2019-005
Queensland Ombudsman	
Complaints Management	https://www.ombudsman.qld.gov.au/improve-public-administration/public-admin-resources/complaints-management
Policy and procedure guide	https://www.ombudsman.qld.gov.au/improve-public-administration/public-admin-resources/complaints-management/policy-and-procedure-guide

Complaints Management Training	http://ombudsman.qld.gov.au/Publicagencies/Training/ComplaintsManagementTraining/tabid/102/Default.aspx
Office of the Information Commissioner	
Report on privacy in complaint handling systems	https://www.oic.qld.gov.au/_data/assets/pdf_file/0005/24485/Report_on_privacy_in_complaint_handling_systems.pdf
Department of Communities	
Queensland Government response to the Queensland Child Protection Commission of Inquiry final report	https://www.csyw.qld.gov.au/campaign/supporting-families/background/queensland-government-response
Queensland Human Rights Commission	
Queensland Human Rights Commission	https://www.qhrc.qld.gov.au/
Human Rights information	https://www.qld.gov.au/law/your-rights/human-rights
Standards Australia	
AS/NZS 10002:2014, Guidelines for Complaint Management in organisations.	Not freely available – can be purchased online.

Contact

- Corporate Governance Unit (Financial Services Branch, Corporate Services) is responsible for ongoing maintenance and oversight of the Client complaints management framework. Any queries relating to the policy and its application can be sent to corpgov@justice.qld.gov.au.

Approval

- Following a comprehensive review of the DJAG client complaint management framework, version 4.3 of the policy was approved by the Director, Financial Services Branch on 6 September 2019.

Review

- An administrative review will be conducted every two years, with any amendments approved by the Director, Financial Operations and results reported to the Assistant Director-General, Corporate Services.
- A comprehensive review will be conducted every five years, or in the case of significant changes in legislation, directives, audit recommendations or significant organisational change. Any amendments may be approved by the Director, Financial Operations and results reported to the DJAG Board of Management.

Document information

Security classification	Public		
Authority	Director-General		
Document Status	<input type="checkbox"/> Working draft	<input type="checkbox"/> Consultation release	<input checked="" type="checkbox"/> Final version
Review frequency	2 years (administrative) 5 years (comprehensive)	Next review date	2021
Document reference	# eDOCS 4266150	Consultation list	n/a

Version history

Version	Notes	Changed by and date
1.0	Improvements suggested by Queensland Ombudsman and Internal Audit	Director, Corporate Governance Unit 19 November 2012
2.0	Feedback included	Corporate Governance Unit 8 February 2013
3.0	To incorporate legislation changes to Public Service Act 2008; respond to the Carmody Inquiry Child Protection recommendations; Response to audit by Queensland Ombudsman in 2013	Corporate Governance Unit 30 June 2015
4.0	Annual review	Director, Corporate Governance Unit 9 November 2016
4.1	Revision	Director, Corporate Governance Unit 3 March 2017
4.2	Update to links	Director, Corporate Governance Unit 14 August 2017
4.3	Comprehensive review	Director, Financial Services Branch 6 September 2019
4.4	Updates to include Human Rights complaints information	Director, Financial Services Branch 12 December 2019

License



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Appendix 1 - Complaints outside the scope of this policy

This policy does not include a range of decisions made under specific legislation, including decisions made by the following:

- a judge or tribunal
- a prosecutor about a legal or court proceeding
- Courts transcripts and recording services
- a registrar or Justice of the Peace acting in a quasi-judicial role
- the Public Guardian
- a referee about decisions under the *Building Units and Group Titles Act 1980*
- Blue Card eligibility decisions made under Chapter 8 of the *Working with Children (Risk Management and Screening) Act 2000*
- the Director of Child Protection Litigation or Director's delegate exercising powers and functions of the Director under the *Director of Child Protection Litigation Act 2016*
- a dispute resolution officer, the commissioner or commissioner's delegate exercising their functions under the *Body Corporate and Community Management Act 1997*, and
- the Legal Services Commissioner or the commissioner's delegate about complaints under the *Legal Profession Act 2004*.

Other matters outside the scope of this policy are:

- a licensing decision (e.g. for a motor dealers licence)
- an inspector's decision (e.g. a liquor, gaming, or fair trading decision)
- a grant funding decision (e.g. Community Benefits Fund)
- complaints about a lawyer²
- decisions about assistance under the *Victims of Crime Act 2009*
- consumer complaints about faulty goods or unscrupulous traders
- allegations against employees involving suspected misconduct, including official misconduct, maladministration or public interest disclosures,
- DJAG employee complaints made by current public servants, and
- denied RTI (right to information) or IP (information privacy) access or amendment applications.

See the department's complaints webpage at <https://www.justice.qld.gov.au/about-us/contact/compliments-complaints/out-of-scope> for information about resolving out-of-scope matters.

² Complaints against a government legal officer by their clients fall within the scope of this policy, excluding complaints assessed as within the scope of the Legal Services Commission.

Appendix 2 – Human rights

There are 23 sections in the Human Rights Act that set out the protected human rights. . These are:

Recognition and equality before the law Section 15	Right to life Section 16	Protection from torture and cruel, inhumane or degrading treatment Section 17	Freedom from forced work Section 18	Freedom of movement Section 19
Freedom of thought, conscience, religion and belief Section 20	Freedom of expression Section 21	Peaceful assembly and freedom of association Section 22	Taking part in public life Section 23	Property rights Section 24
Privacy and reputation Section 25	Protection of families and children Section 26	Cultural rights – generally Section 27	Cultural rights – Aboriginal peoples and Torres Strait Islander peoples Section 28	Right to liberty and security of person Section 29
Humane treatment when deprived of liberty Section 30	Fair hearing Section 31	Rights in criminal proceedings Section 32	Children in the criminal process Section 33	Right not to be tried or punished more than once Section 34
Retrospective criminal laws Section 35	Right to education Section 36	Right to health services Section 37		

The HR Act and more information about human rights is available online here:

<https://www.qld.gov.au/law/your-rights/human-rights>