
COMPLAINTS MANAGEMENT PROCEDURE

Review: 30 June 2012

Version: 1.1

1. PURPOSE

The purpose of this procedure is to detail the processes to be followed to deal with complaints in accordance with the Complaints Management Policy.

2. AUTHORITY

DERM Complaints Management Policy

3. APPLICATION

This procedure applies to all:

- permanent employees (full-time and part-time)
- temporary employees (full-time and part-time)
- employees on senior executive service and s122 contracts
- casual employees
- contractors performing work for the department
- volunteers, school-based trainees, scholarship holders, work-experience placements and other persons on placement.

4. RESPONSIBILITIES

Director-General:

- Ensure the establishment and maintenance of a departmental system to comply with Public Service Commission Directive – Complaints Management Systems.

Executive Management Group members:

- Ensure that processes are established and maintained within each division and region to enable the timely and effective resolution of complaints in accordance with the complaints management policy and procedure.
- Designate an internal reviewer or conduct an internal review of a complaint as considered appropriate.

Assistant Directors-General, Executive Directors, General Managers, Regional Services Directors, Senior Directors (as appropriate):

- Allocate sufficient resources to ensure the complaints management process is effectively administered, including the assignment of specific roles and responsibilities to staff as appropriate.
- Ensure that staff with roles in handling complaints are provided with appropriate information and training.
- Refer allegations of official misconduct, other misconduct, or public interest disclosures immediately to the Team Leader and Principal HR Advisor or the Manager, Employee Relations, Human Resources, for assessment (if not already identified and referred).
- Ensure that all complaints received locally are referred to the Customer Referral Centre.
- Ensure that MECS is used to manage and action complaints.
- Provide an initial assessment of each complaint in terms of severity, safety implications, complexity and the need and potential for immediate action.
- Designate a complaint manager and complaint decision maker for each complaint.
- Monitor the progress of resolution and responses to complaints to ensure service standards are met.
- Ensure that the approved resolution actions are implemented.
- Monitor, analyse and review complaints data to identify trends, impacts and timeliness of responses.
- Ensure that appropriate action, including preventative action where warranted, is taken to address sources of complaints, adverse issues and trends identified and foster continuous improvement.

Complaint managers:

- Use MECS to manage and action complaints.
- Apply natural justice towards both complainants and staff throughout the complaints management process.
- Assess and investigate complaints.
- Acknowledge complaints within five business days of receipt by the division or region (if the matter cannot be resolved within this timeframe).
- Deal with all complaints in a timely manner.

- Liaise with complainants as necessary to obtain further information and provide advice regarding the progress of complaints.
- Recommend the resolution and response for each complaint to the complaint decision maker.
- Advise the complainant of the outcome of the complaint.

Complaint decision makers:

- Ensure that complaints are managed and investigated in accordance with the complaints management policy and procedure.
- Ensure that natural justice is applied throughout the complaints management process.
- Approve the resolution and response for each complaint.

Internal reviewers:

- Assess requests for internal review of complaints to determine whether they meet the relevant criteria.
- Conduct the internal review and advise the complainant of the outcome in writing within 10 business days of receipt of the review request by the department.

All staff including customer service staff:

- Deal with matters raised by customers, clients and stakeholders at the appropriate level in the first instance in order to minimise formal complaints.
- Inform customers, clients and stakeholders of the processes for lodging and managing complaints.
- Provide any reasonable assistance needed to enable customers, clients and stakeholders to lodge complaints.
- Encourage complainants to submit complete information regarding their complaints.
- Maintain appropriate privacy and confidentiality of complaint information.
- Record and submit oral complaints received at DERM business centres or publically accessible offices using the complaint form on the department's website.
- Forward written complaints immediately to the Customer Referral Centre.
- Respond to complaints in a timely manner in accordance with this procedure.

Complainants:

- Provide complete and factual information in a timely manner about the complaint.
- Do not deliberately include false or misleading information.
- Do not lodge frivolous, vexatious or malicious complaints.
- Deliver the complaint in a polite and respectful manner.
- Participate in communications with departmental staff as necessary in order to resolve the complaint.

Team Leader, Customer Referral Centre:

- Receive oral complaints lodged via the department's general enquiry telephone number and written complaints lodged via the department's website, handwritten complaint form, email or letter.
- Conduct an initial assessment of each complaint.
- Refer allegations of official misconduct, other misconduct, or public interest disclosures immediately to the Team Leader and Principal HR Advisor or the Manager, Employee Relations, Human Resources, for assessment.
- Ensure that information regarding each complaint (other than matters referred to Employee Relations) is recorded in MECS and the complaint is referred to the senior manager of the appropriate division or region for action within one business day of receipt by the Customer Referral Centre.
- Refer matters which are outside the scope of the Complaints Management Policy to the relevant division or region for appropriate action.

Team Leader and Principal HR Advisor, and Manager, Employee Relations, Human Resources:

- Conduct an assessment of allegations of official misconduct, other misconduct, or public interest disclosures.
- Refer suspected official misconduct or public interest disclosures to the Manager, Ethics Unit for appropriate action.
- Refer other misconduct of a serious nature for management by Human Resources.
- Refer misconduct of a less serious nature back to the Customer Referral Centre to be dealt with as a complaint.

Director, Executive and Administration Services:

- Provide quarterly statistical reports on complaints management to senior management.
- Periodically monitor and review the implementation of the complaints management policy and procedure to ensure their effectiveness.

Manager, Administrative Review:

- Act as the liaison between the Queensland Ombudsman's office and departmental staff in relation to complaints referred to the department by the Ombudsman.

5. DEFINITIONS AND GLOSSARY OF TERMS

Complainant - Person or organisation making a complaint.

Complaint - An expression of dissatisfaction made to the department by a customer, client or stakeholder about the service delivery, services, products, decisions or actions of the department or its staff that is **not** resolved at the point of service.

A complaint does not include:

- notifications of possible non-compliance by other organisations or individuals with legislation administered by the department. These matters will be referred to the Compliance and Investigations unit
- allegations of official misconduct in accordance with the *Crime and Misconduct Act 2001*
- public interest disclosures made in accordance with the *Public Interest Disclosure Act 2010*
- grievances and appeals by departmental employees related to their employment with the department, which will be managed in accordance with relevant legislation, directives, and human resources policies and procedures
- complaints subject to any legislative requirements that apply to the management of particular types of decisions and appeals, e.g. objections or appeals under the *Land Valuation Act 2010*, *Vegetation Management Act 1999* or *Sustainable Planning Act 2009*
- legal disputes, which will be handled as a separate process
- matters of government or departmental policy which are unrelated to an individual case
- complaints sent directly to the responsible Minister.

Complaint decision maker – A manager who is assigned responsibility to consider the findings and recommendations provided by a complaint manager and make a determination regarding resolution of a complaint.

Complaint manager – A manager or supervisor who is assigned responsibility to assess and investigate a complaint and recommend an appropriate resolution to the complaint decision maker.

Complaints management system - The policy, procedures, personnel and technology used by the department to receive, record, respond to and report about complaints.

Customer Referral Centre - The Customer Referral Centre located at 400 George Street, Brisbane. The Customer Referral Centre can be contacted via email to: dermcomplaints@derm.qld.gov.au.

Internal reviewer – A senior officer or senior executive service officer (or equivalent level) who has responsibility to conduct an internal review of the department's process and decision regarding a complaint.

MECS – Ministerial and Executive Correspondence System.

Misconduct –

- (a) inappropriate or improper conduct in an official capacity; or
- (b) inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public service.

Natural justice – A fundamental principle of administrative law. For complaints management purposes, natural justice has two main components:

1. The decision maker must not, wholly or partially, base a decision against a person on some adverse information or belief to which the person has not been given a reasonable opportunity to respond.
2. The decision maker must act in an impartial and unbiased manner, and be seen to do so.

Official misconduct – Conduct concerned with the performance of a person's duties that is not honest or impartial, a breach of the trust placed in the person, or a misuse of information or material acquired through the person's position and that could, if proved, be –

- (a) a criminal offence; or
- (b) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or was the holder of an appointment.

Public interest disclosure – In accordance with the *Public Interest Disclosure Act 2010*.

- A public officer may make a disclosure about:
 - (a) the conduct of another person that could, if proved, be -
 - (i) official misconduct; or
 - (ii) maladministration that adversely affects a person's interests in a substantial and specific way; or
 - (b) a substantial misuse of public resources; or
 - (c) a substantial and specific danger to public health or safety; or
 - (d) a substantial and specific danger to the environment.

Any person may make a disclosure about:

- (a) a substantial and specific danger to the health or safety of a person with a disability; or
- (b) a substantial and specific danger to the environment; or
- (c) a reprisal.

6. PROCEDURE

Step 1: Visibility and access

Staff of DERM business centres, publicly accessible offices and the Customer Referral Centre as well as field staff will be provided with information and guidance so that they are able to assist people who wish to lodge a complaint with the department.

Assistance to complainants will include explaining the complaints process and providing information on how to make and lodge a complaint. Additional assistance will be provided to people who are disadvantaged in any way, including by disability, education or language, such as documenting details of the complaint and lodging it on behalf of the complainant if needed.

If the complainant is deaf or has a hearing or speech impairment, they may be referred to the [National Relay Service](#), telephone 133 677 (TTY/Voice) / 1300 555 727 (Speak and Listen (SSR)).

Where English language assistance is required, the complainant will be informed regarding the following options and an interpreter or translator arranged if appropriate:

- Telephone Interpreters - [Translating and Interpreting Service \(TIS\) National](#). TIS National is available 24 hours a day, 7 days a week, and is accessible from anywhere in Australia for the cost of a local call on 131 450.
- Directory of Accredited Practitioners of Translating and Interpreting - [National Accreditation Authority for Translators and Interpreters](#). NAATI Hotline 1300 557 470 within Australia.
- Translators and interpreters can be found in the [Yellow Pages](#).

The department's website has been designed and developed to ensure that its content, including information regarding the complaints process, is available to as many users as possible, including:

- people with disabilities who use assistive technologies
- those with slower internet connections or less than state-of-the-art equipment
- rural and regional users
- those with non-PC internet devices including hand-held devices and mobile phones.

Step 2: Responsiveness

2.1 Identifying complaints

Contact received from the community may involve a query/request for information, service request, complaint or matter referred directly for external review. Figure 1 and the descriptions below outline the nature of these contacts and the actions required.

Figure 1: *Identifying complaints*



Queries/requests for information

Examples of queries or requests for information include enquiries regarding whether camping is allowed at certain locations or how to obtain a land title search. It is possible for a question to rapidly escalate to a complaint. For example, a question such as how long it normally takes to obtain a permit could indicate an underlying problem with an existing application. Further questioning should be undertaken to ascertain if there is a problem and if it can be resolved without escalation.

Service requests

A member of the public may request a departmental service or product, or request the department to take action in accordance with DERM's regulatory responsibilities. Examples include a request to issue a camping permit, assess a development application or investigate illegal vegetation clearing.

Complaints

A complaint occurs when a person or organisation expresses dissatisfaction with the way in which the department has performed any of the abovementioned activities. For example, a complaint might be about information we supplied that was incorrect, how we responded to a service request, or the way in which an officer dealt with a customer.

External review

A person may complain to an external body such as the Queensland Ombudsman if the person remains dissatisfied with the department's response to a complaint or is unaware of the department's internal complaints management process. The Ombudsman investigates complaints about the actions and decisions of Queensland public agencies and their staff that may be unlawful, unreasonable, unfair, improperly discriminatory or otherwise wrong. The Manager, Administrative Review is responsible for coordinating responses to Ombudsman's complaints. These matters are managed in accordance with the Ombudsman's Inquiries and Complaints Procedure.

2.2 Lodging complaints

Complaints can be lodged through a variety of different channels as outlined below. Staff should encourage complainants to provide as much information as possible to assist the department to effectively investigate and resolve the complaint.

Internet

Complaints submitted via the complaint form on the department's website will be forwarded automatically to the Customer Referral Centre located at 400 George Street, Brisbane. An initial web-generated acknowledgement will be sent on successful submission of complaints via the internet.

Telephone

Telephone complaints may be received via the department's general enquiry telephone number – 13 74 68. These telephone calls will be directed to the Customer Referral Centre.

Telephone complaints may also be received at DERM business centres or publicly accessible offices. The staff member receiving the call will inform the complainant of the availability of the complaint form on the department's website, which allows complainants to document a complaint in their own words.

If the complainant wishes to lodge an oral complaint, staff of the Customer Referral Centre, business centre or office will record and submit all details via the complaint form on the department's website. Where oral complaints are recorded by departmental staff, the contents should be read to the complainant to verify the details before submission.

Email/letter

Complaints received by email or letter will be forwarded immediately to the Customer Referral Centre (email to: dermcomplaints@derm.qld.gov.au). Letters must be date stamped to indicate the initial date of receipt by the department.

Face to face

If a complaint is made in person at any DERM business centre or office, the staff member will provide the complainant with the following options:

- Completion and submission of the complaint form on the department's website either by the complainant or the staff member on the complainant's behalf. Where oral complaints are recorded by departmental staff, the contents should be read to the complainant to verify the details before submission and a copy of the automated acknowledgement provided to the complainant.
- Completion of a handwritten complaint form by the complainant. These complaint forms will be forwarded to the Customer Referral Centre.

A staff member in the field who is approached regarding a complaint will provide the complainant with the options outlined above. All field staff should carry or have access to 'contact us' cards listing the department's contact details and complaint forms.

Step 3: Assessment and action

3.1 Customer Referral Centre

When a complaint is received by the Customer Referral Centre, an initial assessment will occur to determine whether the matter is a complaint as defined in the Complaints Management Policy.

Allegations of official misconduct, other misconduct or public interest disclosures will be referred to the Team Leader and Principal HR Advisor or the Manager, Employee Relations, Human Resources, for assessment and action as follows:

- Suspected official misconduct will be referred to the Manager, Ethics Unit for appropriate action. Suspected official misconduct will not be recorded in MECS.
- Other misconduct of a serious nature will be managed by Human Resources. For confidentiality reasons these matters will not be recorded in MECS. Details will be recorded by Human Resources and included in departmental statistical reports on complaints management.
- Misconduct of a less serious nature will be referred back to the Customer Referral Centre to be dealt with as a complaint. These matters will be recorded in MECS using the security classification 'Secret / In confidence' and referred to the appropriate division or region for assessment, resolution and response. The Team Leader and Principal HR Advisor, Employee Relations, Human Resources, will be recorded in MECS as an Information Officer in relation to these matters.
- Public interest disclosures will be referred to the Manager, Ethics Unit for appropriate action. These matters will not be recorded in MECS.

All complaints which identify or potentially identify individual staff in an adverse manner are to be recorded in MECS as 'Secret / In confidence'.

Other matters that are outside the scope of the Complaints Management Policy will not be recorded in MECS as a complaint. However, they will be referred to the relevant division or region for appropriate action.

All complaints that are within the scope of the Complaints Management Policy will be recorded in MECS within **one business day** of receipt by the Customer Referral Centre.

The Customer Referral Centre staff member who records a complaint in MECS will refer the complaint to the appropriate division or region for assessment, resolution and response.

Anonymous complaints will be recorded in MECS and referred to the relevant division or region for appropriate action.

3.2 Division/Region

Complaints will be initially assessed by the responsible division or region in terms of severity, safety implications, complexity and the need and potential for immediate action.

Privacy and confidentiality are to be observed throughout the complaints process and information disclosed only in accordance with the *Information Privacy Act 2009*.

The senior manager of the division or region will designate a complaint manager to be responsible for managing the complaint and a complaint decision maker to consider the findings and recommendations provided by the complaint manager and make a determination regarding resolution of the complaint.

The complaint manager and complaint decision maker will not have been involved in any prior decision or action that resulted in the complaint.

Within **five business days** of receipt of the complaint by the division or region, the complaint manager will undertake a preliminary assessment of the matter. If the matter cannot be resolved within five business days, the complaint manager will contact the complainant to acknowledge the complaint. Complainants may be contacted by their preferred method of contact if indicated, i.e. via telephone, email or letter.

It may be possible for the complaint manager to contact the complainant to explore options for an informal resolution, for example by providing information to the complainant or explaining the relevant legislation. If informal resolution is successful, the complaint manager will record an appropriate comment in MECS and finalise the complaint.

All complaints which cannot be resolved informally will be investigated and remedy options explored. The process will include:

- contacting the complainant to ascertain further information (if necessary)
- identifying relevant legislation, departmental policy and other sources of information
- recording all relevant information obtained during the process
- ensuring that natural justice is applied throughout the process
- ensuring the findings and recommendations are defensible
- providing adequate reasons for decisions
- advising the complainant of the outcome.

If a complaint involves action of an employee which could be a potential disciplinary matter, the matter is to be managed in accordance with the department's Investigation and Discipline Procedure.

Where a complaint is lodged against a third party which provides services or transacts business on behalf of the department, the relevant business unit will liaise directly with the third party and examine options to promptly resolve the complaint, consistent with established contractual arrangements, service standards and applicable legislative provisions.

The progress of the complaint and its resolution and response will be monitored within the division or region to avoid unnecessary delays and ensure that service standards are met.

Circumstances under which a complaint will not be investigated include:

- the department is not the correct agency to address the concern
- the complainant does not have sufficient direct interest in the issue

- the resources required to handle the complaint are disproportionate to the likely outcome
- there is an existing right of appeal or review available to the complainant
- the matter has been previously investigated by the department and all internal review options have been exercised
- the matter is currently being managed, or has already been adequately managed, by an external agency, court or tribunal
- it is impracticable to investigate a matter due to the length of time that has passed since its occurrence
- after assessment, the complaint is determined to be frivolous or vexatious.

Step 4: Feedback

4.1 Responding to complaints

All complaints will be treated with priority and resolved as soon as practicable. The division or region will respond to the complainant within *a maximum of 20 business days* of receipt of the complaint by the department. If a response cannot be provided within this timeframe, the complainant will be updated on the status of the complaint and advised of the anticipated timeframe for response. Any further delays in resolving the complaint and the reasons will also be communicated to the complainant.

In most cases a written response will be provided to the complainant outlining the key findings and recommendations made concerning the complaint. The response must be approved by the complaint decision maker and signed by the decision maker or higher level of management.

The written response will as appropriate:

- explain the process undertaken to investigate the complaint
- examine in detail the issues raised in the complaint
- identify the action/s which could be taken by the department to resolve the complaint
- include the reasons for the proposed resolution action/s
- inform the complainant of the internal review process if appropriate (refer 4.4 below).

Where a verbal response is provided to a complainant, the complaint manager will record an appropriate comment in MECS.

The complaint decision maker will ensure that, where appropriate, staff who are the subject of the complaint or are otherwise involved with or affected by the matter are also informed of the outcome.

4.2 Remedies

When a complaint is considered justified, an appropriate remedy should be determined taking into consideration:

- the available options including any remedies that are provided in relevant legislation
- the outcome sought by the complainant
- the degree of detriment to the complainant.

Possible remedies could include (alone or in combination):

- acknowledgement of an error made
- apology
- change of decision
- change of policy, procedures, practice or product
- compensation or financial assistance
- correction of misleading or incorrect records
- explanation of how and why the problem occurred and what steps the department is taking or has taken to avoid it recurring
- provision of information or technical assistance
- repair/rework
- provision of a substitute product or service
- any other remedy appropriate to the circumstances.

All remedies must be approved by a person with the appropriate level of delegation.

4.3 Documentation

The complaint manager will keep accurate records documenting the investigation in the department's official recordkeeping system.

These records will include:

- correspondence sent and received
- evidence of the process used to consider the complaint
- records of meetings, telephone conversations and interviews

- findings from the investigation
- recommendations and approvals.

The complaint records will be available for internal and external review (subject to information privacy and right to information considerations).

4.4 Internal review

A complaint that has not been resolved to the satisfaction of the complainant may be subject to an internal review in a further attempt to provide a satisfactory resolution. An internal review should be offered to a complainant if it would be reasonable to undertake a review of the matter by another decision maker, or where a specific review mechanism is available under the relevant policy.

Complainants will be advised if any internal review process is available, the position title and contact details of the relevant Executive Management Group member to whom a review request should be sent, and that review requests must be received by the department within **20 business days** of the advice of the decision being sent to the complainant.

The division or region will arrange for an internal review request to be recorded in MECS as a new CTS No. with the Related CTS No. MECS field completed in relation to the original complaint.

The relevant Executive Management Group member will designate an internal reviewer or conduct an internal review of the complaint as considered appropriate. The internal reviewer will be a senior officer or senior executive service officer (or equivalent level).

To promote independence in the internal review process, the internal reviewer should:

- be unbiased and have no conflict of interest in relation to the matter
- have had no previous involvement in the matter
- be more senior than the complaint decision maker
- have the necessary expertise to deal with the matter or be able to access appropriate advice.

The focus of the internal review will be a fresh consideration of the process used to investigate the original complaint and the merits of the original decision, together with consideration of any new information submitted by the complainant or identified by the internal reviewer.

The internal reviewer will:

- assess the request to determine whether it meets the criteria for internal review
- conduct the internal review and advise the complainant of the outcome in writing within **10 business days** of receipt of the review request by the department.

In the response to a complainant following an internal review, the option to have the complaint reviewed by the Queensland Ombudsman will be outlined.

4.5 Unreasonable complainant conduct

Unreasonable complainant conduct may include:

- frequent and lengthy telephone calls, which occupy significant staff time and/or other resources
- frequent letters, emails, faxes or visits seeking resolution to a wide range of issues
- seeking information, advice or resolution from a variety of staff about the same issue
- any contact which involves abusive language used by the complainant.

In these circumstances, the relevant senior executive officer may need to consider the department's duty of care to its staff and the appropriate use of resources and make a decision on a case by case basis regarding limiting the complainant's contact with the department, for example:

- restricting the times and/or frequency for contact
- designating the officer with whom the complainant may have contact, such as a manager
- nominating the acceptable form of contact, for example written communication only.

Decisions regarding limiting contact with the department will be communicated to the complainant in writing by the relevant senior executive officer.

The above actions may also be appropriate where a person continues to contact the department after feedback has been provided regarding the complaint and all avenues of internal review have been exhausted.

Complainant conduct which involves violence or aggression should be managed in accordance with relevant human resources policies and/or procedures.

Step 5: Monitoring effectiveness

MECS will be used to provide senior managers of divisions and regions with information on the effectiveness of the complaints management system, including the number and nature of complaints received and the time taken to resolve complaints. Senior managers will ensure that action is taken to address any adverse issues or trends identified through complaints and continually improve the department's products and service delivery.

Statistical data on complaints, including the number of complaints received and the resolution timeframes, will be included in the department's quarterly performance reports to the Executive Management Group.

7. FORMS

Complaint form (published on DERM website)

8. OTHER RESOURCES AND LINKS

Appendix 1 – Complaints management process flowchart

[Complaints Management Resources \(Queensland Ombudsman\)](#)

9. EFFECTIVE DATE

This procedure applies from date of approval.

10. FURTHER INFORMATION

For further information, please contact the Director, Executive and Administration Services, telephone 3330 5436.

11. STORAGE OF INFORMATION

Documents relating to complaints will be stored in the Ministerial and Executive Correspondence System (MECS) and in the department's official recordkeeping system.

Retention of records will be in accordance with the Queensland State Archives *General Retention and Disposal Schedule for Administrative Records* and the DERM Retention and Disposal Schedule.

12. APPROVAL

New departmental policy and procedure	Amendment to existing departmental policy and procedure
<p>Signed:</p> <p>John Bradley Director-General Department of Environment and Resource Management</p> <p>Date: 21 June 2010</p>	<p>Signed:</p> <p>Danielle Anderson Assistant Director-General, Corporate Services Department of Environment and Resource Management</p> <p>Date: 22 March 2011</p>

Date:

VERSION HISTORY

Date	Action	Description / comments
21 June 2010	Version 1	New DERM procedure
22 March 2011	Version 1.1	Minor changes to definition of matters that are not complaints and procedures for dealing with official misconduct, other misconduct and public interest disclosures.

Appendix 1 – Complaints management process flowchart

