

<b>Policy</b>	Complaints management policy	
<b>Approved by:</b>	Amelia Barker, Acting Director, Corporate and Strategic Services	
<b>Date Effective</b>	25 January 2024	Version 7
<b>Review frequency</b>	2025 (administrative)	2026 (comprehensive)
<b>Application</b>	All Office of the Public Guardian staff (temporary, permanent, contracted, paid or voluntary)	
<b>Related</b>	Code of Conduct for the Queensland Public Service Department of Justice and Attorney-General (DJAG) Public Interest Disclosure Policy <i>Human Rights Act 2019</i> Decision-Making Framework for the performance of the Public Guardian’s functions and powers OPG’s Complaints management practice direction OPG’s Structured Decision-Making Framework <a href="#">Queensland Public Service Customer Complaint Management Framework</a> <a href="#">Queensland Public Service Customer Complaint Management Guideline</a>	
<b>Supersedes</b>	Complaints Management Policy and Procedure (external complaints) 1 January 2020	

## A. Our policy statement

- A1. The Public Guardian is committed to building a positive environment that encourages feedback and complaints through an effective complaints management system that is easy to use, transparent, fair and timely.
- A2. The Office of the Public Guardian (OPG) remains people focused, and respects and values feedback and complaints, from children and young people and adult clients, their families, support networks and the public, as an opportunity to strengthen and improve the delivery of quality services.
- A3. This policy is supported by OPG’s internal Complaints management practice direction and:
  - i. explains how complaints are managed
  - ii. guides staff on the management of complaints
  - iii. identifies opportunities to improve the complaints management system
  - iv. meets our legislative obligations.

## B. What is a complaint under this policy?

- B1. A **complaint** is an expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.
- B2. In simple terms, a complaint is when someone does **not** like something we have or haven’t done, or how they have been treated by us and tells someone about it.
- B3. Anyone who is affected by a decision or action made by OPG can make a complaint and will be supported to do so. To meet privacy and confidentiality obligations, OPG may be limited in what information we can provide in a complaint response.
- B4. This policy covers incoming complaints made to us by clients, their families and support networks, members of the public or anonymously that relate to OPG and our:
  - i. Decision or failure/refusal to make a decision

- ii. Policy or procedure
  - iii. Staff conduct
  - iv. Service delivery.
- B5. A complaint includes a matter raised by or on behalf of members of the public with the Attorney-General (as the minister responsible for the OPG) and Director-General, where OPG has been asked to assist in resolving or responding.

### C. What is our commitment to this policy?

- C1. The Public Guardian is required to assess and address certain types of complaints under specific procedures or timeframes, as outlined below:

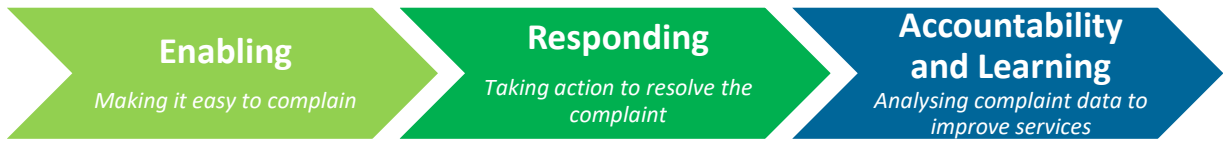
Type of complaint	Managed under this policy and
A complaint assessed as a public interest disclosure under the <i>Public Interest Disclosure Act 2010</i>	Department of Justice and Attorney-General's (DJAG) <a href="#">Public Interest Disclosure Policy</a>
A complaint which is an allegation about 'corrupt' conduct as defined under section 15 of the <i>Crime and Corruption Act 2001</i>	DJAG's <a href="#">Workplace policy</a>
A complaint under the <i>Human Rights Act 2019</i>	Will be considered under OPG's <a href="#">Human Rights Act 2019: Decision-making framework</a> , with a response required within <b>45 working days</b>
A privacy complaint under the <i>Information Privacy Act 2009</i>	DJAG's information privacy: complaints and breaches investigation policy, with a response required within <b>45 working days</b>
A complaint involving unreasonable conduct	Will be investigated in line with the OPG's Managing unreasonable conduct policy
An anonymous complaint	Will be investigated however no response will be able to be provided
Complaints that are received more than 12 months after a complainant was informed or became aware of the subject of the complaint	Will be assessed and considered where exceptional circumstances warrant investigation under OPG's internal Complaints management practice direction

- C2. We are committed to delivering high quality services that reflect OPG's purpose in advocating for our clients' human rights.
- C3. We aim to be responsive in resolving, responding and continuously learning from complaints.
- C4. All OPG staff will actively manage complaints in a way that is consistent with our complaints policy and practice direction, and in line with our guiding principles.

### D. Our guiding principles for managing complaints

- D1. OPG's complaints management principles adhere to:
- functions, obligations and powers under Queensland's guardianship legislation and the United Nations Convention on the Rights of Persons with Disabilities
  - obligations under the *Human Rights Act 2019* which requires all public entities to act and make decisions that are compatible with human rights, and to give proper consideration to human rights before making decisions
  - section 264(1) of the *Public Sector Act 2022* requires government departments and public service offices to establish and implement a system for managing customer complaints that complies with the current Australian/New Zealand standard *Guidelines for complaint management in organisations* (AS/NZS 10002:2022).

OPG is committed to complaints management principles, as detailed below:



### **Enabling—making it easy to complain**

OPG is committed to enabling complaints by:

- Remaining **people focused** and demonstrating a commitment to complaints management
- Ensuring that there is **no detriment** to people who complain, or have a complaint made on their behalf
- Providing **visible** and **transparent** information that is readily available on our website and from our staff about how and where to complain
- Being **accessible** and **free** to everyone, which includes removing barriers and supporting people to complain through a range of different ways. This specifically relates to assisting clients who are children, young people and adults with impaired decision-making capacity to make a complaint.

### **Responding—taking action to resolve the complaint**

OPG is committed to responding to complaints by:

- Being **responsive** and actively managing complaints in a timely way throughout the process
- Assessing and managing complaints in a consistent way that is **equitable, objective, and fair**
- Identifying, considering and protecting **human rights**
- Protecting **privacy** and **confidentiality** when managing a complaint
- Broadly **communicating** the complaints handling process and expectations, and providing clear timeframes, explanations, solutions and options for review when managing a complaint
- Ensuring staff are **empowered** to resolve complaints through complaints management training, resources and support, and their **health and safety** is supported when managing complaints.

### **Accountability and learning—analysing complaint data to improve services**

OPG promotes accountability and learning by:

- Fostering **continuous improvement** and informing complaints management system improvements by seeking feedback and using regularly reported information to identify issues and trends
- Ensuring **accountabilities** about our roles and responsibilities are made clear to staff when managing complaints, and by frequently reviewing our complaints management policy.

## **E. Procedures for managing out of scope matters**

- E1. Some matters are out of scope of this policy and are managed under another policy or procedure.

What is not a complaint	Procedure
An enquiry - when someone is asking a question to get information, or expressing general concern about a situation	Use our <a href="#">contact form</a> , or email <a href="mailto:publicguardian@publicguardian.qld.gov.au">publicguardian@publicguardian.qld.gov.au</a>
Feedback about how good or useful OPG's services have been or suggestions for ways to improve OPG's services	Use our <a href="#">contact form</a> , or email <a href="mailto:publicguardian@publicguardian.qld.gov.au">publicguardian@publicguardian.qld.gov.au</a>
A request for information, Right to Information (RTI) or Information Privacy application	Review the <a href="#">RTI</a> information outlined on our website

## F. Complaints management process

- F1. A complaint can be raised in a number of ways including by phone, email, letter, conversation or online complaint form—details are provided on OPG's website.
- F2. A complaint can be made by a client, their family, support network, member of the public or anonymously.
- F3. OPG operates a three levelled approach to complaints management, as follows:
  - i. Level 1 Early resolution: Local level resolution by staff who use an outcome focused approach
  - ii. Level 2 Internal review: A systematic review of the complaints process and outcome
  - iii. Level 3 External review: An appropriate external body will review the management or outcome of a complaint.
- F4. At each level an assessment is made to determine what outcome you are seeking and the best process to manage your complaint including resolution, escalation, referring or declining a complaint. A written outcome will be provided to all complaints.
- F5. All complaints are acknowledged within **3 business days** and recorded within our database within **1 business day**.
- F6. The complaints management process is outlined broadly to let complainants know what to expect at each level.

<p><b>Level 1: Early resolution</b></p>	<p style="text-align: center;"><i><b>We will listen and work with you to try to answer your complaint</b></i></p> <p><b>WHO</b> All OPG staff</p> <p><b>WHAT</b> We will assist you and try to understand and answer your complaint in the first instance</p> <p><b>WHEN</b> As soon as we can, with an outcome provided to you in writing on most complaints within <b>30 business days</b>. If your complaint includes multiple issues, is complex in nature or involves a privacy or human rights complaint, a more detailed investigation may be required. If this timeframe will not be met, you will be notified and advised on the progress and provided an amended timeframe for a response.</p> <p><b>HOW</b> We will acknowledge your complaint within <b>3 business days</b> and outline our complaints management process and your complaint timeframe and progress</p>
<p><b>Level 2: Internal review</b></p>	<p style="text-align: center;"><i><b>We can do an internal review if you think our response is wrong</b></i></p> <p><b>WHO</b> OPG’s Complaints team</p> <p><b>WHAT</b> If you are dissatisfied with our response in Level 1, you can ask for an internal review within 20 business days from receipt of your complaint response.</p> <p><b>WHEN</b> If your request is accepted, your complaint will be reviewed. This may take up to <b>20 business days</b>. If this timeframe will not be met, you will be notified and advised on the progress and provided an amended timeframe for a response.</p>
<p><b>Level 3: External review</b></p>	<p style="text-align: center;"><i><b>If you are still dissatisfied, you can complain to the Ombudsman</b></i></p> <p><b>WHAT</b> If you are still dissatisfied with our response you can contact the Queensland Ombudsman for an independent external review</p> <p><b>HOW</b> You can go to the <a href="#">Ombudsman’s website</a> or call the Ombudsman on <a href="tel:1800068908">1800 068 908</a></p> <p><b>WHO</b> OPG Complaints team will assist the Ombudsman or other Review agency by responding to their requests for information</p>

## G. Roles and Responsibilities

- G1. The **Business Unit Director** who manages the complaints team is the Complaints Coordinator.
- G2. All OPG staff have a role in handling complaints with specific roles defined in the Complaints management practice direction.

## H. Review and consultation

- H1. The Public Guardian and OPG staff are wholly committed to continuous improvement and will monitor and review complaints management system improvements.
- H2. The Complaints Coordinator will initiate regular reviews about the suitability, adequacy, effectiveness and efficiency of the complaints management system. An evaluation of elements of the complaints management system will include:
  - i. compliance with the Complaints management policy
  - ii. compliance with the Complaints management practice direction including staff training, resources and supports on complaints management
  - iii. accuracy and completeness of complaints recognition, assessment, review and recording
  - iv. time taken to manage complaints and ensuring that complaints outcomes are appropriate
  - v. informing complaints management system improvements by seeking feedback

- vi. regularly reporting to the Senior Leadership Group on types of complaints, issues and trends.

## I. National Principles for Child Safe Organisations

- I1. This Policy considers the National Principles for Child Safe Organisations for children, young people and adults and empowers OPG staff to identify issues and implement improvements to ensure child and adult safety and wellbeing.

## J. Human Rights Act

- J1. This Policy may limit an adult’s human right to privacy and reputation in accordance with the *Human Rights Act 2019*. The decision maker should consider if limiting the adult’s human right is necessary and appropriate to ensure the adult and or other’s safety and wellbeing in providing quality service delivery is therefore reasonable and justified.

## K. Relevant Legislation

- K1. *Crime and Corruption Act 2001*
- K2. *Guardianship and Administration Act 2000*
- K3. *Human Rights Act 2019*
- K4. *Information Privacy Act 2009*
- K5. *Powers of Attorney Act 1998*
- K6. *Public Guardian Act 2014*
- K7. *Public Interest Disclosure Act 2010*
- K8. *Public Sector Ethics Act 1994*
- K9. *Public Sector Act 2022*
- K10. *Right to Information Act 2009*

## L. Definitions

Term	Definition
Anonymous complaint	The identity of the complainant is either not disclosed, cannot be readily ascertained from the OPG’s records, or the complainant requests to remain anonymous.
Complainant	A person, organisation or their representative who is making a complaint
Complaint	An expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.
Complaint management system	Includes complaints management policies, practice direction, database, and OPG staff
Human rights complaint	A complaint by an individual where the individual alleges an act or decision by an agency, which they believe or OPG identifies has breached human rights under the <i>Human Rights Act 2019</i>
Privacy complaint	A complaint where an individual alleges that their privacy has been breached by the agency by not complying with the information privacy principles contained in the <i>Information Privacy Act 2009</i>
Unreasonable conduct	Unreasonable conduct is any behaviour by a person which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the Public Guardian, our staff and clients.

## M. Document information

Revision history	Approved	Date	Changes from Last Version	eDocs #
7	Amelia Barker, Acting Director, Corporate and Strategic Services	25/01/2024	Acknowledgement and response timeframes, terminology has been revised in line with changes to the Public Sector Act 2022.  Policy update to include consideration for National Principles for Child Safe Organisations and <i>Human Rights Act 2019</i> .	5728097
6	Deputy Public Guardian	1/02/2023	Policy revised to consider changes made in the Complaint Standards Australia AS 10002:2022.  The Public Service Act was repealed by the Public Sector Act. Reference to the PSA or sections of the act have been updated.	5728097
5	Deputy Public Guardian	16/02/2022	Consolidation of feedback	5728097
4	Acting Deputy Public Guardian	24/09/2021	Policy revised to consider Queensland Audit Office recommendations	5728097
3a	Acting Public Guardian	23/06/2020	Clarified complaint handling timeframes to clarify that days means calendar days.	4989094 v9
3	Acting Public Guardian	19/12/2019	Policy and procedure combined to form one document. Updated to reflect best practice in complaints handling and to reflect the commencement of the HRA	4989094 v6
2		22/07/2015	Procedure created with establishment of OPG	2737723
1		22/07/2015	Policy created with establishment of OPG	2733385