POLICY	COMPLAINTS MANAGEMENT POLICY	
Date Effective	22 July 2015	*Review: 22 July 2016*
Application	All OPG staff	

1. Policy objectives

The objectives of the complaint management policy (and procedure) are to:

- improve the capacity of staff to manage and resolve client complaints in a fair, efficient and consistent manner
- promote community confidence in the Office of the Public Guardian's commitment to service delivery and effective complaint handling
- identify opportunities to improve performance through the collection and analysis of complaint information
- provide a single framework for all staff within the Office of the Public Guardian.

2. Introduction

The Office of the Public Guardian is committed to delivering quality services that are responsive to the needs of our community. This includes building an organisational culture that recognises the benefits of effective complaint handling.

Client and stakeholder complaints can be a valuable source of feedback and an important tool for business and staff development. Diligent and prompt attention to complaints can help us identify the needs of our clients and stakeholders, understand our business shortcomings, increase client satisfaction and improve overall performance.

Before a complainant is advised of the formal complaint process the Public Guardian encourages staff to, discuss the issue or concern in person or by telephone with the complainant (where the issues or concern is raised verbally). Not only is this the most efficient way to resolve a problem but it is also the most service-focused option. Full details of such discussions must be recorded in OPG records.

Only when this process is unsuccessful in resolving an issue or concern to the satisfaction of the client should a formal complaint process be considered. The formal complaint process will be considered where a complaint is received in writing.

3. Policy Statement

The Office of the Public Guardian's Complaint Management Policy and Procedures are underpinned by the following principles:

Principles	What this means in OPG
Visibility and access	• Information and assistance is available on OPG's website and at frontline service locations about how to lodge a complaint, what information is required and how complaints are managed. • A complaint can be made in person, on the phone or in writing to any staff member. • OPG provides assistance to clients to make a complaint if you are a child, from a non-English speaking background or have a disability. • The complaint process is child-friendly.
Responsiveness	• Complaints are responded to fairly, reasonably and in a timely way. • When a complaint is received from a child or young person an assurance is

Principles	What this means in OPG
	provided that their complaint will be taken seriously.
	• All complaints made in writing must be acknowledged in writing within 2 working days by the Complaints Manager.
	• All staff are aware of the policy and procedures available on OPG's website.
	• Complaints are recorded and tracked, timeframes for resolution are monitored and complainants are entitled to reasonable progress reports.
	• Anonymous complaints are treated like any other complaint, but are unable to be provided with feedback or information about the outcome.
	• Complaints are taken seriously and are handled fairly and objectively.
	• Complaints are assessed and categorised on nominated criteria.
	• Personal information is managed in line with the *Information Privacy Act 2009*.
Assessment and action	• Complaint information is treated confidentially.
	• Having regard for all other principles, OPG may refuse to deal with a complaint if it is considered to be abusive, trivial, or vexatious.
	• The principles of natural justice are applied and avenues for review are provided to all parties.
	• Adequate resources, including trained staff, are available to manage complaints.
	• All complainants must be provided with timely and adequate information regarding the outcome of their complaint and the reasons why.
Feedback	• 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.
	• Potential service improvements revealed by complaints are identified by the area responsible and reported to the DJAG Board of Management for reference.
	• The policy and procedures are reviewed annually to ensure relevance and effectiveness.
Monitoring effectiveness and reporting	• Mechanisms are in place to gather and record information to meet reporting requirements, including identifying complaint trends, monitor the time taken to resolve complaints and identify potential business improvements.
	• OPG has receiving officers, complaint officers and complaints manager. All OPG officers are receiving officers.
Resources and training	• All OPG staff receive mandatory general complaint training (including on privacy and RTI) and refresh this training annually.
	• Appropriate procedures and other resources are available to ensure the maximum effectiveness of the OPG complaints management system.
	• Appropriate remedies that are fair to both the complainant and OPG are offered. Complainants are able to request a remedy that is considered as the first option.
Remedies	• Informal resolution is attempted wherever possible.
	• Similar remedies are offered to all persons in a similar situation.

4. What is a complaint?

For the purpose of this policy, a complaint is defined as **an expression of dissatisfaction about OPG staff conduct, a service, procedure, practice or policy that is NOT resolved at the point of service.**

5. Application/scope

This Complaint Management Policy applies to all staff in the Office of the Public Guardian and covers complaints about the OPG irrespective of source. This Policy does not cover complaints about:

- judicial or tribunal decisions
- decisions made by an officer of the Public Guardian in the course of their duty (eg. guardianship decisions) (refer OPG Merit Review policy). .
- allegations against employees involving suspected misconduct, including official misconduct, maladministration, public interest disclosures or whistleblowing
- denied RTI (right to information) applications
- breaches of privacy.

Information about dealing with these types of complaints can be found in the complaints section on the DJAG website.

Ministerial correspondence

Complaints received by ministerial correspondence or contact are recorded as a complaint under this policy. However, standard ministerial response times and processes will apply.

Child friendly complaints

The Child Protection Commission of Inquiry (CPCOI) delivered a Report on 1 July 2013 which contained 121 recommendations, two relating to complaints. The recommendations which were accepted by Government are as follows:

12.9
Complaints about departmental actions or inactions, which are currently directed to the Children's Commission, be investigated by the relevant department through its accredited complaints management process, with oversight by the Ombudsman.

12.10
Each department with responsibility for child protection improve public confidence in their responsiveness to complaints by:
- *regularly surveying complainants*
- *publishing a complaints report annually*
- *working with the Child Guardian to provide child friendly complaints processes.*

Though the implementation of recommendations 12.9 and 12.10 the definitions/scope below has been determined.

The definition of a complaint is that which relates to a service provided, or required to be provided, to a child:

a) while the child is in the child safety system (includes early intervention and tertiary system); or
b) while the child is subject to a conditional release order, supervised release order, intensive supervision order, community service order or probation order under the *Youth Justice Act 1992*; or
c) while the child is in detention under the *Youth Justice Act 1992* or the *Bail Act 1980*; or
d) while the person is aged 17 years of age, but not more than 18 years of age, subject to imprisonment, probation order, parole order, a fine option order, intensive corrections order or community service order under the *Corrective Services Act 2006* or *Penalties and Sentences Act 1992*; or
e) in the course of a program or service established under the *Youth Justice Act 1992*, section 302.

In relation to:

a) that a service provider has not provided, or is not providing, a service to a child or children that the service provider is required to provide; or
b) that a service provider has provided, or is providing, a service to a child or children in a way that is contrary to the rights, interests or wellbeing of the child or children.

The complaint may be made by:
a) a child to whom the complaint relates; or
b) any person (including a member of an advocacy entity or another child) acting for, and in the interests of, a child or children to whom the complaint relates.

6. Privacy

The Queensland Government protects privacy through the *Information Privacy Act 2009*. The Act sets out rules for the proper handling of personal information, including how it is collected, stored, secured, accessed, amended, used and disclosed.

If a Complainant believes their personal information, or the personal information of a third party, has not been managed in line with one or more of these principles they can lodge a complaint under this policy. However, complaints of this nature should be referred to the Director, Right to Information and Privacy Unit, Department of Justice and Attorney-General.

7. Misconduct

Complaints about suspected misconduct, including official misconduct or breaches of the code of conduct, are not covered by this policy and should be immediately referred to the Public Guardian and then if necessary to the Director of the Ethical Standards Unit, who is the Director-General's delegate and Department's Crime and Corruption Commission Liaison Officer (ethicalstandards@justice.qld.gov.au).

8. Unreasonable Complainant conduct

The Office of the Public Guardian may refuse to investigate a complaint if it is considered to be trivial, frivolous or if the complainant's conduct is unreasonable. This decision is at the discretion of the Manager, Corporate, with the approval of the Public Guardian.

9. Complaint Categories

Complaints should be categorised by complexity and issue.

9.1 Complexity

- **Standard complaints** usually involve a single issue or concern. Standard complaints do not require the level of detailed investigation as other complaints and can often be resolved by reviewing an action or activity.

- **Complex complaints** may require detailed or lengthy investigation. Complex complaints may involve multiple issues, parties or business units. In some instances, a formal investigation or an internal review may be necessary.

9.2 Issue

For recording and tracking purposes, complaints should also be categorised by issue. If a complaint falls into more than one category, the Complaint Officer must determine which category is most accurate. The complaint categories are:

- service delivery - a complaint relating to how a service is provided including timeliness, quality or cost of the service.
- staff conduct (not including human resource grievances) - a complaint about the behaviour of a staff member when providing a service.
- policy/procedure - a complaint about the process followed to provide a service.

10. Lodging a Complaint

Complainants should submit their complaint in writing. In instances where this is not possible, the Complainant should be referred to the Complaints Manager to create a formal record of the complaint by completing a Complaints form.

Complaints can otherwise be received by any employee of the department. An employee who accepts a complaint from a Complainant shall be known as the Receiving Officer.

OPG staff receiving complaints must ensure the oral and written language used is child friendly and age appropriate. The Communications team can provide direction on the suitability of language styles for different age groups.

If a complaint is received by OPG with respect to a service delivered by another organisation, OPG may have a role in supporting the complainant to lodge his complaint with the other organisation.

11. Timeframes

The timeframes outlined in this policy are sufficient to encompass the needs of the Office of the Public Guardian.

Classification	Description	Timeframe
Standard	A complaint that usually has only one single issue or concern.	Resolved within 14 working days
Complex	A complaint that has multiple issues and/or is serious in nature and usually requires an extensive investigation.	Resolved within 30 working days

Extensions beyond these times are to be negotiated with and approved by the Public Guardian. The Complainant is to be immediately notified of the extended timeframe and the reason for the extension. Regular progress reports should be provided to the Complaints Manager and the Complainant during lengthy investigations.

12. Reporting

Aggregate complaint data will be included in the annual report of the Office of the Public Guardian and the Department of Justice and Attorney General. The Office of the Public Guardian will provide a quarterly report to the Corporate Governance Branch every January, April, July and October. This will highlight the performance of the Complaint Management System over the previous three months. At a minimum, the report will include:

- name of business unit
- number of complaints received during the reporting period by category
- number of extensions granted during the reporting period
- number of complaints resolved during the reporting period, and
- significant service improvements (if any) implemented as a result of the CMS.

Complaints will be recorded according to the following categories detailed in 9.2.

The Office of the Public Guardian will maintain a Complaint Register, which will underpin the reporting process. This Register will be forwarded to DJAG Corporate Governance unit at the end of each quarter. The Corporate Governance unit will collate the complaints data and provide a

report to the Board of Management through the quarterly reporting process. Further information about the Complaint Register is available in the Complaint Management Procedures.

The Department of Justice and Attorney-General is required to report annually on complaints as defined in section 5 under the heading "Child friendly complaints". The DJAG Corporate Governance unit will take responsibility for meeting this reporting obligation.

13. External Investigators

The Public Guardian has the discretion to appoint an external investigator if:

- the matter is outside their area of expertise or delegation;
- if the Complainant requests it; or
- if there may be a conflict of interest.

There is more information about External Investigators and relevant information concerning the *Information Privacy Act* 2009 in the *JAG Complaints Management Policy* available at:

http://intranet.justice.govnet.qld.gov.au/__data/assets/pdf_file/0018/140724/Client-complaint-management-policy.pdf

14. Complaint Appeal Process

Internal review

The Public Guardian will make the decision about whether an internal review will be initiated. An internal review is where an internal review officer re-considers or reviews a complaint, decision or outcome. This officer may or may not be within OPG and is usually more senior than the original decision-maker, but must not have been involved in the initial complaint investigation. The internal review officer is chosen by the Public Guardian, and must be trained in managing complaints. Internal reviews may also be conducted voluntarily, for example a manager may wish a second staff member review a complex complaint.

If complainants request a review, they should clearly state in writing the details of what specific aspects they disagree with and why they think the matter should be reviewed. The Public Guardian may arrange for an internal review to be conducted, or may decide to appoint an external reviewer.

A staff member, against who a complaint has been received about their conduct, may request an internal review of the initial complaint investigation, decision or outcome. The Public Guardian will nominate the internal review officer.

Internal reviews must be completed within 30 days of the review request being received, and reviewers must record their findings and reasons in the complaint file and register. Public Guardian approval is required if a review extension is sought.

This section excludes reviews of guardianship decisions (refer section 5).

External review

If complainants are not satisfied with an internal review, they can request an external review. An external review officer similarly re-considers a complaint, decision or outcome. The difference is that the officer must be from outside OPG. They are usually more senior than the original decision-maker and must not have been involved in the initial complaint investigation or internal review. The external review officer must be appointed by a senior executive (Assistant or Deputy Director-General, or Director-General) to deal with complaints that cannot be resolved in the business area.

If the complaint is directly about the Public Guardian, and there is sufficient merit for the complaint, the complaint will be subject to external review. The external review officer or organisation must be appointed by a senior executive (Assistant or Deputy Director-General, or Director-General).

An external review may be conducted by an external organisation such as the Queensland Ombudsman, Public Service Commission, Information Privacy Commissioner, or other organisation related to the complaint. If the complainant requests an external organisation to undertake the review, the complaint should be referred at the complainant's request, or be provided with the relevant contact details.

For more information about independent complaint agencies, please see http://www.complaints.qld.gov.au/.

15. Other Complaints

Some complaints need to be treated differently, so it is important that you clearly identify if one of the categories below applies to the complaint.

Public Interest Disclosures

Under section 12 of the *Public Interest Disclosure Act 2010,* anyone can make a public interest disclosure (PID) if they have information about serious matters such as specific offences, public health and safety and reprisals. Most PIDs are made by public servants complaining about corruption, maladministration, substantial misuse of public resources, substantial dangers to the environment or public health and safety. The manager of the receiving area must refer these complaints to the Public Guardian.

Fraud or corruption

OPG takes fraud and corruption complaints very seriously. For this reason, DJAG's Ethical Standards Unit deals with these complaints. Allegations against employees involving suspected corruption or fraud must be reported to Ethical Standards, through the manager responsible for the area that receives the complaint. When such complaints are received by OPG we will automatically ensure that it is sent to the DJAG Ethical Standards Unit which will investigate independently.

Unreasonable complaints

An unreasonable complaint is one that is seen as trivial, untrue, misleading or where complainants refuse to co-operate with OPG's efforts to investigate. Unreasonable complaints can also be seen as being intended to abuse, harass, annoy, delay or cause detriment to OPG or its staff. OPG may refuse to investigate a complaint if it is considered to be unreasonable, although we will still consider the issues raised. Other actions may be taken to address problems.

These decisions are made by the manager in the area being complained about. If a complaint is considered unreasonable, the complainant must be formally advised (in writing, if these details are provided) that the department is not proceeding with the complaint.

Staff also have the right to refuse to deal with complainants who display abusive or aggressive behaviours. Violence or assault may also be referred to security staff or police if required.

16. Surveying Complainants

Complainants as defined in section 5 under the heading "Child friendly complaints" will be surveyed (after a complaint has been responded to by OPG) to determine satisfaction with the end-to-end complaint process.

17. Definitions

Complainant	Any person who lodges a complaint with the Office of the Public Guardian.
Complaint Officer	Any employee appointed by the Public Guardian or Complaints Manager to resolve a complaint, usually the Regional Manager.
Complaints Manager	A line manager or other senior employee appointed by the Public Guardian to oversee the Complaints Management System.
Formal Investigation	Appointment of an Investigation Officer by the Director-General, Deputy Directors-General and/or Assistant Directors-General to resolve an issue that cannot be resolved by the Office of the Public Guardian.
Internal Review Officer	A person appointed by the Public Guardian to undertake an internal review.
Receiving Officer	Any employee who accepts a complaint from a Complainant.
Record of Complaint	The documented record of a complaint received orally.
Unreasonable Complainant Conduct	Conduct which is unreasonable proportioned to the Complainant's complaint or wrong or loss they may have suffered. Also includes complaints which are intended to harass, annoy, delay or cause detriment. A Complainant's conduct may be considered unreasonable when it raises any of the following issues to levels that cannot be ignored: safety, health, resource and equity issues.

18. References

The following laws, policies and information are linked to this policy:

- Department of Justice and Attorney-General: Client Complaint Management Policy
- *Australian/New Zealand Standard (AS/NZS) 10002:2014 Guidelines for complaint management in organizations*
- Queensland *Public Service Act 2008*
- Queensland *Information Privacy Act 2009*
- Queensland Ombudsman: *Effective Complaints Management Fact Sheets* 1-16
- Queensland Ombudsman: *Guide to Developing Effective Complaints Management Policies and Procedures* (2006)
- *Code of Conduct for the Queensland Public Service* (2011)
- Department of Justice and Attorney-General: *Workplace Policy.*