

Policy	Complaints management policy	
Approved by:	Acting Deputy Public Guardian	Name: Amelia Barker
Date Effective	23 September 2021	Version 1
Review frequency	2023 (administrative)	2026 (comprehensive)
Application	All Office of the Public Guardian staff (temporary, permanent, contracted, paid or voluntary)	
Related	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	
Supersedes	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 our 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, that requires a resolution or response.
- 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 unhappy about a decision or action undertaken by OPG can make a complaint and will be supported to do so. 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.
- B4. 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. Different procedures for managing out of scope matters

- C1. 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 contact form , or email publicguardian@publicguardian.qld.gov.au
Feedback about how good or useful OPG's services have been or suggestions for ways to improve its services	Use our contact form , or email publicguardian@publicguardian.qld.gov.au
A request for information, Right to Information (RTI) or Information Privacy application	Review the RTI information outlined on our website

- C2. The Public Guardian is required to assess and address certain types of complaints under specific procedures. The Complaints coordinator will assess the complaint 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) Public Interest Disclosure Policy
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 Workplace policy
A complaint under the <i>Human Rights Act 2019</i>	OPG's Human Rights Act 2019: Decision-making framework with a response required within 45 working days
A complaint involving unreasonable complainant conduct	Will be investigated in line with the OPG's Managing unreasonable complainant conduct policy <under development>
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 the OPG's internal Complaints management practice direction

D. What is our commitment to this policy?

- D1. We are committed to delivering high-quality services that reflect the OPG's purpose in advocating for our clients' human rights.

- D2. We aim to be responsive in resolving, responding and continuously learning from complaints.
- D3. Collectively, 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.

E. Complaints management process

- E1. OPG operates a three-tiered approach to complaints management, as follows:
 - i. Tier 1 Early resolution: Local level resolution by staff who use an outcome focused approach
 - ii. Tier 2 Internal review: A systematic review of the complaints process and outcome
 - iii. Tier 3 External review: An appropriate external body will review the management or outcome of a complaint.
- E2. At each tier an assessment is made to determine the best process to manage your complaint including resolution, escalation, referring or declining a complaint.
- E3. All complaints are acknowledged within **5 working days** and recorded within our database.
- E4. The complaints management process is outlined broadly to let you know what to expect at each tier.

Tier 1: Early resolution	<p style="text-align: center;"><i>We will listen and work with you to try to answer your complaint</i></p> <p>WHO All OPG staff</p> <p>WHAT We will assist you and try to understand and answer your complaint in the first instance</p> <p>WHEN As soon as we can, with most complaints answered within 30 working days If there is a lot of information to review an answer may take at least 70 working days If there is a longer delay we will let you know</p> <p>HOW We will acknowledge your complaint within 5 working days and outline our complaints management process and your complaint timeframe and progress</p>
Tier 2: Internal review	<p style="text-align: center;"><i>We can do an internal review if you disagree with the response we provide</i></p> <p>WHO OPG’s Complaints team</p> <p>WHAT If you are not happy with our response you can ask for an internal review</p> <p>WHEN Your complaint will be reviewed and will take at least 70 working days</p> <p>HOW We will assign a senior staff member to review your complaint to see if our process and response we gave you was fair and reasonable</p>
Tier 3: External review	<p style="text-align: center;"><i>If you are still unhappy, you can complain to the Ombudsman</i></p> <p>WHAT If you are still not happy with our response you can contact the Queensland Ombudsman for an independent external review</p> <p>HOW You can go to the Ombudsman’s website or call the Ombudsman on 1800 068 908</p> <p>WHO OPG Complaints team will assist the Ombudsman or other agency by responding to their requests for information</p>

F. Roles and Responsibilities

- F1. The Director, Legal Services and Investigations is the Complaints coordinator, as supported by the Complaints team.
- F2. All OPG staff have a role in handling complaints with specific roles defined in the internal Complaints management practice direction.

G. Our guiding principles for managing complaints

- G1. The OPG’s complaints management principles adhere to:
 - the functions, obligations and powers under Queensland’s guardianship legislation and the United 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 compatibly with human rights, and to give proper consideration to human rights before making decisions
 - section 219A *Public Service Act 2008* which requires government department 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 10002:2014)*.

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 and everyone involved 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 that 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.

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 as to 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 the complaints outcomes are appropriate
 - v. informing complaints management system improvements by seeking feedback
 - vi. regularly reporting to the Senior Leadership Group on the types of complaints, issues and trends.

I. Relevant Legislation

11. *Crime and Corruption Act 2001*
12. *Guardianship and Administration Act 2000*
13. *Human Rights Act 2019*
14. *Information Privacy Act 2009*
15. *Powers of Attorney Act 1998*
16. *Public Guardian Act 2014*
17. *Public Interest Disclosure Act 2010*
18. *Public Sector Ethics Act 1994*
19. *Public Service Act 2008*
110. *Right to Information Act 2009*

J. Definitions

Term	Definition
Anonymous complaint	The identity of the complainant is not disclosed and cannot be readily ascertained from the OPG's records
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, that requires a resolution or response.
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 not complying with the information privacy principles contained in the <i>Information Privacy Act 2009</i>
Unreasonable complainant conduct	Unreasonable conduct by a complainant is any conduct which raises substantial health, safety, resource or equity issues for the Public Guardian, our staff and clients. This conduct occurs where the complainant evidences no genuine intention to receive and process our response to the complaint, or the reasons for our response.

K. Document information

Revision history	Approved	Date	Changes from Last Version	eDocs #
4	Amelia Barker Acting Deputy Public Guardian	24/09/2021	Policy revised to consider Queensland Audit Office recommendations	5728097
3a	Shayna Smith Acting Public Guardian	23/06/2020	Clarified complaint handling timeframes to clarify that days means calendar days.	4989094 v9
3	Shayna Smith 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