

Complaints management system (CMS) and internal review policy

1. Policy statement

The Queensland Ombudsman's Office (the Office) is committed to effective complaints management by managing complaints about its functions in an accountable, transparent, timely and fair manner. The Office recognises that effective complaints management is good business practice and integral to good client service.

The Office takes seriously all complaints about its functions by:

- accepting complaints that are made either orally or in writing
- taking a complainant-focused approach to how the Office deals with complaints
- actively encouraging feedback
- using information about complaints to improve the delivery of the Office's functions
- offering a robust process for the internal review of decisions or actions concerning the assessment and/or investigation of a complaint to the Office made about agencies.

The objectives of this policy are to ensure:

- fair, accountable, transparent and responsive management of complaints about the Ombudsman's functions
- identification and correction of errors or omissions
- effective monitoring of complaints; and
- identification and implementation of business improvement opportunities.

2. Principles

The complaint management principles underlying this policy reflect the [Australian/New Zealand Standard - Guidelines for complaints management in organizations \(AS/NZS 10002-2014\)](#), [s.219A of the Public Service Act 2008](#) and [Human Rights Act 2019](#).

The Human Rights Act requires all government agencies in Queensland to act compatibly with human rights and to consider human rights before making a decision.

The Office is committed to the following complaints management principles:

- free and readily accessible complaints process for all persons regardless of background and circumstances
- readily available information about where to lodge a complaint and how to make a complaint
- readily available information on how complaints will be managed

- reasonable assistance to people who wish to make complaints
- clear explanations about what the Office can and cannot do
- informing staff of the existence and operation of the complaints management process
- responding to complaints in a timely manner
- monitoring timeframes for resolution of complaints
- communicating with parties about the progress of resolution
- enabling complaints to be dealt with fairly and objectively
- assessing the nature of complaints, including the identification and consideration of all relevant human rights, how complaints should be dealt with and by whom
- referring complaints to external agencies, where required
- providing complainants and staff with timely feedback
- providing a clear explanation of the final decision and any recommendations
- readily available information about available review mechanisms
- protection of privacy and confidentiality
- providing feedback to relevant areas of the Office where potential system improvements are identified
- meeting any statutory, policy or procedural reporting requirements
- identifying complaint trends
- monitoring the time taken to resolve complaints
- ensuring complainants do not suffer any reprisals or detriment (e.g. poor future service) for making a complaint.

3. Application/Scope

This policy and associated procedures apply to all permanent and temporary employees of the Office as well as contractors, employment agency staff, sub-contractors, complainants, work experience students and volunteers (who are defined as workers in the *Work Health and Safety Act 2011*) while working in the workplace.

This policy applies to complaints about any of this Office's functions, including service delivery complaints and internal review requests, subject to the exclusions set out below.

The Ombudsman's website has further information [about making a complaint](#) about the Ombudsman.

3.1 Service delivery complaints

Service delivery complaints are about any aspect of service or a product provided by the Office or the conduct of an officer.

3.2 Internal review requests

Internal review requests are about the outcome of an assessment or an investigation undertaken by this Office.

3.3 Exclusions

Complaints excluded from the scope of this policy:

Type of complaint

Procedure for managing complaint

Type of complaint	Procedure for managing complaint
Actions or decisions of agencies within the jurisdiction of the Office (i.e. the Ombudsman's statutory functions)	Usual Office processes for managing complaints under the <i>Ombudsman Act 2001</i>
Complaints that may amount to public interest disclosures under the <i>Public Interest Disclosure Act 2010</i>	<p><i>Public Interest Disclosure Act 2010</i>, in conjunction with the <i>Ombudsman Act 2001</i></p> <p>Public Interest Disclosure Procedure 2019 Public Interest Disclosure Standard No. 2/2019 - Assessing, Investigating and Dealing with Public Interest Disclosures Operational Instruction 12 - Public Interest Disclosures</p>
Complaints where there is a reasonable suspicion of corrupt conduct under the <i>Crime and Corruption Act 2001</i>	Referral to the Crime and Corruption Commission in accordance with the <i>Crime and Corruption Act 2001</i>
Internal staff complaints about an area of the Office or a particular officer	Managing Employee Complaints Policy and Procedure

4. Complaints management model

The Office's complaints management model includes three stages - frontline, internal review and external review. Complaints will be managed in accordance with the Office's [complaints management procedures](#).

All internal review requests will be handled in accordance with the [Internal review procedure](#) and a review undertaken by an authorised review officer where this is warranted.

All service delivery complaints will be handled in accordance with the [service delivery complaints procedure](#).

5. Policy elements

The Office's complaints management model reflects the following elements:

Visibility and access

- Any person with a sufficient direct interest in a matter can make a complaint under this policy.
- A person may complain on behalf of another person provided they are authorised to do so.
- Information regarding where and how to lodge a complaint and how complaints will be managed is available on the Office's website and at the Office.
- Information on making a review request relating to service delivery or decisions is available on the Office's website.
- Complaints may be made verbally or in writing. The Office may require a complainant who has made a verbal complaint to put their complaint in writing.
- Reasonable assistance will be provided to any client upon request, including persons with any disability or those from culturally and linguistically diverse backgrounds.

- Complaints may be made anonymously.

Responsiveness

- Staff will receive training in this policy and associated procedures and the operation of the complaints process at induction and on an annual basis thereafter.
- Complaints will be acknowledged and responded to in a timely manner.
- Staff will communicate with complainants at appropriate intervals about progress of their complaint.
- Timeframes for finalising both service delivery complaints and internal review requests are set out in the service delivery complaints procedure and the internal review requests procedure.

Assessment and action

- Complaints will be handled in a fair and objective manner and in accordance with the requirements of the Human Rights Act.
- Complaints will be assessed and actioned in accordance with this policy, the Service delivery complaints procedure and the Internal review procedure.
- Requests for internal reviews will be actioned in accordance with this policy, the Service delivery complaints procedure and the Internal review procedure.
- Reviews will be conducted by the nominated authorised review officer.
- If a complaint is identified as falling outside the scope of the policy, this will be discussed with the complainant and the complaint will be referred and handled under an appropriate procedure (see section 3.3 of this policy).
- Complaints assessed as unsuitable for handling by the Office will be referred to an appropriate external agency with the consent of the complainant.

Managing unreasonable conduct

- All complainants will be treated with fairness and respect.
- In the absence of very good reasons to the contrary, all complainants will have a right to attend the Office. Unreasonable conduct does not preclude there being a valid complaint issue.
- All complaints will be considered on their merits.
- The substance of a complaint dictates the level of resources dedicated to it, not a complainant's demands or behaviour.

(For further information, see - *Managing Unreasonable Complainant Conduct Practice Manual 2nd Edition*, New South Wales Ombudsman, May 2012).

Feedback

- Communication will be provided to complainants at appropriate intervals during the handling of the complaint.
- Outcomes from the consideration of the complaint will be communicated to complainants at the earliest opportunity.
- Appropriate remedies are to be offered that are fair to both the complainant and the Office.
- Complainants will be referred to available review mechanisms where dissatisfied with service delivery or decisions.
- Complaint outcomes, systemic improvements and actions requiring attention following the consideration of a complaint will be communicated to relevant units or employees in a timely manner.

Recording and reporting

- All complaints will be properly recorded (see section 12 for details of relevant procedure).
- Information concerning service delivery complaints and internal review requests is to be reported in the annual report.

Monitoring effectiveness

- The Deputy Ombudsman is responsible for implementing and meeting policy and procedural complaints reporting

requirements.

- Complaint trends and systemic issues will be provided to the Ombudsman Management Group on a six monthly basis to align with half-yearly and end of year reporting, and used to inform the continuous improvement process within the Office.
- An audit of compliance with this policy should be undertaken annually as part of the annual report process.
- The operation of this policy and the associated procedures will be reviewed every two years.

6. Procedures

Related procedures to be read in conjunction with this policy are:

- Service delivery complaints procedure
- Internal review requests procedure.

7. Roles and responsibilities

7.1 Deputy Ombudsman

- Review service delivery complaints as appropriate
- Conduct internal review requests or allocate to a senior officer
- Provide six-monthly report to Ombudsman Management Group
- Conduct annual review of compliance with the policy and associated procedures
- Review policy and procedures at least every two years

7.2 Senior officers

- Manage and respond to service delivery complaints as appropriate and in accordance with the Service delivery complaints procedure
- Conduct internal review requests as requested and in accordance with the Internal review requests procedure
- Ensure records are kept in the relevant recordkeeping system

7.3 Employees

- Receive and handle complaints about service delivery or internal review requests as per procedures
- Ensure records are kept in the relevant recordkeeping system

7.4 Executive Coordinator

- Maintain service delivery register

7.5 Senior Human Resources Officer

- Ensure CMS and internal review policy and procedures are included in induction process
- Ensure two-yearly training on CMS and internal review policy and procedures is arranged for all staff.

8. Authority

- Australian/New Zealand Standard – Guidelines for complaints management in organizations (AS/NZS 10002-2014)
- Public Service Act 2008, s.219A

9. Definitions

authorised review officer	The employee nominated by the Deputy Ombudsman to conduct an internal review in accordance with the Internal review requests procedure.
internal review request	An expression of dissatisfaction about a decision made or action taken by the Ombudsman in relation to the assessment or investigation of a complaint about an agency.
serious service delivery complaint	A service delivery complaint which is significant/complex with medium or high level of risk/detriment to the complainant or the Office. Examples include complaints about significant delays, a challenge to the conduct or competency of the officer, or serious communication difficulties.
service delivery complaint	An expression of dissatisfaction about any aspect of this Office's services or the conduct of employees.
straightforward service delivery complaint	A service delivery complaint which is likely to have minimal risk or detriment to the complainant or the Office. Examples include complaints about incorrectly addressed correspondence, minor delays or minor communication difficulties.

10. Related documents/policy/procedure/legislation

- [Service delivery complaints procedure](#)
- [Internal review requests procedure](#)
- [Make a complaint about the Queensland Ombudsman](#)
- [Ombudsman Act 2001](#)
- [Australian/New Zealand Standard - Guidelines for complaints management in organizations \(AS/NZS 10002-2014\)](#)
- [Public Service Act 2008](#)
- [Human Rights Act 2019](#)
- [Queensland Ombudsman Client Service Charter](#)