

Service delivery complaints procedure

1. Application/scope

This procedure is to be read in conjunction with the Office's complaints management system (CMS) and internal review policy and internal review requests procedure.

The purpose of this procedure is to provide guidance to employees in their handling of service delivery complaints.

2. What is a service delivery complaint?

A service delivery complaint is an expression of dissatisfaction about any aspect of this Office's services or the conduct of employees. Examples of service delivery complaints are complaints about delays, employee conduct, communication and responsiveness.

However, not every expression of dissatisfaction needs to be handled as a service delivery complaint. Two exceptions are detailed below.

Exceptions

- ***Where the complaint does not meet the threshold of a service delivery complaint***

There are times when a complainant may respond adversely when provided with information that they do not agree with or accept. A response of dissatisfaction that is immediate, of a venting nature, and/or non-specific may not amount to a service delivery complaint and does not have to be managed under this procedure. Examples include a verbal outburst directed towards an officer from a complainant when informed that this Office cannot be of assistance or general comments from a complainant such as 'you don't know what you're talking about' or 'you're useless'.

- ***Where the complaint specifically relates to the outcome of an assessment or investigation***

Where a complainant disputes the outcome of an assessment or investigation then the internal review requests procedure is to be applied.

3. What should a service delivery complaint include?

Complainants wishing to make a service delivery complaint should include:

- name, address, email and telephone number (or a complaint may be made anonymously)
- previous case reference number (if applicable)
- a concise summary of the nature of complaint (e.g. why/how the service provided was deficient)
- name/s of officers involved

- the outcome being sought.

4. How should a service delivery complaint be made?

Service delivery complaints must be made in writing via:

- email to ombudsman@ombudsman.qld.gov.au with Service Delivery Complaint in the subject
- mail to Office of the Queensland Ombudsman, GPO Box 3314, Brisbane, Qld 4001

However, if a complainant is unable to write to us, a service delivery complaint may be submitted via telephone on (07) 3005 7000 or 1800 068 908 (outside of Brisbane).

Unless satisfied that a complainant is unable to make a written service delivery complaint, the Deputy Ombudsman may refuse to accept an unwritten complaint.

5. Time limit

A service delivery complaint must be made no later than three months after the day the complainant first had notice of the action being complained about.

If more than three months have passed since the action resulting in the complaint, the reviewer will refuse to consider the complaint unless satisfied that there were exceptional circumstances which contributed to the delay in the complaint (e.g. long term significant ill-health of complainant, flood or other natural disaster affecting the complainant).

Until 30 June 2019 the reviewer may accept service delivery complaints made more than three months after the action being complained about if satisfied the delay arose from reliance on the previous version of this policy.

6. General considerations

After a complaint has been received, general considerations in dealing with the matter include:

- Who is the subject of the complaint and who should deal with the complaint?
- What is the specific service delivery issue raised?
- How should the complaint be classified?
- What outcome is the complainant seeking?
- Is there relevant supporting information and submission?
- Does further information need to be requested or investigation undertaken?

7. Who should deal with the complaint?

When a service delivery complaint is received, a determination is to be made in relation to who should handle the complaint. This determination will depend on how the complaint is classified. The table below provides guidance to officers in making this determination.

Classification of complaint	Who is to deal with the complaint	
		The receiving officer

<p>Straightforward</p> <p>Complaints which are likely to have minimal risk or detriment to the complainant or the Office.</p> <p>Examples include complaints about incorrectly addressed correspondence, minor delays or minor communication difficulties.</p> <p>These complaints are more likely to have been made informally and directly to the employee concerned.</p> <p>Complaints of this nature are suited to frontline informal resolution.</p>	<p>If the complaint is about an individual employee, they should attempt to resolve it informally with the complainant.</p>	<p>The complaint should be immediately referred to a manager</p> <ul style="list-style-type: none"> • the complainant requests someone else deal with the complaint (including if correspondence is addressed to the Ombudsman or the complainant asks to speak to a manager) • the employee is not confident that they can deal with the matter fairly or feels that the complainant will perceive them as not capable of dealing with it fairly • when the problem is clearly outside the employee's delegation or area of expertise • if the complaint is from a public sector agency or a Member of Parliament • the complainant is still dissatisfied after the employee's attempts to resolve the complaint.
	<p>If the straightforward complaint is received by an employee but is about someone else – they should refer the complaint to that person who will then determine whether they should attempt to resolve it themselves (using the above criteria).</p>	
<p>Serious</p> <p>Complaints which are significant/complex with medium or high level of risk/detriment to the complainant or the Office.</p> <p>Examples include complaints about significant delays, a challenge to the conduct or competency of the employee, or serious communication difficulties.</p> <p>These are more likely to have been made formally either in writing or directed to the employee's manager.</p>	<p>N/A</p>	<p>All serious complaints must be referred to a manager irrespective of whether the receiving officer considers they have merit.</p> <p>This referral is to occur immediately upon receiving the complaint.</p>
	<p>If the serious complaint is about someone else – the receiving officer should refer the complaint to that employee's manager.</p>	

<p>Allegations of corrupt conduct or criminal activity</p> <p>An allegation that is made that if proven could result in significant disciplinary action or where an employee is alleged to have committed a criminal offence, acted corruptly, or engaged in other corrupt conduct.</p>	<p>N/A</p>	<p>Allegations must be immediately referred to the Ombudsman or Deputy Ombudsman irrespective of whether they are considered to have merit.</p>
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8. What outcome can be expected?

Each complaint is unique and will need a solution that addresses the complainant's particular concerns. Some possible outcomes of a complaint include:

- an expression of empathy or regret that the complainant has suffered some form of detriment without admitting any fault
- offering an apology where it is apparent that the employee was at fault
- providing explanations and giving reasons for a decision or action
- undertaking some remedial action
- expediting the work on a matter where there has been some delay
- training for the employee concerned
- informal or formal management action taken against the relevant employee, including formal disciplinary processes under the Office's Discipline policy and procedure.

Complaints may be declined on assessment if it is considered that no action is warranted. Examples include frivolous or vexatious complaints. Complainants should be advised of the outcome and reasons.

It may not always be possible to satisfy a complainant. Common sense will dictate whether the receiving officer or manager has achieved everything that the complainant could reasonably expect from this Office. The complainant should be told in clear terms what the receiving officer, manager and the Office can and cannot do.

9. How to manage the complaint?

The way in which a complaint should be managed will depend on both how it is classified and how it was received.

Anonymous complaints should be assessed against the same criteria as any other complaints. When assessing complaints, particular considerations include the nature and seriousness of the complaint, the quantity and quality of information and capability of productive review or outcome.

9.1 Straightforward complaints

Verbal service delivery complaints	Written service delivery complaints
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The receiving officer should:

- respond in an objective manner
- be polite and courteous
- actively listen and ask open questions to correctly understand the complaint
- seek clarification and confirm issues, relevant information, and outcomes sought (i.e. summarise the main points made and ask whether the understanding is correct)
- generally acknowledge the complainant's sense of grievance, justified or not
- provide information that will assist the complainant to better understand the matter they are complaining about
- ask the complainant how they would like their dissatisfaction to be addressed
- try to meet any reasonable requests that would resolve the matter.

If the complaint cannot be dealt with on first contact, the receiving officer should:

- advise the complainant about the complaints process and indicative timeframe for response
- where appropriate, advise that they will discuss the matter with their manager to explore options to resolve their complaint.

Additionally, the receiving officer should:

- clarify the application of any relevant policies or procedures governing the way their matter has been dealt with
- take the action decided and inform the complainant within 10 business days
- take any further action necessary to prevent similar complaints in the future.

The receiving officer should:

- seek to deal with the complaint within 10 business days
- (in the first instance) consider responding to the complainant informally by telephone and then confirm the discussion in writing
- provide a written response to the complainant addressing the issues raised
- where appropriate seek advice from a manager.

Where the complaint has been made as part of a general interaction with the employee the subject of the complaint, if the receiving officer is able to satisfactorily resolve the complaint then the details of any conversation and correspondence must be recorded on the relevant case in Resolve or, for non-complaint matters, as part of normal business recording for that type of interaction. It is not necessary to report the matter specifically as a service delivery complaint.

Where a straightforward complaint has not been resolved during the first contact and/or has been escalated to a manager, details of the complaint must be recorded in the Service Delivery Register.

Where a straightforward complaint has not been resolved during the first contact, has been made outside the course of a general interaction with the employee the subject of the complaint and/or has been escalated to a manager, details of the complaint must be recorded in the Service Delivery Register.

9.2 Referral of a straightforward complaint

Straightforward complaints that are identified as appropriate for referral to a manager should be referred as soon as possible following receipt. The referral must include all the relevant information and the action taken.

Where a complaint has been referred to a manager for resolution, in addition to recording the relevant details in Resolve, details of the complaint must be formally recorded in the Service Delivery Register.

9.3 Serious complaints

Verbal service delivery complaints	Written service delivery complaints
<p>All serious complaints received via telephone or in person must be escalated to a manager.</p> <p>The manager when dealing with the verbal complaint should be guided by table 9.1 (above).</p> <p>Where the manager resolves the verbal complaint, details of the matter should be confirmed in writing with the complainant.</p> <p>Where the manager cannot resolve the complaint immediately, they should:</p> <ul style="list-style-type: none"> • if necessary review/investigate the matters complained of • provide a written response to the complainant addressing the issues raised • where appropriate seek advice from the Deputy Ombudsman. <p>Details of the complaint must be formally recorded in the Service Delivery Register.</p>	<p>Serious service delivery complaints should be immediately referred to a manager. The manager should:</p> <ul style="list-style-type: none"> • (in the first instance) consider responding to the complainant informally by telephone (see above) and then confirm the discussion in writing • provide an acknowledgement letter within seven days (if the complaint cannot be addressed within that period) • seek to deal with the complaint within 28 calendar days • if necessary review/investigate the matters complained of • provide a written response to the complainant addressing the issues raised • where appropriate seek advice from the Deputy Ombudsman. <p>Details of the complaint must be formally recorded in the Service Delivery Register.</p>

9.4 Referral of a serious complaint

The manager may, having regard to the criteria at section 9.3 above, decide to refer a serious service delivery complaint to the Deputy Ombudsman. If a decision is made to refer a complaint, this should be done immediately upon making that decision. All relevant information and the action taken to date should be provided to the Deputy Ombudsman.

9.5 Allegations of corrupt conduct

'Corrupt conduct' is conduct as defined in s.15 of the *Crime and Corruption Act 2001*.

Verbal service delivery complaints	Written service delivery complaints
<p>Where allegations of corrupt conduct are made over the telephone or in person, the complaint should be referred to the receiving officer's manager.</p> <p>The manager should collect the relevant information from the complainant and upon finalising the call provide email advice to the Ombudsman.</p>	<p>The written complaint should be immediately referred to the Ombudsman.</p> <p>An acknowledgement letter should be provided to the complainant within three business days.</p>
<p>The Ombudsman will decide the necessary course of action which may include reference to the Crime and Corruption Commission, an internal investigation or dismissal of the complaint.</p> <p>The Office should attempt to finalise any internal investigation within three months of receiving the complaint. Substantiated conduct may lead to consideration of disciplinary action under the Office's Discipline policy and procedure.</p> <p>Details of the complaint must be formally recorded in the Service Delivery Register.</p>	

10. Review of a service delivery complaint

In the following circumstances it may be necessary for a service delivery complaint to be reviewed by the Deputy Ombudsman or Ombudsman:

- where a straightforward or serious complaint has not been able to be resolved by the receiving officer's manager, or
- where the manager is the subject of a serious complaint or an unresolved straightforward complaint.

The Deputy Ombudsman or Ombudsman may undertake the review or appoint a senior officer to conduct the review (the reviewer). The reviewer should have no previous involvement in the matter, have no conflict of interest and be impartial, qualified and/or experienced to conduct the review.

The review must be conducted in accordance with natural justice and the employee complained about must be provided with an opportunity to provide their version of events.

Sufficient information should be gathered to make a decision, provide reasons and identify appropriate

actions for resolution. The work required to be undertaken in relation to the review will depend upon the nature and substance of the allegations. It is not necessary to undertake a significant review in circumstances where the complaint is non-specific, lacks substance or supporting evidence, or is of a vexatious nature.

A review should be undertaken as quickly as possible but should be finalised within three months of receipt of the complaint.

The reviewer is to provide the Deputy Ombudsman or Ombudsman with a written report on the findings and recommendations. The Deputy Ombudsman or Ombudsman will consider the report and decide the outcome, including any remedies.

Where the Deputy Ombudsman is the subject of a serious complaint or an unresolved straightforward complaint, the matter is to be referred to the Ombudsman.

11. Outcome advice to the complainant

It is important that the complainant is provided with information regarding the outcome of their complaint. This is to occur within the timeframes detailed above and in accordance with the process outlined in section 8.

12. Recordkeeping

It is essential that a service delivery complaint (other than a straightforward complaint resolved by the employee that is to be noted in Resolve) is appropriately recorded in the Office's recordkeeping systems.

To record a service delivery complaint enter the complaint details in the Office's Service Delivery Register maintained by the Executive Coordinator.

In addition to recording the category, the outcome of each complaint must be recorded as either:

- substantiated (in whole or part)
- not substantiated.

13. Reporting

Service delivery complaints will be reported in the Office's annual report and data will be published annually in accordance with the requirements of s.219A of the *Public Service Act 2008*.

14. Feedback and monitoring

Employees managing service delivery complaints will:

- advise the employee who is the subject of the complaint that a service delivery complaint has been received, and
- report the outcome to the employee concerned with appropriate comment aimed at preventing a repetition of any error or unsatisfactory service that may have occurred.

The Deputy Ombudsman will report to the Ombudsman Management Group on a six monthly basis regarding any trends in service delivery complaints. The Service Delivery Register will be used to identify improvements in the way the Office deals with complaints covered by this procedure.

Reviews of this procedure will be aligned to reviews of the policy.

15. Definitions

reviewer	A senior officer appointed by the Deputy Ombudsman or Ombudsman to conduct a review of the handling or outcome of a service delivery complaint.
receiving officer	The officer who first receives a service delivery complaint
serious service delivery complaint	A 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. Examples of service delivery complaints are complaints about delays, employee conduct, communication and responsiveness.
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.

16. Related documents

[Complaints management system \(CMS\) and internal review policy](#)

[Internal review requests procedure](#)