

## Complaints management

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[Complaints management - course resource \(PDF 1006.6KB\)](#)

### What is complaints management?

Complaints management is about resolving individual complaints and identifying opportunities to make systemic improvements.

Every organisation that deals with the public will receive complaints. The community expects government organisations to be customer-focused and responsive to complaints.

Government organisations are required to have complaints management systems (CMS) in place and be accountable for their decisions and actions.

### Why manage complaints?

An effective CMS is integral to providing quality customer service. It helps to measure customer satisfaction and is a useful source of information and feedback for improving services. Often customers are the first to identify when things are not working properly.

Implementing an effective CMS:

- improves internal complaints handling
- reduces recurring complaints
- improves standards of service to the community
- raises standards of decision-making.

The way an organisation handles complaints can affect its reputation. Poorly handled complaints can be an expensive exercise that reflects badly on the organisation and reinforces poor business processes.

### How should customer complaints be managed?

Customers making complaints should be treated with courtesy and respect. They should be given reasonable assistance to make their complaint.

Customer complaints should be managed by trained staff in an open, accountable, responsive, fair, efficient and effective way in accordance with the organisation's CMS.

## What is a CMS?

A CMS is a step-by-step way of receiving, recording, processing, responding to and reporting on complaints and using them to improve systems, decision-making and service delivery.

The core components of a CMS are the organisation's complaints management policy and procedures, complaints database or recording system and other resources.

A CMS must comply with any applicable legislative requirements including recognised standards.

## CMS statutory requirements

The *Local Government Act 2009* requires each council to adopt a process for resolving administrative action complaints.

Under the *Education Services for Overseas Students Act 2000*, public universities must have appropriate internal complaints handling and appeals processes, including having a process in place for lodging a formal complaint or appeal if the matter cannot be resolved informally.

All Queensland public universities have adopted student grievances and appeals processes that apply to all students, not just overseas students.

The *Public Service Act 2008* requires each state government department and public service office to establish and implement a system for managing customer complaints that complies with the current Australian standard about handling customer complaints (**AS/NZS 10002:2014**).

## AS/NZS 10002:2014 Guidelines for complaint management in organizations

The [standard](#) provides detailed guidance on managing customer complaints within organisations.

It covers guiding principles, complaints management framework, planning and design, operation, and maintenance and improvement.

## Human rights in complaints management

The introduction of the *Human Rights Act 2019* ([Human Rights Act](#)) means that human rights considerations now form part of decision-making and complaints management approaches by government agencies.

In relation to customer complaints, this means that complaint handlers are required to identify and consider all relevant human rights when assessing and responding to complaints made under a CMS.

This should be appropriately reflected in agency's CMSs.

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

Under s 58(1) of the Act, it is unlawful for government agencies:

- to act or make a decision in a way that is not compatible with human rights; or
- in making a decision, to fail to give proper consideration to a human right relevant to the decision.

If an individual believes a government agency has breached their human rights, they can make a human rights complaint. The complainant must lodge their complaint with the agency in the first instance.

The agency then has 45 business days to respond to the complaint. In exceptional circumstances, the Queensland Human Rights Commission (QHRC) may also accept a complaint before the 45 business days have elapsed.

If the complainant has not received a response from the organisation within 45 business days, or is dissatisfied with the organisation's response, they can make a complaint to the QHRC.

### **Assessing compatibility with human rights**

Compatible with human rights is defined in s 8 of the Act. Section 8 says that an act or decision will be compatible with human rights if:

- it does not limit a human right, or
- it limits a human right only to the extent that is reasonable and demonstrably justifiable, in accordance with s 13 of the Act.

This means that every act, policy or decision by a government agency must be assessed for compatibility with these rights.

To carry out these responsibilities, when acting or making decisions, agencies should follow these steps.

#### **Step 1: Identify relevant rights**

Look through the list of the 23 rights protected under the Act and see what rights are relevant to your situation.

#### **Step 2: Consider the impact**

Will your decision limit or restrict any of the relevant rights you've identified?

No: If rights are not being limited, you are acting compatibly with human rights. Yes: If human rights are being limited, or if you are unsure, you should move to step 3.

#### **Step 3: Determine whether the limit is reasonable and justified**

Ask yourself the following questions about the decision or action you are proposing:

- Is it lawful?
- What law or regulation allows you to limit a person's rights? If you can't identify a law or regulation then you may not be able to limit rights.
- Is there a purpose?
- What is the aim of the limitation? Does it achieve a legitimate purpose?
- Is it reasonable?
- Will what you are doing effectively achieve your purpose?

- Is it necessary?
- Is this the least restrictive way to achieve your purpose?
- Is it fair and balanced?
- Do the benefits outweigh the harm caused by the limitation?

If you answer no to any of these questions, your proposed action or decision is unlikely to be compatible with human rights.

If it is possible to modify your proposed action or decision, do so then reassess for compatibility.

If it is not possible to modify the proposed action or decision, you will need to document the nature and extent of the incompatibility and the process used to consider human rights.

This is a general guide only. You may wish to seek legal advice if you need more detailed guidance on a specific issue, or consult the Queensland Human Rights Commission website for more information: [www.qhrc.qld.gov.au](http://www.qhrc.qld.gov.au)

## **CMS model**

An effective CMS should provide three levels of review:

1. frontline complaints handling – early resolution
2. internal assessment, investigation or review
3. external assessment, investigation or review.

## **Early resolution**

Early resolution covers complaints received by the first point of contact within an agency, such as service counters and call centres.

The majority of complaints should be resolved by these frontline staff, who should be given the appropriate procedures and training.

## **Internal assessment**

Internal assessment should be used when a complaint is more serious or complex, or when a complaint can't be resolved by frontline staff.

The purpose of an internal assessment is to assess information provided by the complainant to identify and resolve the key issues.

An internal assessment should be conducted by a more senior officer who has had no prior involvement in the case.

## **Internal investigation**

An internal investigation is designed to find and evaluate the facts to decide whether the complaint has merit.

An internal investigation should be considered where a complaint raises significant or complex issues for either the complainant or the organisation.

An investigation should be conducted by an officer with the necessary knowledge and experience to conduct an efficient and effective investigation.

## Internal review

An internal review is a systematic way of reviewing the complaints process and outcome.

Its aim is to ensure the complaints process complied with the organisation's policy or procedural requirements and that the right outcome has been reached.

An internal review is not an investigation or re-investigation of a complaint. It is a merits review of the complaints process and outcome.

A senior officer, manager or other appropriate officer (internal review officer) should conduct an internal review. An internal review officer should:

- be in a position equal to or higher than officers involved in the decision/action subject of the complaint
- have no direct or perceived conflict of interest in the matter
- have broad discretion to overturn previous decisions and apply remedies.

## External review

We are an external review agency.

In general, we will not investigate a matter until the complainant has tried to resolve the problem directly with the organisation concerned and has exhausted any other right of review.

When conducting an investigation, we:

- must maintain confidentiality
- are not bound by the rules of evidence
- must comply with natural justice.

We may provide a report and recommendations to the head of an organisation. These reports are sometimes tabled in the Queensland Parliament and released publicly.

## Getting started

We have designed a guide to help organisations develop an effective [complaints management policy and procedures](#).

We would like to improve the way your organisation handles complaints. Book in for our [complaints management](#)

[training](#), have your [complaints management system reviewed](#) or seek our [free advice](#) about managing complaints and good decision-making.

## Training courses

We deliver the following training by webinar:

- [Complaints management](#) helps officers who deal with complaints, including officers who internally review complaints.
- [Good decisions](#) is a program designed to help officers make better decisions. The training is suitable for all public sector decision-makers, including supervisors and managers.
- [Managing unreasonable complainant conduct](#) is a half-day course designed to help officers manage unreasonable conduct they may encounter when delivering services to the public.
- [Practical ethics for state government](#) is a half-day course designed to help officers assess and respond to ethical dilemmas and understand core government values.
- [Practical ethics for local government](#) this interactive half-day course challenges participants with ethical questions in various scenarios that are local government specific.

## Complaints management reference material

- [Website complaints visibility and accessibility](#)