

### Complaints Management Policy RTI, Privacy and Complaints Management Legal, Information Access and Prosecutions Branch Corporate Division

### September 2024

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# Acknowledgements

Transport and Main Roads is committed to respecting, protecting and promoting human rights within our decision-making and actions. Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights; therefore, we want to continue promoting respect for human rights and freedoms, enhance access to services and supports, and lead changes to improve the lives of Aboriginal and Torres Strait Islander Queenslanders.

As part of this commitment, we want to acknowledge and display our connections with First Nations Australians which builds respect and helps us develop policies, services and programs that reflect the diversity in our communities and the needs of our customers.

## TMR Artwork – ‘Travelling’ by Gilimbaa



Meandering pathways wind their way across the land to the sea, opening up country and connecting people. Trade lines are established, knowledge is gained, and new ways of learning and living are passed on to the next generation. We live together in understanding, sharing our cultures, our customs and stories.

The TMR artwork “Travelling” essentially reads as a “road map” of the State of Queensland. Orientated to portrait format with the Rainbow Serpent facing upwards, this artwork explores both the cultural and geographical landscape of Aboriginal and Torres Strait Islander Peoples in Queensland.

Beginning from the bottom of the artwork the Rainbow Serpent slowly meanders its way northwards creating and forming the landscape. The bold red rectangular motifs represent the built up urban city-scape of the South-East Queensland region. The bright golden dotted strip is indicative of our beautiful coastline and magnificent beaches.

Moving out west over the great divide into dry arid country then up into River country before being engulfed by the Rainforest region of the Cape. Finally arriving at the tip of Queensland to the pristine turquoise waters of the Torres Strait Islands.

The TMR artwork is Connecting Queensland.

We pay our respects to the Aboriginal peoples and Torres Strait Islander peoples of this land, their spirits and their legacy.

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# Purpose

This policy supports the Department of Transport and Main Roads’ (the department) obligation to implement a customer complaints management system.

It enables the department to meet requirements under the:

* *Public Sector Act 2022* (section 264)
* *Human Rights Act 2019*
* Australian Standard 10002:2022, *Guidelines for complaint management in organizations*
* Queensland Public Service *Customer Complaint Management Framework* and *Customer Complaint Management Guideline*.

# Policy statement

The department places the customer at the centre of everything we do. We’re committed to building a culture of customer service excellence and encourage a people focused and proactive approach to complaints management.

The department values all complaints. We strive to provide a best practice complaints management system - that is accessible, fair and responsive - where we work with customers to drive business decisions and improvements.

# Objectives

This policy aims to ensure the department’s complaints management system:

* is customer friendly and responsive, to address customer concerns effectively.
* respects, protects and promotes human rights.
* is delivered meaningfully, to build our knowledge and continuously improve our business.

# Scope

This policy covers external complaints made to the department by members of the public, stakeholders or staff members acting as members of the community.

A complaint is where a customer expresses verbal or written dissatisfaction with (and is apparently directly affected by) a policy, product, project or service provided by the department and/or our staff.

This includes:

* past, current or proposed policies, products, projects or services.
* past or current staff, including the customer service provided by staff.
* actions or decisions made, including proposing an action, making a recommendation and failing to take an action or make a decision.

Certain specific complaints are outside the scope of this policy as they’re managed in a certain way, such as under particular legislative requirements.

# Benefits

The department takes complaints seriously. They provide an opportunity to understand the needs of our customers, increase customer satisfaction and improve service delivery and performance.

Our approach empowers staff to handle complaints promptly, consistently and effectively. It supports the identification of trends and issues for continuous improvement.

# Applicability

This policy applies to all staff including temporary and permanent employees, consultants, contractors, students or any other person who provides the department with services on a paid or voluntary basis.

Compliance with this policy is mandatory.

# Authority

Section 264 of the *Public Sector Act 2022* requires the department to establish and implement a system for dealing with customer complaints.

The system must enable the department to:

* manage the receipt, processing and outcome of a customer complaint.
* comply with the Australian Standard for customer complaints management.
* notify a customer about the outcome of their complaint (unless the complaint was anonymous).

The department also meets requirements under the:

* *Human Rights Act 2019* for customer complaints that are also human rights complaints.
* Australian Standard 10002:2022, *Guidelines for complaint management in organizations*
* Queensland Public Service *Customer Complaint Management Framework* and *Customer Complaint Management Guideline*.

## Accountability

The Director-General, as chief executive, is accountable for ensuring that the department complies with these requirements and for appointing a Complaints Management Manager under the Australian Standard 10002:2022.

# Responsibility

## Functional responsibility

The Chief Legal Officer, Legal, Information Access and Prosecutions Branch is the department’s nominated Complaints Management Manager and our complaints management champion. They have delegated authority to approve the Complaints Management Policy and any significant changes to the complaints management framework.

This role is supported by General Managers, the Compliments and Complaints Team (RTI, Privacy and Complaints Management, Legal, Information Access and Prosecutions Branch) and the departmental Branch Complaints Coordinator Network.

## Staff responsibility

All staff have complaints management responsibilities, as anyone can receive a complaint. Some staff may also have complaints management responsibilities as part of their role.

This could include one or more of the following roles:

* Receiving Officer
* Investigating Officer
* Internal Review Officer
* Authorised Officer
* Complaints Coordinator

## Customer **responsibility**

The department asks customers to:

* try to resolve their concern by speaking with local staff or the service provider in the first instance, if possible.
* provide full details about what has happened, including the outcome or action they're seeking.
* ask questions if they don't understand or need further information.
* inform the department if anything changes.
* understand that there may be some things the department can't do.

Customers are expected to treat staff with courtesy and respect. Complaints that are abusive, threatening or contain offensive language will not be accepted. The department is committed to addressing valid issues; however, will manage any unreasonable complainant conduct in a manner consistent with the department’s obligation to ensure a healthy and safe work environment.

# Complaints management model

The department has a three-tier model for complaints management.

## Level 1: Initial resolution

The department tries to resolve complaints as quickly as possible when they're first received or redirected to the appropriate business area.

Frontline Receiving Officer

* addresses the issue/s in the first phone or face to face contact.
* records any details and action.
* reports the complaint and any issues raised or improvements undertaken.

If a complaint isn't resolved at the point of service, it's referred to a Receiving or Investigating Officer.

### Receiving/Investigating Officer

* Helps the customer make their complaint.
* Assesses and classifies the complaint.
* Investigates and takes action.
* Considers human rights.
* Offers remedies or solutions that are fair and reasonable to all involved, if possible.
* Communicates with the customer and meets service standard timeframes.
* Explains the process for an internal review.
* Records the complaint from when it's received to when it's finalised.
* Finalises the complaint and any corrective actions identified.
* Reports the complaint and any issues raised or improvements undertaken.

## Level 2: Internal review

If a customer is unhappy with the decision made in Level 1, they can request an internal review.

### Internal Review Officer

Manages the complaint as outlined in Level 1 and also:

* ensures they’re independent of the original decision maker.
* ensures they're an equivalent or more senior level to the original decision maker.
* clarifies the grounds for the review.
* undertakes a merits review, where the Internal Review Officer makes a fresh determination and decides what is the correct and/or preferable decision.
* explains the process for an external review.

## Level 3: External review

If a customer is unhappy with the decision made in Level 2, they can request an external review.

If the Queensland Ombudsman, Queensland Human Rights Commission or other relevant external review agency accepts the customer's request, the department will:

• assist the external review agency.

• provide any requested information or copies of documents.

# Complaints management principles

To achieve the department’s objectives, our complaints management system is based on the five principles of the Queensland Public Service *Customer Complaint Management Framework*.

## Customer focused

This means the department:

* recognises that everyone has a right to complain.
* recognises that customers have the right to be supported by a friend, advocate, interpreter or community elder.
* ensures there’s no charge to make a complaint.
* accepts complaints verbally, and in writing, via a range of formats.
* accepts complaints made anonymously and on behalf of someone.
* assists customers to make a complaint, in particular children, people with a disability or impairment, or people from a culturally and linguistically diverse background.
* involves customers in the process, if possible and appropriate.
* treats customers and staff with respect.
* respects, protects and promotes human rights.
* ensures customers do not suffer reprisal.
* adopts a whole-of-government approach to complaints management; and refers any complaint which belongs to another department to that department, if we have consent and it's appropriate to do so.

## Timely and fair

This means the department:

* provides an acknowledgement, progress update(s) or response in a timely manner.
* takes reasonable steps to understand a complaint and assess how best to manage it.
* takes action that's proportionate and appropriate to the complaint.
* systematically and consistently assesses and classifies complaints.
* discloses any conflict of interest.
* identifies if any human rights may be relevant to a complaint.
* gives proper consideration to any relevant human rights before we make a decision.
* applies natural justice and procedural fairness during investigations.
* gathers sufficient and relevant evidence to make a decision.
* offers remedies that are fair and reasonable to all parties, if possible.
* offers similar remedies to all customers in a similar situation, if possible.
* nominates an independent officer, who is at an equivalent or more senior level than the original decision maker, to conduct an internal review.
* assists an external review agency with its external review.
* monitors and records a complaint until it’s finalised.

## Clear communication

This means the department:

* publishes information about how and where to submit a complaint, on the department’s website.
* ensures complaints information is available upon request from staff and in our public offices.
* provides information to staff and raises awareness via a range of communication channels.
* provides contact details for another department, if we refer a complaint to another department.
* provides a clear explanation of any decisions or actions taken.
* advises customers about their internal and external review options.
* may decline or refuse to investigate a complaint that is abusive, trivial or involves unreasonable complainant conduct.

## Accountable

This means the department:

* ensures responsibilities are clearly outlined to staff.
* ensures adequate resources and training are available to staff.
* empowers staff to resolve complaints early and informally at the point of service.
* protects privacy and confidentiality.

## Improving services

This means the department:

* uses complaints information internally for business and staff development.
* uses complaints information internally to identify opportunities for the prevention of complaints.
* undertakes internal quarterly and external annual reporting to identify trends and issues.
* publishes complaints information on our website annually.
* seeks regular feedback about our complaints management process.

# Complaints management stages

The department’s complaints management process is based on the seven stages of a complaint lifecycle outlined in the Queensland Public Service *Customer Complaint Management Framework:*

* Stage 1: Receive
* Stage 2: Assist
* Stage 3: Acknowledge
* Stage 4: Assess
* Stage 5: Respond
* Stage 6: Report
* Stage 7: Learn and improve

The majority of complaints will progress through each stage, though this may not be linear and some stages may be repeated.

# Service standards

The department aims to address complaints as quickly as reasonably possible.

Our service standards are in line with timeframes outlined in the Queensland Public Service *Customer Complaint Management Guideline.*

The department aims to provide:

• acknowledgements within 3 business days

• responses to internal review requests within 20 business days

• responses to human rights complaints within 45 business days

• responses to all other complaints within 15 business days

• progress updates as needed or as agreed with the customer.

# Information privacy considerations

The department protects and manages personal information in line with the *Information Privacy Act 2009.* This includes how we collect, store and use any personal information of customers and staff.

The department’s hard copy and online complaint forms include standard privacy statements which explain why personal information is collected, how it's used and when it may be disclosed.

# Human rights considerations

The department’s complaints management system respects, protects and promotes human rights, in particular the following rights in the *Human Rights Act 2019*:

* Section 15 Recognition and equality before the law
* Section 17 Protection from torture and cruel, inhumane or degrading treatment
* Section 20 Freedom of thought, conscience, religion and belief
* Section 21 Freedom of expression
* Section 25 Privacy and reputation
* Section 26 Protection of families and children
* Section 27 Cultural rights – generally
* Section 28 Cultural rights – Aboriginal and Torres Strait Islander peoples

The department considers human rights when managing complaints and follows three key steps:

1. Identify any relevant human rights.
2. Consider whether an action or decision limits those human rights.
3. Assess whether the limitation is reasonable and justifiable.

The department uses learnings from human rights complaints to reflect upon and improve.

# Reporting

Under section 264 of the *Public Sector Act 2022*, the department publishes annual complaints data on the department’s website, including:

* the number of complaints received in the year.
* the number of those complaints resulting in further action.
* the number of those complaints resulting in no further action.

Under section 97 of the *Human Rights Act 2019*, the department publishes annual human rights complaints data in the department’s Annual Report, including:

* the number of human rights complaints received.
* the outcome of the complaints.

The department also reports quarterly to its internal General Managers and provides an overview of complaints management performance, including any identified significant issues, identified systemic issues or notable trends.

# Supporting documents

This policy is supported by internal complaints management procedures and local complaints processes.

# Implementation and review

This policy takes effect on 1 December 2023.

The department reviews this policy at least every three years to ensure it meets business needs and best practice guidelines. If needed, an ad hoc review outside the scheduled review period is undertaken in order to evaluate the performance of our complaint management system.

Information used to inform the review may include:

* feedback received from customers, stakeholders and staff.
* the results of internal or external reviews, audits or evaluations.
* any changes in policy, legislation or organisational structure.

# Definitions

The following definitions apply to this policy.

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| **Term** | **Definition** |
| **Anonymous complaint** | The identity of the person making the complaint is unknown. |
| **Authorised Officer** | Any staff member can be an Authorised Officer.  They should have the appropriate authority and expertise in their role to make decisions and take action, such as:   * approve a complaint response (verbal or written) * use discretion to accept or decline a complaint (if there are reasonable grounds) * use discretion to overturn or amend a previous decision * offer an alternative complaint remedy or outcome * approve a plan to manage unreasonable complainant conduct. |
| **Branch Complaints Coordinator Network** | A complaints management network made up of one or more representatives from each branch of the department. |
| **Complaint** | A complaint is where a customer expresses verbal or written dissatisfaction with (and is apparently directly affected by) a policy, product, project or service provided by the department and/or our staff.  This includes:   * past, current or proposed policies, products, projects or services. * past or current staff, including the customer service provided by staff. * • actions or decisions made, including proposing an action, making a recommendation, and failing to take an action or make a decision. |
| **Complaints management system** | All of the policies, procedures, practices, systems, staff and resources used to manage complaints. |
| **Customer** | Any person or organisation who would like to make a complaint. This includes a member of the public, stakeholder, or staff member acting as a member of the community. |
| **External review** | Is a process conducted by an independent oversight agency, such as the Queensland Ombudsman who will investigate our handling of a customer's complaint. It's available after the customer has progressed through our complaints process and exhausted their internal right of review. |
| **Human rights** | Refers to the 23 protected human rights in the *Human Rights Act 2019*(Part 2, Divisions 2 and 3). |
| **Human rights complaint** | A complaint about an alleged contravention of section 58(1) of the *Human Rights Act 2019*, that the department:   * acted or made a decision that is not compatible with human rights; or * in making a decision, failed to give proper consideration to a human right relevant to the decision. |
| **Internal review** | Is an impartial review of a complaint decision. It's conducted by a staff member who wasn't substantively involved in the original complaint and who is at an equivalent, or more senior level, to the original decision maker.  A nominated Internal Review Officer will conduct a merits review, which involves making a fresh determination and deciding what is the correct and/or preferable decision.  An internal review is not a re-investigation of the original complaint. |
| **Internal Review Officer** | The staff member nominated to conduct an internal review. Any staff member can be an Internal Review Officer.  They should be:   * independent of the original decision maker (have had no substantive dealings with the original complaint). * at an equivalent, or more senior, level than the original decision maker.   They should have the appropriate authority and expertise in their role to:   * examine, take action on and respond to the grounds of the internal review request. * be able to conduct a merits review, which involves making a fresh determination and deciding what is the correct and/or preferable decision. * use judgement or discretion to confirm a previous decision, overturn a previous decision or make a different decision. |
| **Investigating Officer** | The staff member with the appropriate authority and expertise in their role to examine, action and respond to a complaint.  Any staff member can be an Investigating Officer. They can also be the Receiving Officer. |
| **Merits review** | The process where a staff member makes a fresh determination and decides what is the correct and/or preferable decision.  The staff member can:   * consider any evidence, including information that may not have been available to the original decision maker. * substitute new findings, even if the original findings were correct based on the evidence available at the time. * use their own judgement to apply discretion where appropriate. |
| **Receiving Officer** | The staff member that receives and initially assesses a complaint. They determine the likely Investigating Officer or area.  Any staff member can be a Receiving Officer. They can also be the Investigating Officer. |
| **Specific complaint** | A complaint that has been categorised as out of scope of this policy as they're managed in a certain way, such as under particular legislative requirements. |
| **Staff member** | All temporary and permanent employees, consultants, contractors, students or any other person who provides us with services on a paid or voluntary basis. |
| **Systemic issue** | A systemic issue is the failure of a product, service, system, policy or procedure which causes or leads to a complaint. It commonly occurs when the product, service, system, policy or procedure:   * doesn’t exist in TMR; or * does exist but it’s faulty, incorrect, inadequate or inappropriate.   A systemic issue isn’t:   * a human error * an error in a staff member’s judgement * a one-off oversight * an incident which involves specific or isolated factors.   A systemic issue is normally caused by an underlying or fundamental problem. It may be identified:   * when investigating an individual complaint; or * when reviewing collated complaints, for example, a pattern of repeated complaints. |
| **Unreasonable complainant conduct** | Any behaviour from a customer making a complaint, which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for those involved in the complaints process. Examples of unreasonable complainant conduct includes unreasonable persistence, unreasonable demands, unreasonable lack of cooperation, unreasonable arguments and unreasonable behaviour. |

# References

Legislation

* *Human Rights Act 2019*
* Human Rights Bill explanatory notes
* *Information Privacy Act 2009*
* *Public Sector Act 2022*

Commonwealth Ombudsman

• Better Practice Complaint Handling Guide (2023)

ForGov

* Guide: Human rights in decision making (2020)
* Guide: Handling human rights complaints (2019)
* Guide: How to review policy and procedures for compatibility with human rights (2019)
* Guide: Nature and scope of the rights (2022)
* Guide: When human rights may be limited (2019)

New South Wales Ombudsman

* Managing unreasonable conduct by a complainant (2021)

Queensland Ombudsman

* Policy and procedure guide (2023)
* Complaints management resource (7th edition 2023)
* Managing unreasonable complainant conduct (2023)

Standards Australia

* Guidelines for complaint management in organizations (AS 10002:2022)

Transport and Main Roads

* Employee Grievances and Complaints Framework
* Ethical Decision Making Framework
* Integrity Framework
* People Performance Management Framework
* Recordkeeping Framework
* Right to Information and Information Privacy Frameworks
* Risk Management Framework
* Safety and Wellbeing Framework