

OFFICIAL



Annual Client Complaints Report 2019-20

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Data for this report was extracted from the Resolve Complaints Management System on **7 August 2020**. Any changes to data after this date will not be reflected in this report. Results may vary from those in previous or subsequent reports.



Introduction

Queensland Corrective Services (QCS) is committed to delivering high quality services that respond to the needs of prisoners, offenders, stakeholders and the community.

QCS values the benefits of effective complaint handling and believes that our clients should be able to provide feedback about our services and the way we provide them.

QCS considers all complaints constructively and aims to improve service delivery through the investigation of individual complaints and the regular assessment of complaints data.

Effective complaints management is about accountability, access and business improvement and is an important part of our client service.

WHAT IS A COMPLAINT?

The *Public Service Act 2008* (PS Act), section 219A requires all public sector agencies to maintain a complaints management system for their customers.

From 1 January 2020 with the introduction of the *Queensland Human Rights Act 2019* (HR Act), it is a requirement to incorporate human rights considerations into complaints management.

The QCS' complaint management process is guided by the Client Complaints Management Policy, which defines two complaint categories: 'standard (customer) complaint' and 'human rights complaint'.

A *standard complaint* is defined under the PS Act, section 219A (4) as a customer complaint:

- (a) means a complaint about the service or action of a department, or its staff, by a person who is apparently directly affected by the service or action, and*
- (b) includes, for example, a complaint about any of the following:*
 - *a decision made, or a failure to make a decision, by a public service employee of the department;*
 - *an act, or failure to act, of the department;*
 - *the formulation of a proposal or intention by the department;*
 - *a recommendation made by the department, and/or*
 - *the customer service provided by a public service employee of the department.*

A *human rights complaint* is defined under the HR Act, section 63 as:

A complaint about an alleged contravention of section 58(1) by a public entity in relation to an act or decision of the public entity.

Section 58 (1) of the HR Act states:

- (1) It is unlawful for a public entity—*
 - (a) to act or make a decision in a way that is not compatible with human rights; or*
 - (b) in making a decision, to fail to give proper consideration to a human right relevant to the decision.*
- (2) Subsection (1) does not apply to a public entity if the entity could not reasonably have acted differently or made a different decision because of a statutory provision, a law of the Commonwealth or another State or otherwise under law.*



Under the HR Act, individuals can lodge a complaint with QCS if they believe the agency has limited their human rights. Under the Act, individuals are required to lodge such complaints with QCS in the first instance before they can raise the complaint with the Queensland Human Rights Commission.

For QCS, complaints may be received from prisoners, offenders, their families and friends, non-government service providers, other visitors to correctional centres or members of the public who may have had contact with the department. It may also include complaints received anonymously and those received via Ministerial or Commissioner correspondence.

COMPLAINT REPORTING

QCS uses Resolve as its Complaint Management System to log all complaints which have been assessed as meeting the criteria for being either a standard complaint or a human rights complaint.

Each correctional centre, community corrections location and central office business unit is required to identify, record and assess complaints through Resolve.

Complaints pertaining to allegations of fraud, corruption or official misconduct are referred to the Professional Standards and Governance Command and are not recorded on Resolve.

Similarly, complaints considered to be employee grievances are not recorded on Resolve.

Matters which are subject to statutory rights of review are excluded from the complaint management process during the period of the review.

A complaint can have elements of both a standard complaint and a human rights complaint depending on the issue/s raised by the complainant. In order to separate these two types of complaints within Resolve, from 1 January 2020, a case category must be assigned to each complaint.

This case category then determines the minimum number of case issues which must be recorded under the complaint and the timeframe for responding to the complaint. Each case issue recorded under a complaint must also be recorded as to whether it includes a human rights element.

| Case Category | Minimum number of complaint issues required | Must the complaint issue have a human rights element? | Timeframe |
|---|---|---|------------------|
| Standard Complaint | 1 | No | 30 business days |
| Human Rights Complaint & Standard Complaint | 2 | Yes & No (minimum one of each) | 45 business days |
| Human Rights Complaint | 1 | Yes | 45 business days |

ANNUAL REPORTING

Section 219A(3) of the PS Act requires that by 30 September after each financial year, the chief executive of the department must publish the following information for the financial year on the department's website:

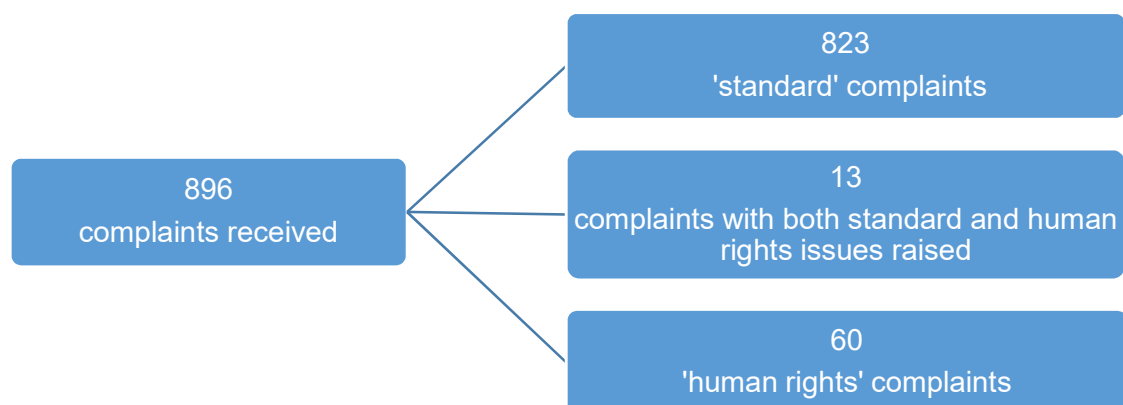
- the number of customer complaints received by the department in the year;
- the number of those complaints resulting in further action; and
- the number of those complaints resulting in no further action.

Since the introduction of the HR Act, agencies are also required to specifically report on human rights complaints annually. Pursuant to section 97 of the Act, agencies are required to report on:

- details of any actions taken to further the objectives of the Act;
- the number of human rights complaints received;
- the outcome of those complaints; and
- details of any reviews of policies, programs, procedures, practices or services undertaken in relation to their compatibility with human rights.

This report satisfies these requirements.

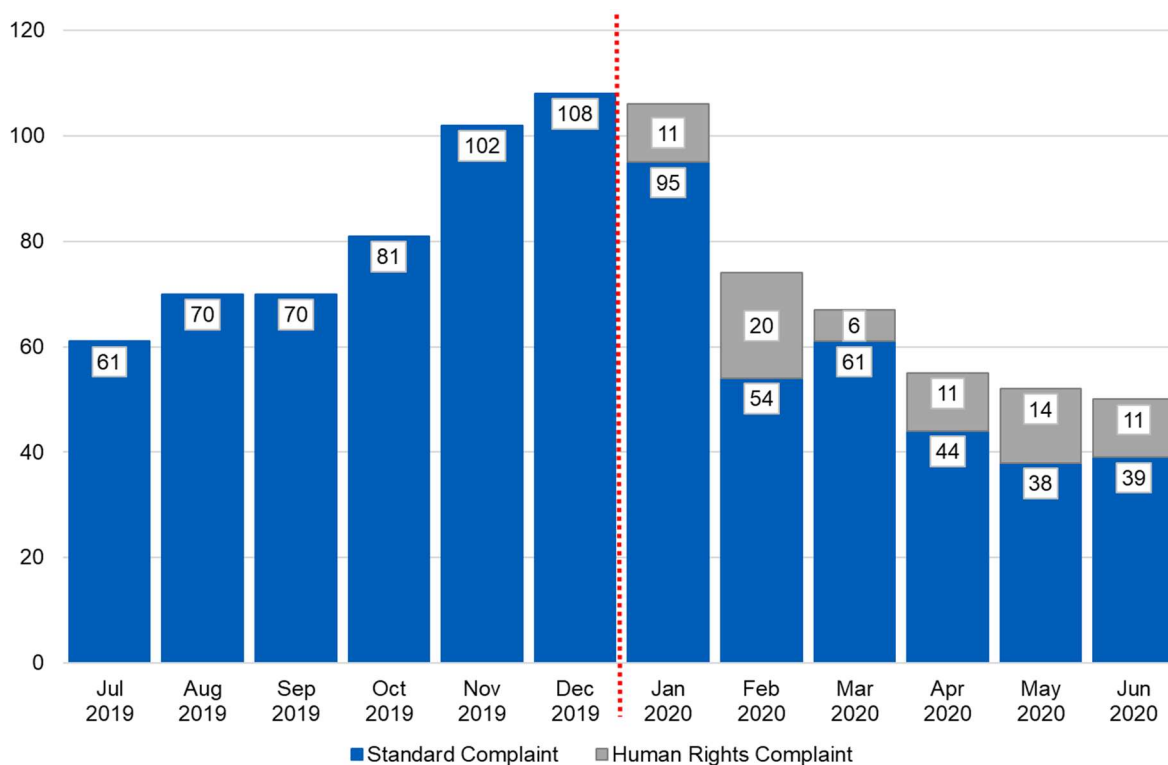
Number of complaints received during 2019-20



During 2019-20, QCS received 896 complaints, including 73 complaints which raised a human rights issue.

During this period, QCS received an average of 75 complaints per month.

FIGURE 1 – NUMBER OF COMPLAINTS RECEIVED STATEWIDE BY MONTH



The red line in the figure above marks the commencement of the HR Act.

The overwhelming majority of complaints received during the last 12 months were received by correctional centres.

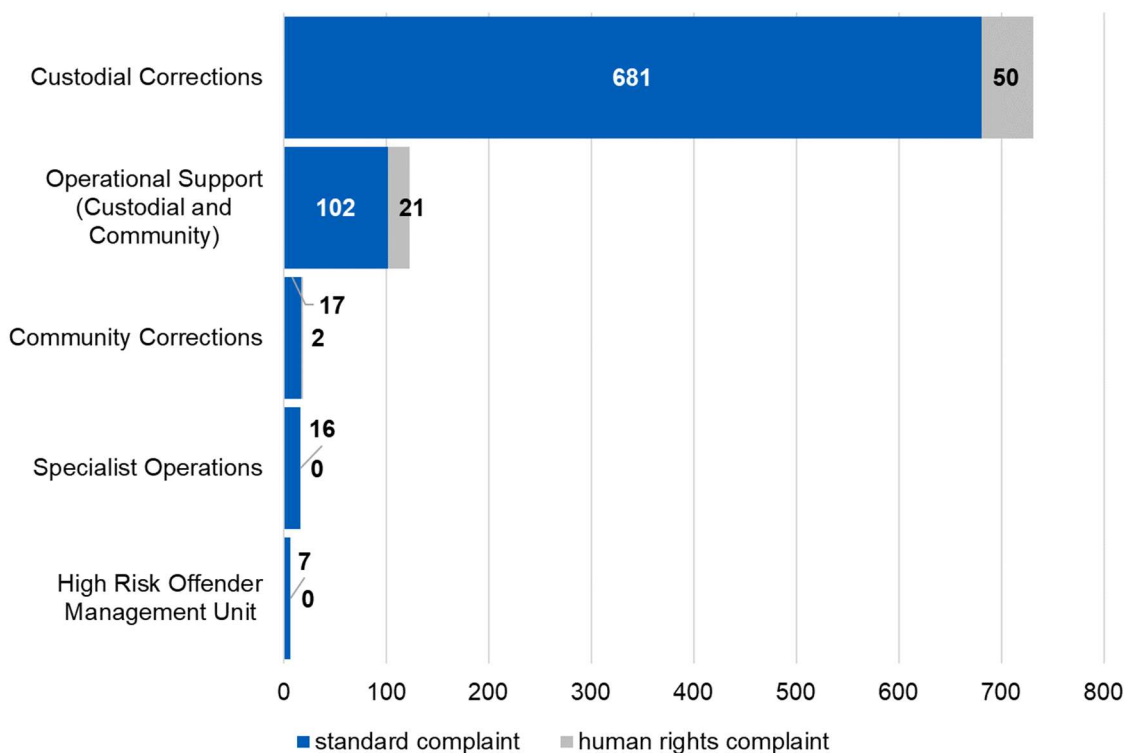
TABLE 1 – NUMBER OF COMPLAINTS RECEIVED DURING 2019-20

| Location | Total Complaints Received | | Complaints with a human rights component ¹ | |
|---|---------------------------|---------------|---|---------------|
| | No. | % | No. | % |
| Operational Support (Custodial & Community) | 123 | 13.7% | 21 | 28.8% |
| High Risk Offender Management Unit | 7 | 0.8% | 0 | 0.0% |
| Custodial Corrections | 731 | 81.6% | 50 | 68.5% |
| Community Corrections | 19 | 2.1% | 2 | 2.7% |
| Specialist Operations | 16 | 1.8% | 0 | 0.0% |
| Office of the Commissioner | 0 | 0.0% | 0 | 0.0% |
| Organisational Capability | 0 | 0.0% | 0 | 0.0% |
| Parole Board Secretariat | 0 | 0.0% | 0 | 0.0% |
| TOTAL | 896 | 100.0% | 73 | 100.0% |

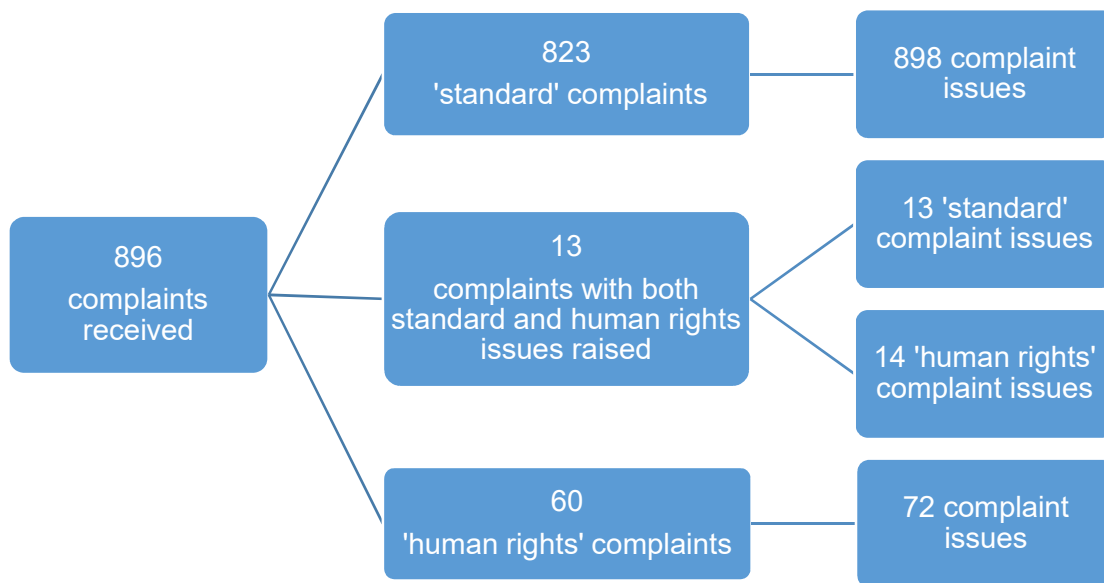
Notes:

1. Human rights complaints reporting commenced on 1 January 2020. Complaints with a human rights component are also included in the column on total complaints received.

FIGURE 2 – DISTRIBUTION OF COMPLAINTS RECEIVED IN 2019-20



Complaint issues



There was a total of 997 complaint issues identified in the 896 complaints received during 2019-20. A complaint can have more than one complaint issue identified.

The majority of complaints received during the last 12 months relate to offender management issues (663 complaint issues or 66 per cent).

Since 1 January 2020, prisoners have been able to raise a complaint with the Agency under the HR Act. During this six month period 455 complaint issues were reported, 86 of which were identified as involving a human right under the Act.

Based on six months of operation, 19 per cent of all complaints reported by QCS were identified as complaints under the HR Act.

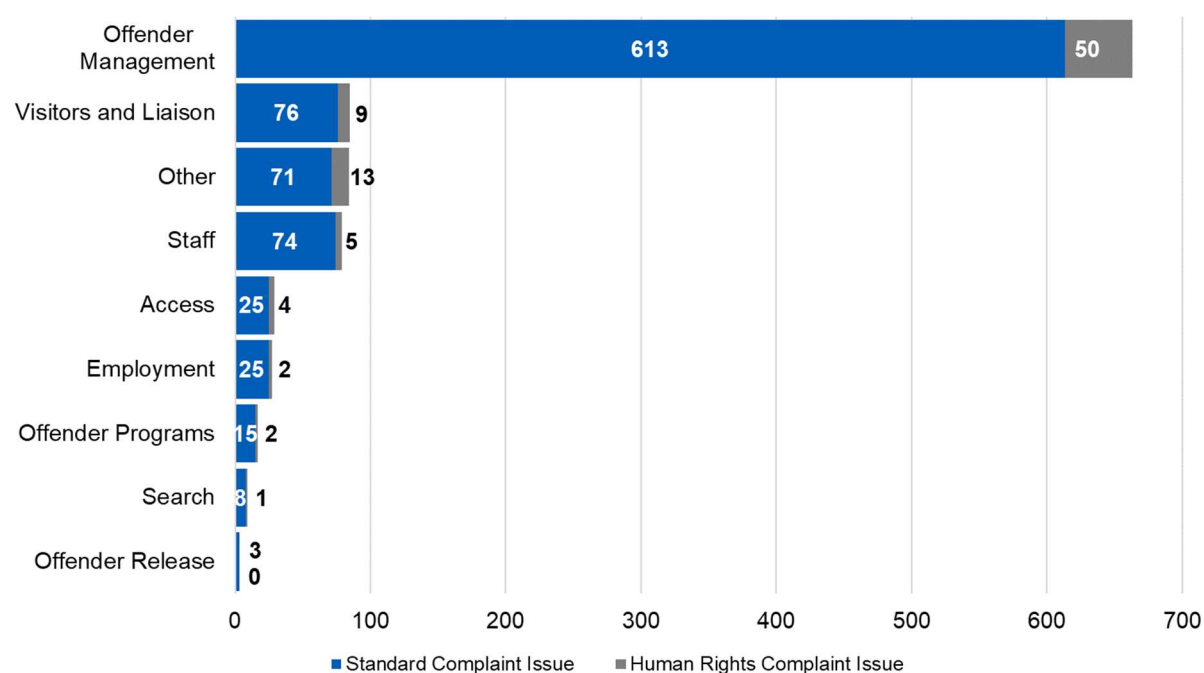
TABLE 2 – NUMBER OF COMPLAINTS RECEIVED BY ISSUE DURING 2019-20

| Complaint Issue | Total Complaints Received | | Complaints with a human rights component ¹ | |
|--|---------------------------|-------------|---|-------------|
| | No. | % | No. | % |
| Access | 29 | 2.9% | 4 | 4.7% |
| Employment | 27 | 2.7% | 2 | 2.3% |
| Minors | 0 | 0.0% | 0 | 0.0% |
| Offender Management | 663 | 66.5% | 50 | 58.1% |
| Offender Programs | 17 | 1.7% | 2 | 2.3% |
| Offender Release | 3 | 0.3% | 0 | 0.0% |
| Search | 9 | 0.9% | 1 | 1.2% |
| Staff | 79 | 7.9% | 5 | 5.8% |
| Visitors and Liaison | 85 | 8.5% | 9 | 10.5% |
| Other | 84 | 8.4% | 13 | 15.1% |
| To be confirmed/ matter under investigation ² | 1 | 0.1% | 0 | 0.0% |
| TOTAL ³ | 997 | 100% | 86 | 100% |

Notes:

1. Human rights complaints reporting commenced on 1 January 2020. Complaints with a human rights component are also included in the column on total complaints received.
2. Complaints where the complaint issue is yet to be recorded on Resolve as at date of extraction.
3. A complaint can have more than one complaint issue recorded against it. The totals in Table 2 will not equal the totals in Table 1.

FIGURE 3 – COMPLAINT ISSUES FOR 2019-20



Complaint outcomes

Of the complaints received during the financial year, nine (or one per cent) remain open/unresolved as at 7 August 2020.

Of the 887 complaints finalised during the financial year, 62 per cent were not substantiated, with 31 per cent either substantiated or partially substantiated.

TABLE 3 – OUTCOME OF CLOSED COMPLAINTS FOR 2019-20

| | Complaint Outcome | Total Complaints Received | | Complaints with a human rights component ¹ | |
|---|------------------------------------|---------------------------|-------|---|-------|
| | | No. | % | No. | % |
| Further Action | Complaint substantiated | 129 | 14.5% | 0 | 0.0% |
| | Complaint partially substantiated | 149 | 16.8% | 8 | 11.1% |
| | Conciliation/mediation | 2 | 0.2% | 1 | 1.4% |
| | Referred or made to another Agency | 24 | 2.7% | 4 | 5.6% |
| | Other | 10 | 1.1% | 2 | 2.8% |
| No Further Action | Complainant unable to be contacted | 10 | 1.1% | 1 | 1.4% |
| | Complaint not substantiated | 551 | 62.1% | 55 | 76.4% |
| | Frivolous/vexatious | 2 | 0.2% | 0 | 0.0% |
| | Insufficient information provided | 7 | 0.8% | 0 | 0.0% |
| | Withdrawn by complainant | 3 | 0.3% | 1 | 1.4% |
| Complaints still open/ ongoing ² | | 9 | - | 1 | - |
| TOTAL COMPLAINTS | | 896 | - | 73 | - |
| TOTAL FINALISED COMPLAINTS | | 887 | | 72 | |
| Complaints resulting in further action | | 314 | 35.4% | | |
| Complaints resulting in no further action | | 573 | 64.6% | | |

Notes:

A complaint may be received in one month and closed in another month. A complaint outcome is not known until the complaint is finalised. The above table records the outcome by the month the complaint was received.

Outcomes are recorded against each case issue. A complaint with more than one complaint issue recorded can have more than one outcome type. The above table only records one outcome per complaint.

1. Human rights complaints reporting commenced on 1 January 2020. Complaints with a human rights component are also included in the column on total complaints received.

2. Refers to complaints which have not been finalised at the time of reporting (complaints with an 'open' status). An outcome remains unknown until the complaint is closed. A complaint which may have an outcome recorded on Resolve, but which remains 'open' are reported under this category until the complaint is closed.

Section 97(2) of the *Human Rights Act 2019* – reporting on other actions and reviews undertaken during 2019-20

Section 97(2) requires that QCS report annually on details of any actions taken during 2019-20 to further the objectives of the HR Act, including details on any review of policies, programs, procedures, practices or services undertaken in relation to their compatibility with human rights.

Objectives of the HR Act

- to protect and promote human rights; and
- to help build a culture in the Queensland public sector that respects and promotes human rights; and
- to help promote a dialogue about the nature, meaning and scope of human rights.

QCS is committed to humanely managing prisoners and offenders and welcomed the introduction and full commencement of the HR Act from 1 January 2020. The HR Act protects the rights of those deprived of their liberty, an internationally recognised right that reflects prisoners' vulnerability. QCS is committed to implementing the HR Act meaningfully and delivering on its commitment while managing vital day-to-day business.

To further the objectives to the Act, QCS has:

- conducted a comprehensive review of existing policies and procedures, and developed and distributed resources and products to embed a human rights culture into daily operations;
- designed a three-tiered approach to coordinate and facilitate training and education in relation to human rights for staff;
- continued to work with the Human Rights Unit within the Department of Justice and Attorney-General to consider human rights in the development of legislative proposals and is committed to ensuring that the engagement and potential limitation of human rights is appropriately considered; and
- reviewed the internal complaints processes and amended the complaints management system, Resolve. QCS has also updated its complaint management policy and is continuing to review the administration handbook for ease of logging complaints.

To date, 5407 (93 per cent) of QCS staff have completed the online training on public entities and the HR Act. All new recruits have undertaken the online training and the training is also included as part of their induction process.

The tier two model of the training – that is, the train-the-trainer model – has been postponed due to the COVID-19 restrictions. As at 30 June 2020, all identified high priority and medium high priority operational policies have been reviewed and the low priority policies are currently under review.