



Title: External Complaints Management Policy

Responsible Officer: Registrar / General Manager

Action Officer: Complaints Contact Officer

References:

Family Responsibilities Commission:

- Queensland Government Code of Conduct
- Workplace Health and Safety Policy
- Harassment Discrimination and Bullying Policy
- Guideline for Implementing the Fundamental Principles of Justice for Victims of Crime
- Privacy Policy
- Right to Information Guidelines
- Employee Complaints Management Policy
- Workplace Policy
- Discipline in the Workplace Policy – A Guideline for Management and Employees
- Employee Assistance Policy

Relevant Legislation

- *Victims of Crime Assistance Act 2009*
- *Family Responsibilities Commission Act 2008*
- *Queensland Public Service Award – State 2012*
- *Public Service Act (Qld) 2008*
- *Crime and Misconduct Act 2001 (Qld)*
- *Public Interest Disclosure Act 2010*
- *Appeals (PSC Directive 19/10)*
- *Public Service Ethics Act 1994 (Qld)*

- *Anti Discrimination Act 1991 (Qld)*
- *Information Privacy Act 2009*
- *Ombudsman Act 2001*
- *Right to Information Act 2009*
- *Industrial Relations Act 1999*
- *Work Health and Safety Act 2011*

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1.0 Purpose

This policy provides a framework for the management of complaints within the Family Responsibilities Commission. The policy aims to identify and eliminate causes of complaints and improve service and organisational performance.

All FRC Commissioners and employees are expected to be aware of the Commission's complaints management process and that information about the process is readily available to the public. Information has been published on the Commission's website (www.frcq.org.au).

This policy requires that the Commission's complaints management system is well communicated to FRC Commissioners, employees and the general community.

2.0 Scope

This policy applies to all complaints about the service or actions of the Commission or its employees (temporary or permanent), excluding those complaints which are regulated according to legislation, policies and systems such as:

- suspected official misconduct complaints which are dealt with under *Crime and Misconduct Act 2001 (Qld)* and select public interest disclosure complaints which may be referred externally under the *Public Interest Disclosure Act 2010* (refer 12.0 Making Public Interest Disclosures)
- employee grievances and/or conflict including workplace harassment or bullying which are dealt with under the Commission's Harassment Discrimination and Bullying Policy and Employee Complaints Management Policy

- complaints concerning privacy breaches which will be dealt with under the Commission's Privacy Policy which is regulated by the *Information Privacy Act 2009 and the Right to Information Act 2009*
- complaints that are primarily contractual in nature and which:
 - do not involve alleged breaches of the Code of Conduct and
 - are responded to in a contractual context
- employee appeals that are dealt with under *Appeals (PSC Directive 19/10)*
- Complaints received by the Commission in regard to a breach of the Principles of Justice for Victims of Crime will be dealt with according to the Commission's Guideline for Implementing the Fundamental Principles of Justice for Victims of Crime and within the time constraints as dictated by this Complaints Management Policy.

Where a complaint outcome is that an employee is at fault, managers and employees must refer to the Discipline in the Workplace Policy – a Guideline for Management and Employees for guidance in regard to management and discipline procedures.

3.0 Policy Statement

The Commission will maintain high standards of professionalism and integrity in relation to all people who are notified to the Commission and agencies with which the Commission has dealings in the performance of its functions.

Community members and other people having contact with the Commission can expect:

- fairness, independence and objectivity
- efficiency and effectiveness
- responsiveness and accountability
- honesty
- reasonableness in decision-making
- respect for all opinions and people
- respect for Indigenous customs and
- courteous service to all members of the community.

The Commission takes seriously all complaints against its decisions and actions and the conduct of its employees and:

- actively encourages feedback about how it handles complaints
- takes a client focused approach in handling complaints
- accepts complaints orally or in writing and
- uses information about complaints to improve its business processes.

The Commission ensures an effective, flexible and accessible system for complaints management for employees and the community. All Commissioners and employees must be equipped to inform members of the community how to access the Commission's complaints process.

The Commission supports the right of employees and the community to complain about the Commission's services, decisions or conduct and to make public interest disclosures. Public interest disclosures are an important means of reporting wrongdoings and assist in maintaining the integrity and accountability of the Queensland Public Service.

Complaints received (including anonymous complaints where practicable) will be processed promptly, professionally and fairly, in line with the principles of natural justice and in accordance with this External Complaints Management Policy.

The Commission is committed to continual improvement in its administration and to fostering better relationships with the community through meaningful feedback to Commissioners and employees about the nature, outcomes and causes of complaints.

4.0 Elements of Effective Complaints Management

4.1 Visibility

The Commission has provided readily available information about where to lodge a complaint, how to make a complaint, and how the complaint will be handled. This Complaints Management Policy is available on the Commission's website, and internally and centrally available to all employees. An electronic register requiring the signature of every employee and attesting that each employee has read and understood the policy is kept and maintained on the Commission's electronic network.

4.2 Access

Assistance will be provided to employees and community members in accessing and processing complaints received by the Commission. Complainants will be informed of the process the resolution will follow and will be given regular updates on progress.

The Commission recognises that complaints can be sensitive and complex and may require considerable and confidential investigation. Timeframes for the investigation and resolution process will be reasonable and flexible. Complainants will be advised of estimated timeframes as soon as reasonably practicable.

It is for the above reasons that the Commission has appointed a Complaints Contact Officer (CCO) who is appointed with the delegated task of complying with complaint management timeframes and reporting frameworks (refer 9.0 Complaints Contact Officer).

4.3 Responsiveness

Complaints can be complicated and may take time to resolve, however, the Commission will ensure that complainants are kept informed about the steps involved in the complaints process, anticipated timeframes and any other factors affecting the progress of a complaint. Timeframes will be monitored to ensure that best practice and accountability is transparent. Legitimate delays may be caused from:

- copious documentation required for investigation
- issues of complexity
- key documents or witnesses being unavailable
- whether it is necessary to obtain legal advice.

Commission employees receiving, investigating and/or resolving complaints are thoroughly trained in the application of this policy and relevant procedures. The Commission has ensured that all Commissioners and employees are aware of expected time constraints, and expect the CCO to resolve complaints in a committed manner affording natural justice to all parties involved.

4.4 Assessment

The Commission recognises the importance of fully understanding the complainant's concerns. Upon receiving a complaint, officers must take reasonable steps to ensure that the complaint is properly understood, seeking clarification or additional information as necessary. Additionally the Commission CCO delegated the task of resolving a complaint is to apprise himself of what the complainant recognises as an appropriate outcome.

Outcomes sought could include, for example:

- a simple correction on the Commission's database
- a formal written apology
- a change in service provision
- a review of policies and procedures
- additional training for employees.

The Commission will handle complaints in a manner that is culturally appropriate and responsive to any special needs of all parties involved.

The single most effective way to resolve an issue or complaint is to discuss it with the complainant at the first point of contact. Often an apology or explanation can go a long way to resolving an issue or concern.

4.5 Action

Where appropriate the Commission will investigate issues that are not specifically raised in a complaint which may represent a systemic problem. The assessment of a complaint may reveal issues that are not apparent at the time the complaint was received. The CCO must not overlook related causes and/or consequences of the complaint, nor implications for future operational efficiency and improvements.

All complaints received by the Commission will be handled fairly and objectively. The Commission will utilise this policy to address all complaints which fall within the scope of this policy (refer 2.0).

4.6 Feedback

Decisions about a complaint will be made as soon as possible following assessment and/or investigation. In accordance with the relevant procedures, decisions about a complaint are to be communicated to the complainant by the CCO as soon as possible.

Where it is found appropriate to decline a complaint, or an investigation reveals little to substantiate a complaint, the CCO must communicate this to the complainant, along with an explanation of the process the decision-making followed and the reasoning reached in the decision. This communication should be delivered in such a manner as a reasonable complainant would feel their concerns have been dealt with in a serious manner, even if they do not agree with the decision.

If a complainant is dissatisfied with any action taken by the Commission in relation to a complaint, and after they have exhausted all available avenues of review within the Commission, they have the right to seek external review via the Office of the Queensland Ombudsman:

Telephone: 3005 7000
Toll-free: 1800 068 908
Email: ombudsman@ombudsman.qld.gov.au

Matters involving employee discipline should be processed according to the Discipline in the Workplace Policy – a Guideline for Management and Employees. If an employee is dissatisfied with any action taken by the Commission in relation to a complaint received against them, and after they have exhausted all available avenues of review within the Commission (i.e. the Commissioner), they have the right to seek external review via the Public Service Commission by completing the appropriate [Notice of Appeal](#) and forwarding to:

Telephone: 3224 6379
Email: appeals@psc.qld.gov.au

The appeal may be made and argued on the grounds that the decision to discipline and/or the penalty were unfair or unreasonable. For further information refer to the Discipline in the Workplace Policy – a Guideline for Management and Employees.

4.7 Monitoring Effectiveness

The Commission will capture and analyse information in relation to its complaints management and complaints history in order to identify complaint trends and any possible systemic issues that need to be addressed. Additionally the analysis of complaints information will be utilised to assess the effectiveness of employee performance, training and commitment to complaints handling. Corrective measures will be initiated if required.

This External Complaints Management Policy will be reviewed and updated as required every three years from the date of endorsement or within a reasonable time thereafter. All Commission policies are considered living documents which are subject to growth and change as required by the community, strategic objectives and relevant legislative requirements.

5.0 Principles of Natural Justice

Natural justice comprises of three basic principles which the Family Responsibilities Commission uses as the foundation for this policy, and indeed as a foundation for its role in supporting the rebuilding of satisfactory social structures in the Cape York Welfare Reform communities:

- Any person who is likely to be adversely affected by a decision should be given notice of the issues and relevant information. The notice to the person must identify the critical issues and contain sufficient information for the person to be able to participate meaningfully in the decision making process.
- The person must be given a reasonable opportunity to respond to the issues/information. A fair hearing not only requires that the affected person is given a fair opportunity to speak or respond, but also that the decision maker can show they have given genuine consideration to the affected person's submission.
- The person making the decision must act impartially (without bias) in considering the matter. Bias could arise if the decision-maker has some financial or other personal interest in the outcome of the decision (conflict of interest) or has given the impression that they have prejudged the issue ahead of time (prejudgement).

6.0 Factors for Consideration in Assessing a Complaint

In assessing complaints received, the CCO will consider:

- whether the complaint suggests a significant injustice
- whether the complaint is considered frivolous, vexatious or trivial
- the amount of time that has elapsed since the incident occurred
- the extent to which the complaint is serious or significant for the Commission
- whether the complaint involves an issue of broad public interest
- the amount of resources likely to be required, and whether the resources are proportionate to the significance of the complaint
- remedies the Commission can provide to the complainant if the complaint is substantiated
- whether an investigation could lead to improvements in the Commission's processes.

7.0 Confidentiality

Matters concerning the complaint, process of determination and any other matters are to remain confidential, and all parties are required to comply with the confidentiality requirement. Personal information which is accessed through the complaints process and in investigating and responding to complaints will be managed in accordance with the Commission's Privacy Policy and Guidelines for Right to Information, together with the relevant legislative provisions of the *Information Privacy Act 2009* and the *Right to Information Act 2009*. Any breach of confidentiality will be dealt with under the Commission's Workplace Policy and the Queensland Public Service Code of Conduct.

8.0 Complaints the Commission will not action

Decisions relating to the management of a particular complaint reside with the Commission CCO subject to any relevant legislative requirements.

The Commission will not accept complaints in respect of:

- matters already being dealt with or currently being dealt with by the Commission, another Department or agency, Court, or Tribunal
- matters that are considered impractical to investigate
- matters that are considered frivolous or vexatious
- matters that are outside the Commission's jurisdiction.

9.0 Complaints Contact Officer

The Complaints Contact Officer (CCO) for the Commission is:

The Registrar / General Manager
PO Box 5438
CAIRNS QLD 4870
Ph: (07) 4057 3871

10.0 Complaints Process

The process for dealing with complaints is determined by the category of complaint being made. Minor complaints and queries should, where possible, be resolved by the Commission employee receiving the complaint, without progressing through the formal complaint process. The Commission has determined the following categories of complaints to ensure that complaints are dealt with appropriately:

- Level 1 – complaints that are generally straightforward with minimal potential to impact on an operational area. Such complaints are able to be resolved at the point of service or may require some assessment and/or investigation.
- Level 2 – complaints that are of a more complex or serious nature and have the potential to impact negatively on the operational area. Such complaints require assessment and/or investigation.
- Level 3 – Complaints that are complex and significant and have the potential to impact negatively on the Commission and/or cause lasting detriment. Such complaints will require comprehensive assessment and/or investigation.

In the event of a more serious or complex complaint (levels 2 or 3), the complaint handling procedures are as follows (refer Appendix A):

1. When a complaint is received by the Commission, in the first instance refer the complainant to the Commission CCO (as detailed in 9.0 above), or in the absence of the CCO, or if in relation to a complaint involving the CCO, the Commissioner. The CCO will then:
 2. provide the complainant with a complaint form for completion and explain the complaints process (where a detailed complaint has been received in writing – i.e. letter or email – the CCO may act on the detailed document in lieu of an official complaint form)
 3. upon receipt record the complaint in a Complaints Management Register (all complaints regardless of their level must be recorded)
 4. acknowledge the complaint in writing within fourteen (14) days
 5. if the complaint is in regard to an employee, forward the complaint upon receipt to the employee concerned requesting their response within fourteen (14) days
 6. when all information is to hand (including the response if relevant to the particular complaint) investigate and resolve the complaint **if possible** within thirty (30) days from receiving completed complaint form (depending on the category of the matter and depth of investigation required the timeframe may extend beyond the 30 days considered desirable, however, the Commission will endeavour to complete the complaint process within 30 days)

7. Where it is determined that an employee is at fault, refer to the Discipline in the Workplace Policy – a Guide for Management and Employees to determine whether management or disciplinary process is appropriate and proceed according to that guideline
8. provide the complainant with the written decision within seven (7) days from the decision being made (include reasons and review and appeal rights).

In investigating the complaint the CCO will consider all relevant factors. After having given due consideration to the matter, the CCO may determine a resolution to the complaint. Alternatively the CCO may determine that the matter deserves a more detailed investigation and may elect to refer the matter for external investigation to the Corporate Administration Agency (CAA) or other agency. Due consideration will be given to each of these outcomes subject to each particular circumstance (i.e. should the complaint concern an employee, consideration will be given to the employee's response which will be requested within 14 days of the complaint being received).

A complaint will be reviewed once only.

Complaints made about decisions or actions of other agencies, such as a community support service provider will be referred to the relevant agency.

A complainant aggrieved by a decision of the CCO in regard to an **operational complaint** may seek a review of the decision by the Family Responsibilities Commissioner within twenty-eight (28) days of the CCO's decision being advised. The CCO is to update the Complaints Register.

An employee aggrieved by a decision of the CCO/Commissioner should refer to the Discipline in the Workplace Policy – a Guideline for Management and Employees and proceed according to that policy. External appeal is available to employees through the Public Service Commission.

A person aggrieved by a decision of the Commissioner in regard to a **conference-related complaint** or an **operational complaint** may seek a review of the decision via the Ombudsman (refer 4.6).

10.1 Operational complaints

Operational complaints are complaints about actions or attitudes of Commission employees (for example, concerns about the treatment of a community member during the issue of a notice to attend a conference, or issues of employee-related conflict of interest).

Operational complaints are to be considered by the CCO.

10.2 Conference-related complaints

Conference-related complaints are complaints about actions or attitudes of the Commission or Family Responsibilities Commissioners, including for example, a decision to hold a conference, conflict of interest relating to Commissioners, actions at a conference and conference outcomes.

Conference-related complaints will be considered by the Commissioner. There is no right to further *internal* review of the Commissioner's decision in relation to the complaint.

11.0 Resolution

Resolutions to a complaint may include:

- a written / verbal apology about the complaint
- an explanation about the complaint (i.e. whether it is as simple as a misunderstanding by either party)
- changes to service provision of the business unit that was the subject of the complaint
- review of policies and procedures when the Commission was the subject of the complaint or
- employee training.

12.0 Making Public Interest Disclosures

A Public Interest Disclosure (PID) is a report of suspected wrongdoing or danger. In the interests of encouraging open and transparent governance the Queensland Government has enacted the *Public Interest Disclosure Act 2010* effective from 1 January 2011. The *Public Interest Disclosure Act 2010* (PID Act) replaces the prior legislation which provided for public interest disclosures, the *Whistleblowers Protection Act 1994 (Qld)*.

The PID Act provides protection from the threat of reprisal or punishment for those who wish to reveal suspected wrongdoing. This protection was deemed necessary following the Fitzgerald Inquiry in 1989 which brought to light the difficulties people faced in disclosing information about wrongdoing, either in their agency or in external agencies.

The Commission will take action to protect you from retribution or reprisal for making a PID. Retribution or reprisal may comprise of bullying, harassment, termination, personal injury or other acts of victimization or intimidation. Such actions are against the Queensland Government Code of Conduct and are also in contravention of the Commission's Harassment Discrimination and Bullying Policy, Workplace Policy and Workplace Health and Safety Policy. It is a criminal offence to cause harm to anyone making a public interest disclosure. If the PID has been made through a proper authority and is deemed to be an appropriate disclosure, the discloser has immunity from:

- civil liability
- criminal liability
- disciplinary action, termination or other administrative sanction taken strictly in relation to a PID.

Disclosers have the right to apply for an injunction in either the Industrial Commission or Supreme Court to prevent a threatened or actual reprisal and may also take a civil action for damages if necessary.

In order to be protected under the PID Act, the report must be an *appropriate disclosure* about *public interest information* made to a *proper authority*.

Appropriate Disclosure

Appropriate disclosure is comprised of information which tends to show the wrongdoing or danger which you honestly and reasonably believe to be true. Mere suspicion is not an appropriate disclosure. Information disclosed must indicate or support a view that the

wrongdoing or danger did or will occur. The genuine and reasonable belief factor will still authenticate an appropriate disclosure even if the information is eventually unable to be substantiated due to misinterpretation or other factors.

Public Interest Information

Public interest information is information concerning:

- the conduct of a person that could constitute official misconduct
- the conduct of a person that could constitute maladministration which adversely affects someone's interests in a substantial and specific way
- the conduct of a person that could constitute reprisal
- a substantial misuse of public resources
- a substantial and specific danger to public health or safety
- a substantial and specific danger to the environment
- a substantial and specific danger to the health and safety of a person with a disability.

Proper Authority

A proper authority can be:

- a Member of the Legislative Assembly (an MP)
- the Commission
- another agency you believe has the authority to deal with the matter or
- a Chief Judicial Officer (if the matter concerns a judicial officer).

A proper authority can also constitute a journalist **ONLY IF**:

- the disclosure has already been remitted through a proper authority as listed above **and**
- the proper authority has made a decision not to investigate the PID **or**
- the PID was investigated but no recommendations for action were made **or**
- the person who made the PID was not notified within six months of making the PID that an investigation was to occur or the PID would be dealt with.

Where an MP or agency is currently dealing with a PID, further disclosure to a journalist will not constitute a proper authority in the context of protection afforded by the PID Act.

PIDs in regard to Commission matters can be made through the following channels and are to be submitted in accordance with item 10.0 of this policy (Complaints Process):

- the FRC Commissioner
- the Minister for Local Government and Aboriginal and Torres Strait Islander Partnerships
- a member of the Family Responsibilities Board
- a senior manager of the Commission
- the Commission Complaints Contact Officer.

A PID may also be submitted to external agencies such as the Crime and Corruption Commission and the Queensland Ombudsman, or the Commission may elect in the interests of natural justice to refer the PID on for external review/resolution.

A PID may be submitted anonymously and does not necessarily need to be in written form. Anonymous PIDs will affect reporting obligations as the Commission will not be able to obtain further information from the discloser in order to assist the investigation, and feedback in regard to the management and outcome of the PID will not be directly delivered to the discloser.

Further, the PID Act does not guarantee anonymity as the identity of the discloser may become apparent from the type and manner of disclosure. Confidentiality, however, will be exercised by the Commission pursuant to the PID Act. Confidential information may be shared with someone who has responsibilities under the PID Act, or with a responsible officer to enable an investigation to occur. Confidential information may also be shared in order to provide natural justice to the discloser of the information.

Advice for individuals	If you are thinking of making a PID, refer to this policy or the Commission's Employee Complaints Management Policy, refer the matter to your direct line manager, or contact the CCO
Advice for managers/supervisors	If you have received a PID, refer to this policy or the Commission's Employee Complaints Management Policy and refer the matter to the CCO
Advice on official misconduct	Contact your direct line manager, the Commission CCO, or the Crime and Corruption Commission, (07) 3360 6333
Advice on State and local government maladministration	Contact your direct line manager, the Commission CCO, or the Queensland Ombudsman (07)3005 7000

12.1 Commission Obligations

The Commission will:

- receive and identify reports that constitute a PID
- once acknowledged, take ownership of the PID even if the discloser elects not to proceed with the PID
- act promptly on acknowledgement of a PID and ensure timely processes
- consider and liaise with the discloser in order to conduct a risk assessment of reprisal and review the risk assessment during the investigation to ensure appropriate support is provided as and when required
- keep records of the risk assessment during the investigative process
- establish, or assist in establishing reasonable procedures for protection of the discloser as necessary
- provide reasonable information to the discloser
- maintain confidentiality as provided for under the PID Act during the assessment, investigative and closing phases of a PID matter, including after the PID has been dealt with
- maintain proper records about PIDs via a Public Interest Disclosure Register
- use the PID outcome to inform and improve upon future operative processes and
- report annually on PID matters.

12.2 Discloser Obligations

A discloser (whether internal or external to the Commission) has the following obligations:

- provide honest and accurate disclosure
- provide all relevant information at hand
- provide disclosure to a person or entity constituting a proper authority
- maintain confidentiality in regard to the PID and the identity of anyone involved in the PID
- cooperate with the investigator to substantiate the PID

- advise the investigator or PID contact of the risk or any incident of reprisal.

Section 66 of the PID Act provides that the disclosure of information to a proper authority (upon which it is sought for the proper authority to act) which is patently false or intentionally misleading is an indictable offence and may subject the discloser to a possible term of imprisonment of two years.

12.3 Timeframe for Processing a PID

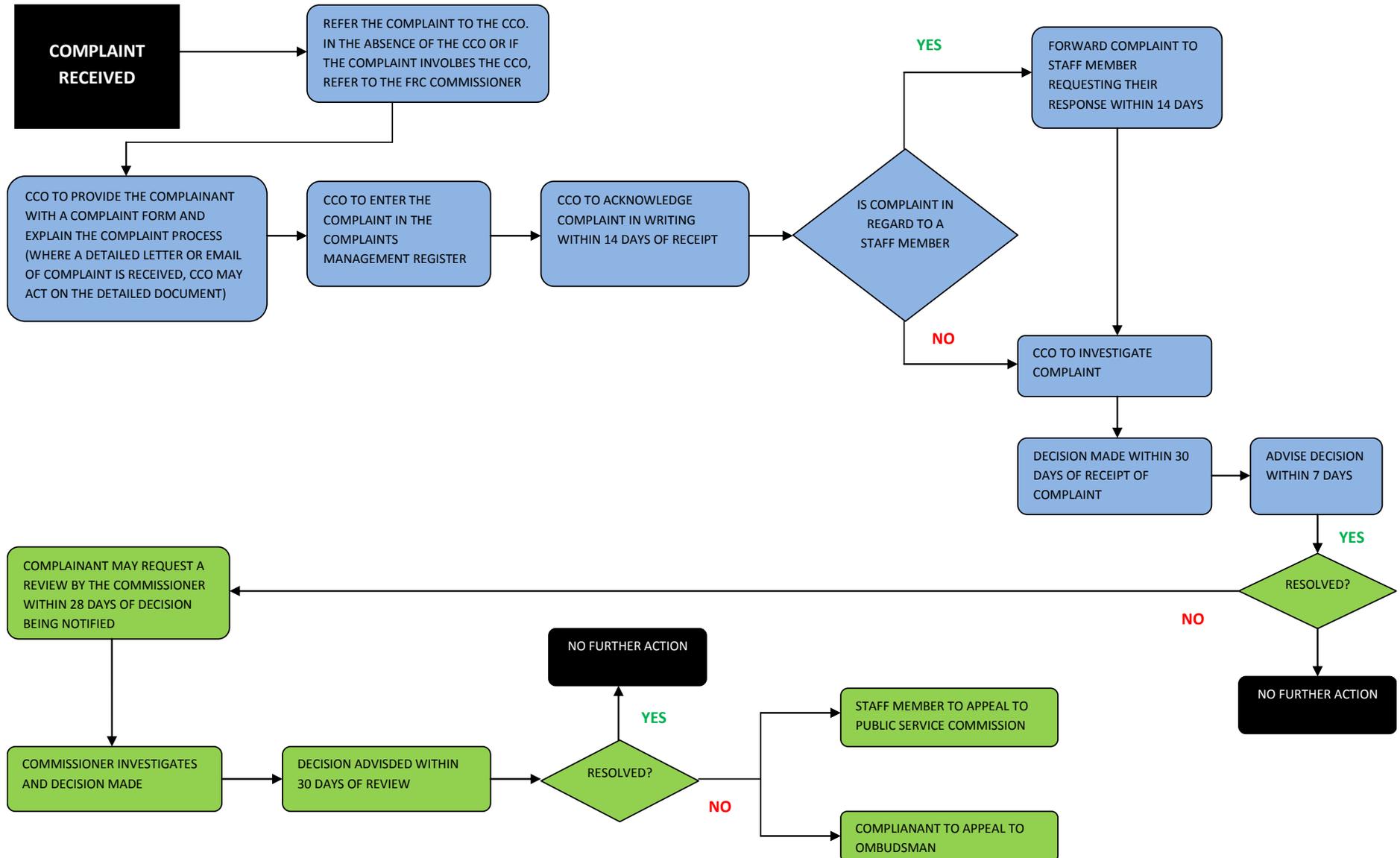
As far as possible, a PID will be processed by the Commission within the timeframes specified in 10.0 (Complaints Process). However, the nature of the PID, depth of investigation required, and whether the PID is referred to an external agency for resolution may have a substantial impact upon timeframes. The Commission will nevertheless handle all PIDs as a matter of urgency and inform the discloser in writing at the earliest opportunity:

- that the Commission has assessed their information as a PID and what that acknowledgement entails
- if the complaint does not constitute a PID, what will occur with the complaint
- what the Commission has done or will do regarding an assessed PID
- likely timeframes
- Commission responsibilities in the process
- protections that will apply to the discloser
- their (the discloser's) own responsibilities in the PID process
- confidentiality requirements of the PID Act and how the Commission will conform
- how the Commission will communicate regarding the resolution of the PID and
- who to contact regarding any concerns.

For further information and assistance contact:

Registrar / General Manager
Family Responsibilities Commission
Level 3, 107 Lake Street, Cairns
Telephone (07) 4057 3870 Fax (07) 4041 0974

Annexure A(i)
COMPLAINTS MANAGEMENT PROCESS
 OPERATIONAL COMPLAINT FLOW CHART



Annexure A(ii)
COMPLAINTS MANAGEMENT PROCESS
 CONFERENCE RELATED COMPLAINTS

