



Complaints management and internal review policy

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Policy statement

The Office of the Independent Assessor (OIA) is committed to effective complaints management by managing complaints about its functions in an accountable, transparent, timely and fair manner.

The OIA recognises that effective complaints management is good business practice and integral to good client service.

The OIA takes seriously all complaints by:

- accepting complaints that are made either verbally or in writing
- taking a client-focused approach to how the OIA deals with complaints
- actively encouraging feedback
- using information about complaints to improve the delivery of the OIA's functions
- offering a robust process for the internal review of decisions or actions concerning the assessment of a councillor conduct complaint to the OIA.

The objectives of this policy are to ensure:

- fair, accountable, transparent and responsive management of complaints about councillor conduct or the OIA's functions
- identification and correction of errors or omissions
- effective monitoring of complaints
- identification and implementation of business improvement opportunities.

Principles

The complaint management principles underlying this policy reflect the Australian/New Zealand Standard - Guidelines for complaints management in organizations (AS/NZS 10002-2022), the *Public Sector Act 2022* (section 264) and the *Human Rights Act 2019*. The OIA is committed to the following complaints management principles:

- Giving proper consideration to human rights identified in accordance with the *Human Rights Act 2019*

- that may be impacted by a decision of an employee of the OIA. We do this by:
- ensuring the complaints process is free and readily accessible to all persons regardless of background and circumstances
 - providing reasonable assistance to people who seek to make complaints
 - assessing the nature of complaints, including the identification and consideration of all relevant human rights, how complaints should be dealt with and by whom.
- Being customer focused by ensuring people have access to make a complaint via a clear and accessible OIA complaint management system, with complainants respected and responses addressing issues raised. We do this by:
 - making information about where to lodge a complaint and how to make a complaint readily available
 - making information about how complaints will be managed readily available
 - communicating consistently with parties about the progress towards outcome and or resolution
 - providing a clear explanation of the final decision and any recommendations.
 - Ensuring complaint handling processes are timely and fair by being clear, impartial and confidential, with timely acknowledgements and responses. We do this by:
 - responding to complaints in a timely manner
 - enabling complaints to be dealt with fairly and objectively
 - protection of privacy and confidentiality.
 - Communicating with clarity by ensuring all parties involved in a complaint are aware of the expectations and standards of the complaint process. We do this by:
 - providing clear explanations about what the OIA can and cannot do
 - maintaining staff awareness of the complaints management process and capability in its operational use
 - ensuring complainants do not suffer any reprisals or detriment (e.g. poor future service) for making a complaint.
 - Supporting accountability by making clear what roles and responsibilities for complaint management officers in the OIA hold, and that they are publicly available. We do this by:
 - referring complaints to external agencies, where required
 - making information about available review mechanisms readily available
 - meeting any statutory, policy or procedural reporting requirements.
 - Improving existing services by acknowledging complaints as valuable feedback in an ongoing process of evaluation that helps prevent ongoing or future complaints and informs new, quality services where required. We do this by:
 - monitoring timeframes for resolution of complaints
 - providing complainants and staff with timely feedback
 - identifying complaint trends
 - providing feedback to the Independent Assessor of relevant areas where potential system improvements are identified.

Application/Scope

This policy and associated procedures apply to all permanent and temporary employees of the OIA as well as contractors, employment agency staff, sub-contractors, clients, and work experience students (who are defined as workers in the *Work Health and Safety Act 2011*) while working in the workplace.

This policy (subject to exclusions set out under the heading 'Exclusions') applies to the OIA for the following:

- service delivery complaints
- councillor conduct complaint management, investigation and prosecution
- internal review requests.

Service delivery complaints

Service delivery complaints are about any aspect of service or a product provided by the OIA or the conduct of an officer.

Complaints about dissatisfaction with the outcome of a councillor conduct complaint are generally not service delivery complaints and will be dealt with in accordance with the OIA Internal Review Request Procedure. If, however, the internal reviewer believes a serious councillor conduct complaint management breach has occurred in dealing with a councillor conduct complaint, the internal reviewer may deal with the matter under the OIA Service Delivery Complaints Procedure.

Councillor conduct complaint management

Councillor conduct complaints are about actions, omissions or decisions of any person within the statutory jurisdiction of the OIA. Complaints concerning councillor conduct are dealt with under the Councillor conduct complaint policy and procedure. Councillor conduct complaint management, in contrast, concerns the decisions and actions of OIA staff in fulfilling the statutory functions of the *Local Government Act 2009*.

Internal review requests

Internal review requests are about:

- the outcome of a councillor conduct complaint process undertaken by the OIA
- dissatisfaction with an OIA decision made about a councillor conduct complaint after a complainant has received written outcome advice.
- if the internal reviewer believes an OIA employee has engaged in a serious councillor conduct complaint management breach, the reviewer may deal with the matter under the OIA Service Delivery Complaints Procedure.



Exclusions

Certain complaints and actions are excluded from the scope of this policy.

Type of complaint	Procedure for managing complaint
Actions or decisions by OIA staff in compliance with statutory requirements (e.g., mandatory dismissal of councillor conduct complaints)	Application of statutory requirements under the <i>Local Government Act 2009</i>
Complaints that may amount to a breach of the protection provisions of the <i>Public Interest Disclosure Act 2010</i>	<i>Public Interest Disclosure Act 2010</i> , in conjunction with the <i>Ombudsman Act 2001</i> , OIA Public Interest Disclosure Procedure, and Public Interest Disclosure Standard No. 2/2019 – Assessing, Investigating and Dealing with Public Interest Disclosures
Actions or decisions of another government agency who referred a complaint about councillor conduct to the OIA	Follow the complaints process for the relevant government agency as referenced on their website
Actions or decisions of local government in dealing with conduct referred to them or otherwise in their jurisdiction (except if the action or manner of making the decision would amount to a conduct matter in its own right)	Follow the complaints process for the relevant local government as referenced on their website and, if applicable, report the new conduct matter to the OIA
Complaints where there is a reasonable suspicion of corrupt conduct under the <i>Crime and Corruption Act 2001</i>	Referral to the Crime and Corruption Commission in accordance with the <i>Crime and Corruption Act 2001</i>
Actions or decisions of the Crime and Corruption Commission after complaints are referred to and retained by the Crime and Corruption Commission	Follow the Crime and Corruption Commission complaint process as referenced on its website
Internal staff complaints about an area of the OIA or a particular officer	Refer to the Independent Assessor or the Crime and Corruption Commission as appropriate

Complaints management model

The OIA's complaints management model includes three stages:

- frontline
- internal review
- external review.





Frontline complaints are service delivery complaints that may be considered either straightforward or serious.

All service delivery complaints will be handled in accordance with this policy and the service delivery complaints procedure. The process adopted under this policy will depend on whether the service delivery complaint is assessed as 'straightforward' or 'serious'.

Straightforward service delivery complaints are those which are likely to have minimal risk or detriment to the complainant, other relevant parties or the OIA. Examples include complaints about incorrectly addressed correspondence, minor delays or minor communication difficulties. These complaints typically arise through the specific interactions between OIA employees and a member of the public in relation to a particular case or matter. As such they recorded in the first instance against the relevant case files on the OIA's case management system. These types of complaints are generally the most amenable to immediate action to address the complaint, preferably by the involved employee.

Serious service delivery complaints involve significant or complex issues with a medium or high level of risk or detriment to the complainant, other relevant parties or the OIA. Examples include complaints about significant delays, a challenge to the conduct or competence of an officer, or serious communication difficulties. These complaints will typically require more in-depth attention to address the complaint and may take time to action. They will be dealt with by a person not involved in the complaint matter.

Where a frontline complaint is not resolved initially, the OIA will provide complainants with information about their internal review rights in terms consistent with the [Queensland Public Service customer complaint management guideline](#).

All internal review requests will be handled in accordance with this policy and the OIA's [Internal review request procedure](#), with the internal review undertaken by an internal review officer where this is warranted.

An internal review is a merits review process rather than the re-investigation of a complaint. An impartial review of the decision made about a complaint will be undertaken by an appropriate officer equal or more senior to the decision maker and independent from the original process.

External reviews are conducted by an agency independent of the OIA in circumstances where a person lodging a complaint is unsatisfied with the outcome of an internal review. A complainant will be advised of their external review rights at the time of an internal review decision being provided in terms consistent with the Queensland Public Service customer complaint management guideline. The onus is on the complainant to lodge or action any external review with the appropriate body.

Stage 1 - Frontline	Stage 2 - Internal review	Stage 3 - External review
<ul style="list-style-type: none"> Straightforward service delivery complaints are handled by the relevant team/unit Serious service delivery complaints are referred directly to Stage 2 Client is advised of internal review option (Stage 2) if dissatisfied with outcome of a councillor conduct complaint assessment 	<ul style="list-style-type: none"> Unresolved straightforward service delivery complaints are referred from Stage 1 and reviewed by the Deputy Independent Assessor Serious service delivery complaints are reviewed by the Deputy Independent Assessor, unless the complaint involves the Deputy Independent Assessor, in which case the complaint is reviewed by the Independent Assessor 	<ul style="list-style-type: none"> Where the steps taken in Stage 2 do not result in a resolution of the complaint, the client is advised of any further appropriate external review options (i.e., judicial review or Ombudsman review of decision making)

	<ul style="list-style-type: none"> Internal reviews of councillor conduct complaint management are conducted by the Deputy Independent Assessor unless the review is a review of a decision of the Deputy Independent Assessor, in which case the review is conducted by the Independent Assessor 	
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Policy elements

The OIA complaints management model reflects the following elements.

Receipt

- Any person with a sufficient direct interest in a matter can make a complaint under this policy.
- A person may complain on behalf of another person provided they are authorised to do so.
- Information regarding where and how to lodge a complaint and how complaints will be managed is available on the OIA website.
- Complaints should be made to the OIA in writing by letter, email or via the complaints section of the OIA website. In exceptional circumstances, a complaint may be made over the telephone. The OIA may require a client who has made a verbal complaint to put their complaint in writing.
- Complaints may be made anonymously.

Assistance

- Reasonable assistance will be provided to any client upon request, including persons with any disability or those from culturally and linguistically diverse backgrounds.
- The OIA will ensure that details of the methods and channels to receive complaints under this policy are detailed in the relevant associated procedure.
- Staff will receive training in this policy and associated procedures and the operation of the complaints process at induction.
- Complaints will be acknowledged and responded to in a timely manner.
- Staff will communicate with clients regularly and at appropriate intervals about the progress of their complaint.
- Service delivery complaints should be finalised as soon as practicable. Internal review requests should be addressed within 6 weeks of receipt.

Acknowledgment

- For clients who provide their personal details with a complaint, the OIA will endeavour to provide a written acknowledgement of the complaint within three business days of its receipt.
- The acknowledgement will provide details about the complaint management process and agency contact details.

Assessment

- Complaints will be handled in a fair and objective manner.
- Most complaints will be assessed and actioned by the Deputy Independent Assessor. Where a complaint is about the service delivery of an employee, the complaint will be assessed and handled by the Deputy Independent Assessor. Unresolved straightforward complaints and serious complaints will be referred to the Deputy Independent Assessor at the earliest opportunity.
- Requests for internal reviews will be actioned in accordance with the internal review procedure. Reviews will be conducted by the Deputy Independent Assessor or the Independent Assessor as appropriate.

- Complaints will be carefully assessed and, where appropriate, confirmed with the client to ensure the complaint issues are properly understood.
- If a complaint is identified as falling outside the scope of the policy, this will be discussed with the client.
- Complaints assessed as unsuitable for handling by the OIA will be referred to an appropriate external agency with the consent of the client.

Response

- Staff will receive training on this policy and associated procedures and the operation of the complaints process at induction.
- Complaints will be acknowledged and responded to in a timely manner.
- Staff will communicate with clients regularly and at appropriate intervals about the progress of their complaint.
- Service delivery complaints should be finalised as soon as practicable.
- Internal review requests should be addressed within six weeks of receipt.
- Outcomes from the consideration of the complaint will be communicated to clients at the earliest opportunity.
- Appropriate remedies are to be offered that are fair to both the client and the OIA.
- Clients will be advised of available review options.

Recording and reporting

- All serious service delivery complaints will be recorded in a complaints register.
- All requests for review of a councillor conduct complaint decision will be recorded in an internal review register.
- High level information concerning service delivery complaints and internal review requests are to be reported in the OIA's annual report.
- In compliance with section 150EB of the *Local Government Act 2009*, the Independent Assessor will report to the Minister within three months of the end of each financial year a range of information that includes, relevant to this policy, a de-identified description of the following information:
 - suspected corrupt conduct referred to the Crime and Corruption Commission
 - details of other functions performed by the Independent Assessor during the year.
- All records created in the management of a complaint are to be kept in accordance with the *Public Records Act 2002*.

Learning and improvement

- Complaint outcomes, systemic improvements and actions requiring attention following the consideration of a complaint will be communicated to relevant units or employees in a timely manner.
- The Deputy Independent Assessor is responsible for implementing and meeting the complaints policy reporting requirements.
- Complaint trends and systemic issues will be provided to the OIA Management Group on a quarterly basis to align with half-yearly and end of year reporting and used to inform the continuous improvement process within the OIA.
- An audit of compliance with this policy by the Principal Executive Officer should be undertaken annually as part of the annual report process.
- The operation of this policy will be reviewed every two years.

Managing unreasonable conduct

- All clients will be treated with fairness and respect.
- In the absence of very good reasons to the contrary, all clients will have a right to access the OIA complaint procedure. Unreasonable conduct does not preclude there being a valid complaint issue.
- All complaints will be considered on their merits.
- The substance of a complaint dictates the level of resources dedicated to it, not a client's demands or behaviour.



Relevant Procedures

Related procedures to be read in conjunction with this policy are:

- [Service delivery complaints procedure](#)
- [Internal review of an OIA decision procedure](#)

Roles and responsibilities

Independent Assessor

- Conduct internal reviews of councillor conduct complaint assessment decisions in accordance with the Internal review requests procedure.
- Ensure service delivery complaints are reviewed in accordance with the Service delivery complaints procedure, or as appropriate.
- Ensure records are kept in the relevant record keeping system.

Deputy Independent Assessor

- Review service delivery complaints in accordance with the Service delivery complaints procedure.
- Conduct internal reviews of councillor conduct complaint assessment decisions in accordance with the Internal review requests procedure unless it is appropriate to refer that review to the Independent Assessor.
- Conduct or allocate review officers to complaints relating to service delivery or other functions of the OIA.
- Review this policy and the associated procedures at least every two years.
- Ensure records are kept in the relevant record keeping system.

Senior Officers

- Manage and respond to service delivery complaints as delegated by the Deputy Independent Assessor and in accordance with the Service delivery complaints procedure.
- Assist with the conduct of internal reviews and fulfill review officer duties as requested in accordance with the Internal review requests procedure and Service delivery complaints procedure respectively.
- Ensure records are kept in the relevant recordkeeping system.

All Members of Staff

- Receive and handle complaints about service delivery or internal review requests as per procedures.
- Ensure records are kept in the relevant recordkeeping system.

Principal Executive Officer

- Maintain a complaint register for serious service delivery complaints.
- Maintain a register of requests for internal review of councillor conduct complaint assessment decisions.
- Provide six-monthly report to OIA Management Group on OIA service delivery complaints and requests for internal review data.
- Collect relevant data for the annual report.
- Ensure the Complaint management and internal review policy along with the associated procedures are included in the induction process for new staff.



Authority

- [Australian Standards - Guidelines for complaints management in organizations \(AS 10002:2022\)](#)
- [Public Sector Act 2022](#), s.264
- [Local Government Act 2009](#)
- [Public Records Act 2002](#)

Definitions

Internal review request	An expression of dissatisfaction about a councillor conduct complaint assessment decision made or action taken by the OIA in relation to the assessment of a complaint.
Review officer	The employee nominated by the Independent Assessor or the Deputy Independent Assessor to conduct an internal review in accordance with the Service delivery complaint procedure or Internal review request procedure.
Serious service delivery complaint	A service delivery complaint which is significant/complex with medium or high level of risk/detriment to the client or the OIA. 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 the OIA's services or the conduct of its employees.
Straightforward service delivery complaint	A service delivery complaint which is likely to have minimal risk or detriment to the client or the OIA. Examples include complaints about incorrectly addressed correspondence, minor delays or minor communication difficulties.

Related documents/policy/procedure/legislation

- [OIA Service delivery complaints procedure](#)
- [OIA Internal review requests procedure](#)
- [Local Government Act 2009](#)
- [Ombudsman Act 2001](#)
- [Australian Standards - Guidelines for complaints management in organizations \(AS 10002:2022\)](#)
- [Queensland Public Service customer complaint management guideline](#)
- [Public Sector Act 2022](#)
- [Human Rights Act 2019](#)



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