

# Service delivery complaints procedure

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## Application/scope

This procedure is to be read in conjunction with the Office of the Independent Assessor's [Complaints management and internal review policy](#) and [Internal review request procedure](#).

The purpose of this procedure is to provide guidance to employees in their handling of service delivery complaints.

## What is a service delivery complaint?

A service delivery complaint is an expression of dissatisfaction about any aspect of the Office of the Independent Assessor's (OIA) services or the conduct of employees. Examples of service delivery complaints are complaints about delays, employee conduct, communication and responsiveness. However, not every expression of dissatisfaction needs to be handled as a service delivery complaint. Two exceptions are detailed below.

## Exceptions

- ***Where the complaint does not meet the threshold of a service delivery complaint***

There are times when a complainant may respond adversely when provided with information that they do not agree with or accept. A response of dissatisfaction that is immediate, of a venting nature, and/or non-specific may not amount to a service delivery complaint and does not have to be managed under this procedure. Examples include a verbal outburst directed towards an officer from a complainant when informed that the OIA cannot be of assistance or general comments from a complainant that is generally demeaning toward an OIA employee.

- ***Where the complaint specifically relates to the outcome of an assessment or investigation***

Where a complainant disputes the outcome of a decision such as an assessment, investigation or other statutory function that would be a reviewable decision of the OIA, then the [Internal review requests procedure](#) is to be applied.

## **What should a service delivery complaint include?**

Complainants wishing to make a service delivery complaint should include:

- name, address, email and telephone number (or a complaint may be made anonymously)
- previous case reference number (if applicable)
- a concise summary of the nature of complaint (e.g. why/how the service provided was deficient)
- name/s of officers involved
- the outcome being sought.

## **How should a service delivery complaint be made?**

Service delivery complaints should be made in writing via:

- email to [oiacomplaints@oia.qld.gov.au](mailto:oiacomplaints@oia.qld.gov.au) with 'Service Delivery Complaint' in the subject
- mail to Office of the Independent Assessor, PO Box 15031, City East, Qld 4002

However, if a complainant is unable to write to us, a service delivery complaint may be submitted via telephone on 1300 620 722.

Unless satisfied that a complainant is unable to make a written service delivery complaint, the Deputy Independent Assessor may refuse to accept an unwritten complaint.

## **Time limit**

A service delivery complaint must be made no later than three months after the day the complainant first had notice of the action being complained about.

If more than three months have passed since the action resulting in the complaint, the reviewer will refuse to consider the complaint unless satisfied that there were exceptional circumstances which contributed to the delay in the complaint (e.g. long-term, significant ill-health of complainant, flood or other natural disaster affecting the complainant).

## **General considerations**

After a complaint has been received, general considerations in dealing with the matter include:

- Who is the subject of the complaint and who should deal with the complaint?
- What is the specific service delivery issue raised?
- How should the complaint be classified?
- What outcome is the complainant seeking?
- Is there relevant supporting information and submission?
- Does further information need to be requested or an investigation undertaken?

## Who should deal with the complaint?

When a service delivery complaint is received, a determination is to be made in relation to who should handle the complaint. This determination will depend on how the complaint is classified. The table below provides guidance to officers in making this determination.

Classification of complaint	Who is to deal with the complaint:	
	The receiving officer	Refer to manager
<b>Straightforward</b>  Complaints which are likely to have minimal risk or detriment to the complainant or the OIA.  Examples include complaints about incorrectly addressed correspondence, minor delays or minor communication difficulties.  These complaints are more likely to have been made informally and directly to the employee concerned.  Complaints of this nature are suited to frontline informal resolution.	If the complaint is about an individual employee, they should attempt to resolve it informally with the complainant.	The complaint should be immediately referred to the Deputy Independent Assessor if: <ul style="list-style-type: none"> <li>the complainant requests someone else deal with the complaint (including if correspondence is addressed to the Independent Assessor or the complainant asks to speak to the officer's manager)</li> <li>the employee is not confident that they can deal with the matter fairly or feels that the complainant will perceive them as not capable of dealing with it fairly</li> <li>when the problem is clearly outside the employee's delegation or area of expertise</li> <li>if the complaint is from a public sector agency or a Member of Parliament</li> <li>the complainant is still dissatisfied after the employee's attempts to resolve the complaint.</li> </ul>
	If the straightforward complaint is received by an employee but is about another staff member – they should refer the complaint to that person who will then determine whether they should attempt to resolve it themselves (using the above criteria).	

Classification of complaint	Who is to deal with the complaint:	
	The receiving officer	Refer to manager
<b>Serious</b>  Complaints which are significant/complex with medium or high level of risk/detriment to the complainant or the OIA.  Examples include complaints about significant delays, a challenge to the conduct or competency of the employee, serious communication difficulties or an alleged breach of human rights  These are more likely to have been made formally either in writing or directed to the Independent Assessor or the Deputy Independent Assessor	All serious complaints must be referred to the Deputy Independent Assessor immediately upon receipt, irrespective of whether the receiving officer considers they have merit.	The Deputy Independent Assessor will be referred <b>all</b> serious complaints immediately upon receiving the complaint, irrespective of whether they appear to have merit on face value.  The Deputy Independent Assessor may delegate the complaint to be dealt with by another officer (an authorised review officer). The authorised review officer will manage the complaint in line with this procedure.
	Regardless of if the serious complaint is about the receiving officer or another staff member – the receiving officer should refer the complaint to the Deputy Independent Assessor	
<b>Allegations of corrupt conduct or criminal activity</b>  An allegation that is made that if proven could result in significant disciplinary action or where an employee is alleged to have committed a criminal offence, acted corruptly, or engaged in other corrupt conduct.	All allegations of corrupt conduct or criminal activity must be referred to the Independent Assessor immediately upon receiving the complaint, irrespective of whether the receiving officer considers the allegations to have merit.	Allegations must be immediately referred to the Independent Assessor irrespective of whether they are considered to have merit.  The complaint will be managed in line with the obligations under the <i>Crime and Corruption Act 2001</i> .

## What outcome can be expected?

Each complaint is unique and the OIA strives to ensure that a complainant's particular concerns are evaluated appropriately in determining an outcome. Some possible outcomes of a complaint include:

- an expression of empathy or regret that the complainant has suffered some form of detriment
- offering an apology where it is apparent that the employee was at fault
- providing explanations and giving reasons for a decision or action
- undertaking some remedial action
- expediting the work on a matter where there has been some delay
- training for the employee concerned
- informal or formal management action taken against the relevant employee, including formal disciplinary processes under the *Public Sector Act 2022*.

Complaints may be declined on assessment if it is considered that no action is warranted. Examples include frivolous or vexatious complaints. Complainants should be advised of the outcome and reasons.

It may not always be possible to satisfy a complainant. Following the intent of the Complaints management and internal review policy, including the principles, will assist the receiving officer and manager in fulfilling their obligations and determining whether they have achieved everything that the complainant could reasonably expect from the OIA.

The complainant should be told in clear terms what the receiving officer, manager and the OIA can and cannot do.

## How to manage the complaint?

The way in which a complaint should be managed will depend on both how it is classified and how it was received.

The *Human Rights Act 2019* requires all government agencies in Queensland to act compatibly with human rights and to consider human rights before making a decision.

Anonymous complaints should be assessed against the same criteria as any other complaints. When assessing complaints, particular considerations include the nature and seriousness of the complaint, the quantity and quality of information and capability of productive review or outcome.

## Straightforward complaints

Verbal service delivery complaints	Written service delivery complaints
<p>The receiving officer should:</p> <ul style="list-style-type: none"> <li>• respond in an objective manner</li> <li>• be polite and courteous</li> <li>• actively listen and ask open questions to correctly understand the complaint</li> <li>• seek clarification and confirm issues, relevant information, and outcomes sought (i.e. summarise the main points made and ask whether the understanding is correct)</li> <li>• generally acknowledge the complainant's sense of grievance, justified or not</li> <li>• provide information that will assist the complainant to better understand the matter they are complaining about</li> <li>• ask the complainant how they would like their dissatisfaction to be addressed</li> <li>• try to meet any reasonable requests that would resolve the matter.</li> </ul> <p>If the complaint cannot be dealt with on first contact, the receiving officer should:</p> <ul style="list-style-type: none"> <li>• advise the complainant about the complaints process and indicative timeframe for response</li> <li>• where appropriate, advise that they will discuss the matter with their manager to explore options to resolve their complaint.</li> </ul> <p>Additionally, the receiving officer should:</p> <ul style="list-style-type: none"> <li>• clarify the application of any relevant policies or procedures governing the way their matter has been dealt with</li> <li>• take the action decided and inform the complainant within 10 business days</li> <li>• take any further action necessary to prevent similar complaints in the future.</li> </ul>	<p>The receiving officer should:</p> <ul style="list-style-type: none"> <li>• seek to deal with the complaint within 10 business days</li> <li>• (in the first instance) consider responding to the complainant informally by telephone and then confirm the discussion in writing</li> <li>• provide a written response to the complainant addressing the issues raised</li> <li>• where appropriate seek advice from a supervisor prior to responding.</li> </ul>

Where the complaint has been made as part of a general interaction with the employee the subject of the complaint, if the receiving officer is able to satisfactorily resolve the complaint then the details of any conversation and correspondence must be recorded on the relevant case in the OIA's case management system or, for non-complaint matters, as part of normal business recording for that type of interaction. It is not necessary to report the matter specifically as a service delivery complaint.

Where a straightforward complaint has:

- not been resolved during the first contact
  - has been made outside the course of a general interaction with the employee the subject of the complaint
  - and/or has been escalated to the Deputy Independent Assessor
- details of the complaint must be recorded in the Service Delivery Complaint Register.

## Referral of a straightforward complaint

Straightforward complaints that are identified as appropriate for referral to the Deputy Independent Assessor should be referred as soon as possible following receipt. The referral must include all the relevant information and the action taken.

Where a complaint has been referred to the Deputy Independent Assessor for resolution, in addition to recording the relevant details in the OIA's case management system, details of the complaint must be formally recorded in the Service Delivery Complaint Register.

The Principal Executive Officer is responsible for the maintenance of the Service Delivery Complaint Register and must be provided detail of the complaint and outcome for that purpose, either by the Deputy Independent Assessor or the authorised review officer delegated to deal with the matter.

## Serious complaints

Verbal service delivery complaints	Written service delivery complaints
<p>All serious complaints received via telephone must be escalated to the Deputy Independent Assessor.</p> <p>The Deputy Independent Assessor when dealing with the verbal complaint should be guided by the previous table relating to straightforward complaints.</p> <p>Where the Deputy Independent Assessor resolves the verbal complaint, details of the matter should be confirmed in writing with the complainant.</p> <p>Where the Deputy Independent Assessor cannot resolve the complaint immediately, they should:</p> <ul style="list-style-type: none"> <li>• if necessary review/investigate the matters complained of</li> <li>• provide a written response to the complainant addressing the issues raised</li> <li>• where appropriate seek advice from the Independent Assessor.</li> </ul>	<p>Serious service delivery complaints should be immediately referred to the Deputy Independent Assessor.</p> <p>These duties may be delegated to another officer at the discretion of the Deputy Independent Assessor.</p> <p>The Deputy Independent Assessor, or authorised review officer, should:</p> <ul style="list-style-type: none"> <li>• in the first instance, consider responding to the complainant informally by telephone (see above) and then confirm the discussion in writing</li> <li>• provide an acknowledgement letter within seven business days (if the complaint cannot be addressed within that period)</li> <li>• seek to deal with the complaint within 20 business days</li> <li>• if necessary review/investigate the matters complained of</li> <li>• provide a written response to the complainant addressing the issues raised</li> <li>• where appropriate seek advice from the</li> </ul>

Details of the complaint must be formally recorded in the Service Delivery Complaint Register.	Independent Assessor.  Details of the complaint must be formally recorded in the Service Delivery Complaint Register.
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## Referral of a serious complaint

The Deputy Independent Assessor may, having regard to the criteria above, decide to refer a serious service delivery complaint to the Independent Assessor. If a decision is made to refer a complaint, this should be done immediately upon making that decision. All relevant information and the action taken to date should be provided to the Independent Assessor.

## Allegations of corrupt conduct

'Corrupt conduct' is conduct as defined in section 15 of the *Crime and Corruption Act 2001*.

Verbal corrupt conduct complaints	Written corrupt conduct complaints
<p>Where allegations of corrupt conduct are made, the complaint should, where possible, be immediately referred to the Deputy Independent Assessor or, if not available, the next most senior officer below the Deputy Independent Assessor.</p> <p>The Deputy Independent Assessor or senior officer should collect the relevant information from the complainant and upon finalising the call provide email advice to the Independent Assessor.</p> <p>Where it is not practicable or possible to immediately refer the call to the Deputy Independent Assessor or another senior officer, the receiving officer should collect the relevant information from the complainant and upon finalising the call provide email advice to the Deputy Independent Assessor and ensure that their attention is drawn to it by informing them verbally of the complaint at the nearest opportunity.</p>	<p>The written complaint should be immediately referred to the Independent Assessor.</p> <p>An acknowledgement letter should be provided to the complainant within three business days.</p>
<p>The Independent Assessor will decide the necessary course of action which may include reference to the Crime and Corruption Commission, an internal investigation or dismissal of the complaint.</p> <p>The OIA should attempt to finalise any internal investigation within three months of receiving the complaint. Substantiated conduct may lead to consideration of disciplinary action under the <i>Queensland Public Service Act 2022</i>.</p> <p>Details of the complaint must be formally recorded in the Service Delivery Complaint Register maintained by the Principal Executive Officer.</p> <p>If a complaint involves a reasonable suspicion of corrupt conduct by the Independent Assessor, the Deputy Independent Assessor will deal with the complaint in accordance with</p>	



the OIA 'Policy for complaints of corrupt conduct about the Independent Assessor'.





## Review of a service delivery complaint

In the following circumstances it may be necessary for a service delivery complaint to be reviewed by the Independent Assessor:

- where a straightforward or serious complaint has not been able to be resolved by the Deputy Independent Assessor or the delegated review officer
- where the Deputy Independent Assessor is the subject of a serious complaint or an unresolved straightforward complaint.

The Independent Assessor may undertake the review or appoint another officer to conduct the review (the review officer). The review officer should have no previous involvement in the matter, have no conflict of interest and be impartial, qualified and/or experienced to conduct the review.

The review must be conducted in accordance with natural justice and the employee complained about must be provided with an opportunity to provide their version of events.

Sufficient information should be gathered to make a decision, provide reasons and identify appropriate actions for resolution. The work required to be undertaken in relation to the review will depend upon the nature and substance of the allegations. It is not necessary to undertake a significant review in circumstances where the complaint is non-specific, lacks substance or supporting evidence, or is of a vexatious nature.

A review should be undertaken as quickly as possible but should be finalised within six weeks of receipt of the complaint.

The review officer is to provide the Independent Assessor with a written report on the findings and recommendations. The Independent Assessor will consider the report and decide the outcome, including any remedies.

## Outcome advice to the complainant

It is important that the complainant is provided with information regarding the outcome of their complaint. This is to occur within the timeframes detailed above and in accordance with the process outlined under 'What outcome can be expected?'.

## Recordkeeping

It is essential that a service delivery complaint (other than a straightforward complaint resolved by the employee that is to be noted in the OIA's case management system) is appropriately recorded in the OIA's recordkeeping systems.

Recording a service delivery complaint requires the details of the complaint to be entered in the office's Service Delivery Complaint Register maintained by the Principal Executive Officer. The details of the complaint must be provided to the Principal Executive Officer for that purpose by the Deputy Independent Assessor or the authorised review officer once an outcome has been reached.

In addition to recording the category, the outcome of each complaint must be recorded as either:

- substantiated (in whole or part)
- not substantiated.

## Reporting

Service delivery complaints will be reported in the OIA's annual report and data will be published annually in accordance with the requirements of section 264 of the *Public Sector Act 2022* and section 97 of the *Human Rights Act 2019*.



## Feedback and monitoring

The Deputy Independent Assessor, or delegated review officer handling the service delivery complaint, will:

- advise the employee who is the subject of the complaint that a service delivery complaint has been received, and
- report the outcome to the employee concerned with appropriate comment so as to support a process of continuous business improvement through positive performance management practices.

The Principal Executive Officer will report to the OIA Management Group on a quarterly basis regarding any trends in service delivery complaints. The Service Delivery Complaints Register will be used to identify improvements in the way the OIA deals with complaints covered by this procedure.

Reviews of this procedure will be aligned to reviews of the policy.

## Definitions

Authorised review officer	An officer appointed by the Deputy Independent Assessor or Independent Assessor.
Human rights	Are the rights stated in part 2, divisions 2 and 3 of the <i>Human Rights Act 2019</i> .
Receiving officer	The officer who first receives a service delivery complaint.
Serious service delivery complaint	A complaint which is significant/complex with medium or high level of risk/detriment to the complainant 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 employees. Examples of service delivery complaints are complaints about delays, employee conduct, communication and responsiveness.
Straightforward service delivery complaint	A service delivery complaint which is likely to have minimal risk or detriment to the complainant or the OIA. Examples include complaints about incorrectly addressed correspondence, minor delays or minor communication difficulties.

## Related documents

- Complaints management and internal review policy
- Internal review request procedure
- *Public Sector Act 2022*
- *Human Rights Act 2019*

## Document control

<b>Document Owner</b>		Independent Assessor, Office of the Independent Assessor		
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