



Plans for Life

The Public Trustee of Queensland

Complaint Management Policy

26 June 2008

COMPLAINT MANAGEMENT POLICY

1. Introduction

The Public Trustee of Queensland (PTQ) is committed to delivering quality services that are responsive to the needs of clients and the people of Queensland. This policy replaces the previous PTQ policy for *Complaints Management* (Office Memorandum 4 of 2002)

Complaints are a valuable source of feedback and an important tool for business and staff development. Diligent and prompt attention to complaints helps us identify the needs of our clients and stakeholders, understand our business shortcomings, increase client satisfaction and improve overall performance.

The PTQ's complaint management system is used, however, only as a last resort. Our clients' issues and concerns are addressed, whenever possible, at the point of contact.

2. Objectives

The objectives of the complaint management policy are to:

- improve the capacity of PTQ Officer to manage and resolve client complaints in a fair, efficient and consistent manner;
- increase community confidence in the PTQ's commitment to service delivery and effective complaint handling;
- identify opportunities to improve performance through the collection and analysis of complaint information; and
- provide a single framework for complaint management across the PTQ.

3. Authorities

- Office of the Public Service Commissioner, Directive 13/06 – *Complaints Management Systems*;
- The Ombudsman's Complaints Management Fact Sheets;
- Australian and International Standard AS ISO 10002-2-6 Customer satisfaction – *Guidelines for complaints handling in organisations*.

4. Policy statement

The PTQ's complaint management policy and procedures are underpinned by the following principles:

4.1 Visibility and access

- The community has access to information about the complaint management system including how and where to make a complaint.
- The complaint management policy and procedures are available on the PTQ website.
- Information material is available at service delivery points.
- Reasonable assistance is available to complainants with special needs, including complainants who:
 - are in anyway disadvantaged are unable to lodge a complaint in writing,
 - have a language disability (e.g. English is their second language) or
 - have an intellectual or physical disability.

4.2 Responsiveness

- Complaints are resolved in a timely manner.
- Complainants receive an acknowledgement on receipt of their complaint.
- Complainants receive regular progress reports during complex or lengthy investigations.
- PTQ Officers are aware of and have access to the PTQ's complaint management policy and procedures on the PTQ Intranet.
- All PTQ Officers are made aware of the existence and operation of the PTQ's Complaint Management system at induction and/or through other internal communication mechanisms (eg the PTQ Intranet).

4.3 Assessment and Action

- The principles of natural justice apply to all complainants
- Complaint officers demonstrate fair and consistent decision-making.
- Complaints are resolved with as little formality and disputation as possible.
- Privacy and confidentiality are observed as far as possible.
- Complaints are investigated without prejudice to any other right available to complainants.

4.4 Feedback

- Information clearly explaining how and why a decision was made, is provided to parties to a complaint.
- Complainants are advised of any available internal review options and/or any statutory external appeal options.
- Complainants are advised of other review options (e.g. Ombudsman) upon enquiry and via the PTQ's website.

4.5 Monitoring Effectiveness

- Complaint data is analysed to identify systemic issues that need to be addressed in order to improve performance and reduce the number of complaints received.
- Where potential system improvements are identified, such feedback shall be provided to the relevant business unit.
- Business units ensure adequate resources (including staff training) are available to manage complaints.

4.6 Complainant privacy

The privacy of complainants and any PTQ Officer named in a complaint is to be maintained where possible.

5. What is a complaint?

A "**Complaint**" is defined as a written or oral expression of dissatisfaction about a service, procedure, practice or PTQ policy. Complaints are categorised as minor, moderate and major. These categories are defined as:

- **Minor Complaint** - may be resolved at the point of service. The substance of the complaint would not result in loss or detriment to the complainant or to the PTQ.
- **Moderate Complaint** - cannot be resolved at the point of service. The substance of the complaint could result in loss or detriment to the complainant or to the PTQ.
- **Major Complaint** - cannot be resolved at the point of service and requires comprehensive assessment of issues or further investigation. The substance

of the complaint is likely to result in serious loss or detriment to the complainant or to the PTQ.

A question or request for clarification, information or copies of documents is **not** a complaint.

6. Application/scope

- The complaint management policy applies to all business units and PTQ Officers.
- Complaints received by, but not limited to, the following sources are recorded as complaints under this policy:
 - The Attorney General, the Minister of Justice and Minister Assisting the Premier in Western Queensland (including complaints made to other Ministers or Members of Parliament)
 - the Queensland Ombudsman
 - the Public Trustee
 - the Director Client Services
 - the Official Solicitor
 - Business Units
 - the Complaints Manager
 - Complaints Management Feedback forms
 - ClientEnq email
 - Resolving Concerns Data Form
- This policy **does not cover**:
 - Complaints to the Crime and Misconduct Commission (CMC) against PTQ Officers involving suspected misconduct, including official misconduct,¹ or
 - denied FOI (Freedom of Information) applications.

7. Privacy

- The Queensland Government has developed a privacy policy that applies to the Queensland public sector. The privacy policy requires personal information held by Queensland Government agencies to be responsibly and transparently collected and managed in accordance with 11 Information Privacy Principles (IPPs).
- The privacy policy is not contained in legislation but has been introduced administratively through an Information Standard 42 (IS 42) which contains the IPPs. IS 42 and the IPPs can be accessed at <http://www.iie.qld.gov.au/informationstandards/downloads/IS42.pdf>.
- IS 42 requires each agency to prepare a privacy plan which is approved by the Chief Executive Officer of each agency. IPP 5 sets out what the plan must contain.
- The purpose of the PTQ's Privacy plan is:
 - to provide the community with details about the types of personal information held by the PTQ;
 - to provide individuals with details about how they can access their personal information held by the PTQ;
 - to provide details of how the PTQ will implement the privacy policy;
 - to provide guidance to PTQ Officers who deal with personal information;

¹ See Section 8

- is accessible at http://www.pt.qld.gov.au/pubs/docs/privacy_plan.pdf.

8. Misconduct

Complaints about suspected misconduct, including official misconduct or breaches of the code of conduct, are not covered by this policy and should be immediately referred to the:

- Public Trustee, or
- Official Solicitor, or
- Manager, Human Resources Management.

9. Anonymous complaints

- Anonymous complaints cannot be dealt with under this policy unless the complaint involves an allegation of misconduct, including official misconduct, or a breach of privacy.
- Anonymous complaints about an allegation of misconduct, including official misconduct, must be referred to the Official Solicitor or the Public Trustee.
- Anonymous complaints about a breach of privacy must be referred to the Privacy Contact Officer.
- PTQ Officers who require information about public interest disclosures under the *Whistleblowers Protection Act 1994*, should access the Whistleblower Support Service policy.

10. Vexatious complaints

- The Director responsible for the Business Units receiving a complaint may decide not to investigate a complaint if they determine that the complaint is trivial, frivolous or vexatious.
- A complaint may be considered vexatious when the purpose of the complaint is to harass, annoy, delay or cause detriment.
- A complainant may lack reasonable grounds for lodging the complaint or possess insufficient direct interest in the issue complained about.
- If a complaint is considered vexatious, the Directors may choose to limit or cease correspondence to the complainant. Once this decision is made, it must be communicated to the complainant in writing.
- Notwithstanding the above, a record of the complaint must be maintained.

11. Complaint categories

For the purpose of managing this policy, complaints are categorised by complexity, business unit, region, and issue.

11.1 Complexity

- Standard complaints usually involve a single issue or concern. Standard complaints do not require the level of detailed investigation as other complaints and can often be resolved by reviewing an action or activity.
- Complex complaints may require detailed or lengthy investigation. Complex complaints may involve multiple issues, parties or business units. In some instances, a formal investigation may be necessary.

11.2 Business Unit / Region

For recording and tracking purposes, complaints are categorised by business unit / region.

11.3 Issue

For recording and tracking purposes, complaints are categorised by issue. If a complaint falls into more than one category, the complaint manager must determine which category is most appropriate. The complaint categories are:

- Client Service
- Decision Making
- Fees & Charges
- Investments
- Legislation/Administrative Decision
- PTQ Officer Conduct
- Policy and/or Procedure
- Privacy
- Other – matters which fall outside the general complaint dimension.

12. Lodging a complaint

- Complaints can be made verbally or in writing.
- Complainants are encouraged to submit their complaint in writing.
- Where a written complaint is not possible, a record of complaint must be created.
- Complaints may be received by any PTQ Officer in any business unit.
- The PTQ Officer who receives a complaint from a complainant is the Receiving Officer.
- All complaints, including verbal complaints, must be acknowledged in writing.

13. Recording Complaints

- Complaints are to be recorded by the Receiving Officer on a Complaints Management Data Form.
- The Complaint Data Forms are entered to be entered in the central complaint management database.

14. Timeframes

- The timeframes specified in this policy are set to allow an appropriate time to respond to the complainant.
- The PTQ encourages the prompt resolution of complaints and supports business units who choose to reduce the maximum timeframes stated.
- The following response standards for responding to complaints apply to the complaint categories:
 - Minor - *2 business days from date of receipt*
 - Moderate - *14 business days from date of receipt*
 - Major - *28 business days from date of receipt*
- When a complaint requires complex investigations or extensive research, a Director may extend the time for responding to the complaint.
- When a timeframe is extended, the complainant must be informed of the delay and the reasons for the delay.
- Progress reports must be provided regularly during lengthy investigations.

15. Reporting

- The Complaints Manager will provide a report to the Risk Management Committee meetings in January, April, July and October on the statistics from Complaint Management System for the previous three months.
- The report includes, but is not limited to:
 - Regional Office
 - name of business unit
 - name of complainant
 - client name
 - sources of complaints
 - issues of complaints
 - number of complaints received during the reporting period by issue
 - number of extensions granted during the reporting period ²
 - number of complaints resolved during the reporting period, and
 - significant service improvements (if any) implemented because of the Complaint Management System.
- The Complaint Management System data will be included in the PTQ's Annual Report.

16. Documentation and data collection

- All stages of the complaint will be documented using the Complaint Data Form and recorded in the Complaint Management Database.
- Documentation for all complaints, including withdrawn complaints, will be retained.

17. External Investigators

The Directors may appoint an external investigator to assist in the resolution of the complaint.

18. Response and outcomes

- The Managing Officer handling the complaint will provide a response to the complainant outlining the result of the investigation of the complaint and advising details of the remedial action (if any) to be taken.
- Where a complaint is categorised as a moderate or major complaint the response must be in writing.

19. Appeal process

- If a complainant is dissatisfied with the outcome of their complaint, they may request a review of the complaint to be undertaken by the Public Trustee.
- If a complainant is dissatisfied with the outcome of their complaint, they may lodge a complaint with the Ombudsman's office. Complainants must be informed of this option.
- Privacy complainants have a right under IS42 to request an internal review if they are not satisfied with the outcome of their complaint. Requests for internal review of a privacy complaint must be referred to the Privacy Contact Officer.

² See item 14. timeframes

20. Definitions

“**Complainant**” means any person who lodges a complaint with the Public Trustee of Queensland.

“**Complaints Manager**” means the PTQ Officer appointed by the Public Trustee to maintain, and report on, the Complaint Management System.

“**Managing Officer**” means a line manager or other senior PTQ Officer appointed by a Director or Deputy Director to oversee the response to a complaint.

“**PTQ**” means the Public Trustee Office of Queensland, made up of the Public Trustee and the office’s staff.

“**Receiving Officer**” means any PTQ officer who receives a complaint from a complainant

“**Record of complaint**” means a verbal complaint that has been documented.

“**Response**” means the final resolution and reply given to the complaint.

“**The Public Trustee**” means the individual appointed by the Governor in Council.

“**Vexatious complaint**” means a complaint, determined by a PTQ Director, to be intended to harass, annoy, delay or cause detriment.

21. References

- OPSC Directive 13/06, *Effective Complaints Handling*
- Queensland Ombudsman, *Developing Effective Complaint Management Policy and Procedures*
- Queensland Ombudsman, *Effective Complaint Management Fact Sheets*;
- Information Standard 42 (IS42), Queensland Government Privacy Policy
- Public Trustee of Queensland, ‘*Code of Conduct*’.

22. Related legislation

- *Whistleblowers Protection Act 1994.*
- *Vexatious Proceedings Act 2005.*

23. Review

This policy will be reviewed annually.

PATRICK WEDGE
Acting Public Trustee
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