

# Public sector commission customer complaints management procedure

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## 1. Purpose

This procedure sets out how the Public Sector Commission (PSC) manages customer complaints and should be read in conjunction with the PSC's Customer Complaints Management Policy which provides a definition of a customer complaint and the guiding principles for handling customer complaints.

Customer complaints are managed in accordance with s.264 of the *Public Sector Act 2022 (PS Act)* and are underpinned by the complaint management principles outlined in the Australian Standards *ISA 10002:2018 Guidelines for complaints handling in organisations*.

## 2. Making a customer complaint

Complaints can be made verbally (in person or phone), or in writing (email or post) by the complainant (or other authorised person) who is directly affected by the service or action of the PSC and/or our staff.

An online complaints form is available if you wish to use this as a guide. Further information is available on the PSC website.

Complainants are encouraged to provide sufficient and relevant particulars and outline what they would like the PSC to do to resolve the matter.

The complaint is to be made within twelve months from the time from which the grounds of the complaint arose. If a complaint is submitted outside the twelve-month timeframe, exceptional circumstances will need to be provided explaining why the complaint is lodged outside this timeframe. Exceptional circumstances include situations which are out of the ordinary, unusual, special, or uncommon (for example, ill-health and /or personal issues impacting on the complainant's ability to address the concerns).

The assessment of the complaint will consider any exceptional circumstances and the seriousness and complexity of the complaint.

In accordance with the *Human Rights Act 2019*, assessment of a complaint about human rights will only be made for an act or decision that occurs after 1 January 2020.

The PSC will meet the reasonable costs of services which assist people with hearing or vision impairments or who may require a translation and interpreting service.

- The Queensland Government Translation and Interpreting Services are available for complainants who are unable to speak or write in English. They are available at <https://www.qld.gov.au/help/languages> or by phoning (TIS National) on 131 450.
- The National Relay Service is available for people with hearing or vision impairments (133 677 TTY/Voice or 1300 555 727 (Speak and Listen)).

### 3. Receiving and managing customer complaints

#### 3.1 Receipt

The majority of complaints will be received directly by the PSC Complaints Coordinator as the delegated officer via the designated email account – [Commission.psc@psc.qld.gov.au](mailto:Commission.psc@psc.qld.gov.au)

However, complaints may be received by phone or email as part of the daily business activity of a PSC business unit.

#### 3.2 Complaint issue categories

How a complaint will be managed will be determined by the complexity of the complaint and the complaint issue category.

Complaints are to be recorded according to the following categories to identify business improvement opportunities:

Complaint categories	Description
Service delivery	A complaint about how a service is provided including timeliness, quality or cost of service.
Staff conduct including the Public Sector Commissioner	A complaint about the behaviour of a staff member when providing a service.
Administrative decision Including the Public Sector Commissioner	A complaint made about a decision made by a PSC Officer when providing a service
Policy/procedure	A complaint about the process followed to provide a service.
Privacy	A complaint about a breach of the PSC's obligations under the Information <i>Privacy Act 2009</i> relating to the proper handling of personal information, including how it is collected, stored, secured, accessed, amended, used and disclosed.
Human rights	A complaint made about an act or decision that is not compatible with human rights or a decision that failed to consider a relevant human right under the <i>Human Rights Act 2019</i> .

## 4. Timeframes for resolution of complaints

Complaints within the scope of the PSC Complaints Management Policy and Procedure will be resolved within the timeframes that apply to the following levels of complexity:

Classification	Description	Timeframe for internal assessment, resolution, and decision
<b>Simple</b> No risk or detriment to the client or the PSC	A complaint that is resolved at the point of service by a PSC staff member with oversight by manager of business unit.	Resolved within 24 hours where possible.
<b>Standard</b> Minimal risk or detriment to the client or the PSC	A complaint that has multiple issues and /or is serious in nature and usually requires an extensive investigation. Managed by the PSC Complaints Coordinator.	May require more than 30 working days.
<b>Significant/Complex</b> Medium or high level of risk/detriment to the client or the PSC.	A complaint that has multiple issues and /or is serious in nature and usually requires an extensive investigation. Managed by the PSC Complaints Coordinator	May require more than 30 working days
<b>Privacy human rights</b>	A complaint by an individual about an act or practice of the PSC in relation to the individual's personal information, or in relation to an act or decision affecting a relevant human right under the <i>Human Rights Act</i> . Managed by the PSC Complaints Coordinator	Must be resolved within 45 working days of receipt.

## 5. Collection of personal information and privacy

A privacy notice is included in the [online complaints form](#).

The privacy notice states that:

*“The Public Sector Commission is collecting the information to act on your complaint and access will only be provided to authorised officers. Your personal information will not be disclosed, other than for the purposes of managing the complaint, to any other third party without your consent, unless required by law or for the purposes of the Information Privacy Act 2009”.*

If a PSC staff member is collecting personal information from a complainant over the telephone, the PSC staff member must:

- Clearly explain the privacy notice and check that the complainant has understood the privacy notice.
- Include in the Record of Complaint that the privacy notice was provided to the complainant.

## 6. Early, informal resolution of customer complaints

Informal and early resolution should be used wherever possible to resolve a customer complaint which is likely to have no risk or detriment to the customer or the PSC. Examples may include incorrectly addressed correspondence, minor delays, inaccessibility of website information.

PSC staff members are empowered to resolve these issues wherever possible with the support and oversight of their Executive Director or Director and as the focus is on early and informal resolution, a written response is not mandatory.

These complaints must be recorded using a Record of Complaints form and emailed to the PSC Complaints Coordinator for inclusion in the Complaints Register.

If the complaint is unable to be resolved, the Executive Director/Director of the business area is to forward the complaint to the PSC Complaints Coordinator for resolution.

The Executive Director or Director of the business area is to promptly refer any complaints that do not fall within the simple and no risk category to the PSC Complaints Coordinator for management.

## 7. Role of the PSC Complaints Coordinator - coordinate the assessment, allocation, recording and reporting of customer complaints

The PSC Complaints Coordinator is the delegated officer responsible for the management of customer complaints. The PSC Complaints Coordinator will:

1. Coordinate the management of all complaints from initial assessment to finalisation of the complaint.
2. Undertake an initial assessment of the complaint and consider whether the complaint may:
  - Also be a Public Interest Disclosure (PID) under the *Public Interest Disclosure Act 2010*.
  - Also include an allegation of 'corrupt conduct' under the *Crime and Corruption Act 2001* (CC Act).
  - Potentially include a breach of human rights.
3. Manage any PID or allegation of corrupt conduct in accordance with the respective policy and procedures.
4. Acknowledge receipt and provide advice about the complaint process and timeframes to the complainant.
5. Allocate all or part of the complaint to an appropriately skilled officer for resolution.
6. Ensure all records are kept confidential and secured and complaints are appropriately recorded in the Complaints Register.
7. Manage all reporting requirements.

## 8. Managing a customer complaint

### 8.1 Complaint handling process

How a complaint is managed will depend on the complexity and nature of the complaint. In the first instance the officer handling the complaint should ensure they understand the scope of the complainant's concerns (this could be discussed by telephone if clarification is required) and desired outcome and try to meet any reasonable requests that would resolve the matter.

## 8.2 Investigations

An investigation may need to be conducted to resolve the customer complaint. The level of formality of the investigation should be proportionate to the nature of the complaint. Investigating a complaint may include:

- Clarifying the details provided in a complaint.
- Identifying actions already taken to resolve the issue.
- Gathering and analysing information from file notes, correspondence, and other sources.
- interviewing complainants, employees and/or other individuals involved in the complaint reviewing documentation submitted by the complainant, previous administrative decisions/actions and previous complaints about the same issue.

The investigation may be done internally or by an external investigator engaged through the Queensland Government's standing offer arrangement.

## 8.3 Procedural fairness

The principles of procedural fairness must be followed during an investigation. Procedural fairness requires the following two rules to be observed:

- The hearing rule, which states that a person or body deciding a particular matter must ensure the affected person knows the case against them and has the opportunity to present their case before any decision is made (i.e. if it appears possible that an adverse comment or finding may be made against a PSC employee)
- The rule against bias, which states that a decision-maker (including an investigation officer), should have no personal interest in the matter to be decided, have no bias as to the outcome and act in good faith throughout the process. Care should also be exercised to exclude perceived bias from the process.

The investigation process must be objective, reasonable and conducted in good faith. Decisions must be made on the weight of evidence and on the balance of probabilities.

## 8.4 Outcome of an investigation or other complaint handling process

At the conclusion of the investigation or other complaint handling process, (excluding early and informal resolution of complaints) the officer handling the complaint will provide the PSC Complaints Coordinator with a written report, detailing the findings and making recommendations regarding appropriate action and/or system improvements, as appropriate.

Outcomes may include, but are not limited to:

- amending a decision
- a written/verbal apology
- an explanation
- changes to a service provided by the PSC
- a review of policies/procedures and changes to those policies/procedures
- staff training
- management or disciplinary action.

In some circumstances, no further action on a complaint may be recommended.

The rationale for this course of action may include:

- The matter has been investigated by the PSC and it is considered that all action to address the original complaint has been satisfactorily completed.
- The matter is currently (or previously) being adequately managed by an external agency, court or tribunal.
- After assessment, the complaint is determined to be frivolous or vexatious.

## 8.5 Decision on the complaint

All complaints other than simple low risk point of service complaints require a written response. The written response will consider the level of complexity and risk to the client or the PSC and outline the steps taken, the key findings and/or recommendations made concerning the complaint.

The response is to include information about the option of an internal review. Written responses must be approved by the PSC Complaints Coordinator or another delegated officer before forwarding to the complainant.

## 8.6 Internal and external review

Complainants should be notified of their right to an internal review (and where appropriate, external review) if they are dissatisfied with the outcome of the complaint.

An internal review will look at the appropriateness of how the decision-making process was undertaken. The grounds for internal review should identify what the complainant considers was incorrect in the process of responding to their complaint or making a decision.

A request for internal review must be made within twelve months of the decision on the complaint.

An internal review of the handling of the complaint, if requested, will be carried out by a senior officer who was not involved in the complaint or the investigation process and is independent of the original decision.

The senior officer should have:

- The appropriate experience and knowledge to undertake the review.
- Clear authority to modify or overturn the decision subject to review.

If a complainant is not satisfied with the outcome of the internal review of the complaint, the complainant may request that an external review be undertaken by:

- The Queensland Ombudsman, or
- In the case of a complaint about a breach of privacy by the Information Commissioner, or

These external review bodies may or may not accept the request for external review depending on the nature of the complaint:

### **Office of the Queensland Ombudsman**

GPO Box 3314,

Brisbane,

Queensland

Phone: (07) 3005 7000 or toll Free: 1800 068 908 (outside Brisbane)

Email: [ombudsman@ombudsman.qld.gov.au](mailto:ombudsman@ombudsman.qld.gov.au)

### **Office of the Information Commissioner**

(Note: must be in writing)

PO Box 10143,

Adelaide Street,

Brisbane,

Queensland 4000

Website: [www.oic.qld.gov.au/about/privacy/privacy-complaints](http://www.oic.qld.gov.au/about/privacy/privacy-complaints)

Where a complaint relates to conduct affecting a human right and the complainant either does not receive a response or considers the response inadequate, a written complaint can then be made to the [Queensland Human Rights Commission](#).

### **Queensland Human Rights Commission**

City East Post Shop

PO Box 15565,

City East QLD 4002

Phone: toll free 1300 130 670

Website: [www.qhrc.qld.gov.au/complaints](http://www.qhrc.qld.gov.au/complaints)

## **9. Record keeping**

A complaints register must be maintained by the PSC Complaints Coordinator. The complaints register must contain:

- Name of complainant
- The type of complaint (including details of potential human rights breaches)
- Name of investigating officer/business unit assigned to deal with the complaint.
- Time taken to investigate complaint.
- The name of the decision maker and the outcome of complaint (including details of further action or if no further action was taken for reporting purposes).
- Action recommended to address systemic issues (if any).
- Complainant satisfaction with the outcomes (if known).

The Complaints Register and associated documentation should be kept confidential and secure. Associated documentation should only be accessible by PSC officers involved in the investigation of the complaint. These records should be stored in an access restricted folder in TRIM – the PSC Electronic Document Records Management System.

## 10. Retention and disposal

The retention and disposal of records associated with the receipt, management and resolution of complaints within the scope of the PSC Complaints Policy and Procedure must be in accordance with the [General Retention and Disposal Schedule](#).

## 11. Review date

1 March 2024 or upon issue of a new ISO Australian Standard on complaints management (pursuant to s.264 of the *Public Sector Act 2022 (PS Act)*).

## 12. Approval

This procedure was approved by the Public Sector Commissioner on 1 March 2023.