



The Public Trustee of Queensland

The Public Trustee Complaints Management Policy

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Document Information

Approved

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Introduction

The Public Trustee's Complaints Management Policy and Procedures have been developed in accordance with the *Public Service Act 2008 – section 219A*, Australian/New Zealand Standard 10002:2014 and the Queensland Ombudsman's *Guide to Developing Effective Complaints Management Policies and Procedures* (2006).

This Policy sets the direction for complaints management at the Public Trustee.

The *Complaints Management Procedure* and the *Information Privacy Complaints Management Policy and Procedure* set out the process to successfully manage complaints.

The Public Trustee's Complaints Management Framework

The Public Trustee (PTQ) performs a diverse range of functions and services. The table below indicates the different processes for managing complaints at the Public Trustee according to the type of complaint.

Type of complaint	Client complaints – PTQ products and services	Complaints – breaches of privacy	Employee complaints	Other complaints
Description/ Definition	An expression of dissatisfaction about a PTQ product, service (including how a PTQ officer provided that service), procedure, practice, policy or a breach of privacy.		May involve, but are not limited to: employment circumstances; workplace harassment (including bullying); and sexual harassment.	Some matters are specifically dealt with through legislative and/or appeal processes. These include things like judicial and tribunal decisions.
Relevant Policy	PTQ Complaints Management Policy (this policy). For the purpose of streamlining processes, the PTQ Complaints Management policy includes reference to breaches of privacy. More information can be found in the Privacy Information Digest and the Information Privacy Complaints Management Policy and Procedure		- Employee Complaints Management Policy; - Workplace Harassment and Sexual Harassment Prevention Policy; - Fraud and Corruption Control Policy.	For complaints relating to tribunal decisions, please see Section 10 of this policy. Alternatively, the Department of Justice and Attorney General's complaints management webpage provides further details regarding the appropriate processes to apply.
Relevant Procedure	PTQ Complaints Management Procedure.	As above and the PTQ Privacy Information Digest.	Access the procedures on the PTQ intranet.	

Policy Statement

The Public Trustee is committed to ensuring that complaints received by the Public Trustee are managed and reported in an accountable, transparent, timely and meaningful way.

The Public Trustee Complaints Management Policy and Procedure provide a framework for managing complaints.

The process for managing complaints covered by this Policy is detailed in the Public Trustee's Complaints Management Procedure (the **Procedure**).

Application

This Policy applies to all employees of the Public Trustee, including permanent and temporary employees engaged under the *Public Service Act 2008*. This policy also applies to other parties not defined by the Public Service Act 2008, who have been authorised by the Public Trustee, through formal agreement to perform activities or duties or provide a service or services on behalf of the Public Trustee.

Scope

1 Within scope

This Policy considers complaints about the Public Trustee's:

- Products;
- Services;
- Staff conduct;
- Procedures;
- Practices; or
- Policies.

This Policy applies to:

- Complaints received from clients, support networks, service providers, the general public and employees where the complaint satisfies the definition of a complaint under this Policy;
- Complaints received through the Queensland Ombudsman's Office;
- Complaints received through Ministerial and Department of Justice and Attorney-General correspondence channels; and
- Complaints received anonymously.

2 Out of scope

The following matters are outside the scope of this policy:

- Matters outside the Public Trustee's direct responsibility;
- Matters which are currently being dealt with or have previously been dealt with by a Court or Tribunal, including the Queensland Civil and Administrative Tribunal (QCAT);
- Decisions made by another agency;
- Allegations against employees involving suspected corrupt conduct, corruption or public interest disclosures;
- Right to Information or Information Privacy access application decisions; and
- Complaints covered by the Public Trustee Employee Complaints Management Policy.

Where the complaint relates to a legal matter or raises a legal issue and does not also fall within one of the above categories, the complaint will be assessed by, or as authorised by, the Senior Director, Governance and Risk to determine if the complaint can be managed under this Policy or should be referred to the Official Solicitor for advice and action.

If a complaint is out of the scope of the Policy, a letter acknowledging receipt and advising that the issue will not be resolved through the Complaints Management System will be sent to the complainant (except for Ministerial complaints, which are acknowledged by the Minister's office). The letter will include reasons for the decision and information as to how the matter will be actioned by the Public Trustee.

This policy does not replace, modify or revoke any legislative requirements that apply to the management of staff performance matters, corrupt conduct or disciplinary and grievance processes.

Guiding Principles

All Public Trustee employees are required to implement the principles of complaints handling in accordance with this Policy and the Procedure.

The principles that apply to complaints management are documented in Appendix A – Guiding Principles.

Privacy Complaints

The Public Trustee must comply with the *Information Privacy Act 2009* when handling personal information, including how it is collected, stored, accessed, used and disclosed. An individual may lodge a complaint if they believe the Public Trustee has breached their privacy by not complying with the information privacy principles contained in the *Information Privacy Act 2009*.

All privacy complaints must be immediately referred to the Privacy Officer or Manager, Privacy and Complaints, Governance and Risk Directorate, and will be managed according to the Information Privacy Complaints Management Policy and Procedure.

Unreasonable conduct by complainant

Our clients have a right to complain about perceived failings or decisions that affect them. Public Trustee officers and members of the public also have a right to physical and emotional safety, dignity and respect. Unreasonable conduct by a complainant is any conduct which raises substantial health, safety, resource or equity issues for the agency, its staff and other clients.

The Public Trustee will ensure that strategies for responding to unreasonable conduct are fair, ethical and reasonable. Unreasonable conduct by complainants will not preclude valid issues being addressed by the Public Trustee.

The Procedure sets out the steps to be followed in responding to unreasonable conduct.

Queensland Civil and Administrative Tribunal Review

A review of the Public Trustee's appointment or decisions as financial administrator can be undertaken by the Queensland Civil and Administrative Tribunal (QCAT).

Review by the Supreme Court

The conduct of the Public Trustee in administering Estates and Trusts may be reviewed by the Supreme Court. If a complainant remains dissatisfied with the Public Trustee's complaint response, the complainant may wish to seek independent legal advice.

Policy Review

The Senior Director, Governance and Risk will review the Complaints Management Policy every two years, or more frequently if required, to ensure its relevance, effectiveness and compliance with legislation and relevant standards. Feedback received from clients, stakeholders and staff will be considered when reviewing the Policy.

The Senior Director, Governance and Risk will also review the adequacy of resources provided to staff managing complaints. This includes:

- (a) the number of officers managing complaints with reference to the number and nature of complaints received and resolved;
- (b) the appropriateness of training provided to complaints management officers;
- (c) the effectiveness of the Public Trustee's complaints management documentation; and
- (d) the adequacy of materials and equipment, including computer hardware and software, including the Complaints Management System (CMS).

The Governance and Risk Directorate will consult with Marketing and Communications(MarComms) to ensure that

- communication, public relations and media activities are informed by the Complaints Management Policy, processes and outcomes;
- the Complaints Management Policy and Procedures and are consistent with communication, public relations and media strategies; and
- a current and accurate summary of the Public Trustee Complaints Management process is publicly accessible on the Public Trustee's website. The Governance and Risk Directorate will review the content of the summary in conjunction with the review of the Policy, biennially, or more frequently as required.

Roles and Responsibilities

Receiving Officer (can be any Public Trustee employee)
Where possible and appropriate, resolves matter at point of contact
Is trained in and complies with the Public Trustee's Complaints Management Policy and Procedure
Refers all unresolved matters/complaints to the Complaints Officer (complaints@pt.qld.gov.au) via email
Provides the complainant with assistance as may be required
Complaints Officer, Governance and Risk Directorate
Is trained in and complies with the Public Trustee Complaints Management Policy and Procedure
Receives complaints from internal referrals, the complaints hotline, direct emails, written correspondence and the website
Assesses complaint to decide what area should action the complaint, complexity of the matter and timeframe for response.
Enters complaint into the Complaints Management System (CMS) database
Acknowledges complaints within five working days of the complaint being received and informs complainant of the expected timeframe for receiving a response and to whom the matter has been referred for response
Refers complaint to Regional Manager or Director of complaint area (depending on level of complaint)
Liaises with management on more complex issues
Ensures that the complainant is provided with a response
Receives copy of the written/email response from the nominated officer and files it according to the requirements set out in the record keeping framework
Tracks and monitors outstanding responses and escalates if necessary
Collates complaint data for monthly reporting & continuous improvement purposes

Verbally advises complainant of options for review if they remain dissatisfied with the response
Collates data regarding outstanding tasks relating to complaint responses
Responding Officer other than point of contact (<i>Regional Manager, Director, Senior or Executive Director</i>)
Is trained in and complies with the Public Trustee Complaints Management Policy and Procedure
Liaising with the Complaints Officer on progress of responding to the complaint
Reviews complaint issues, the client file and prepares written response by due date
May seek an extension on the timeframe-to be endorsed by the Executive Director and approved by the Public Trustee
Manages the implementation of recommendations and or remedies within their area
Completes assurance review template
Confirms to the Complaints Officer that the complaint has been resolved
Internal Review Officer (as determined by a Senior or Executive Director): <i>Internal review conducted by a person other than the original person who responded to the original complaint. The reviewer should be no less senior than the original decision maker.</i>
Is trained in and complies with the Public Trustee Complaints Management Policy and Procedure
Undertakes an assessment of requests for internal reviews
Completes assessment and provides thorough documentation regarding the decision to undertake an internal review for Senior or Executive Director endorsement.
Undertakes internal review of initial complaint response
Completes internal review report and response to complainant for Senior or Executive Director approval
Manages the implementation of any rectification or systemic issues that were identified
Senior Director, Governance and Risk Directorate
Is trained in and complies with the Public Trustee Complaints Management Policy and Procedure
Establishes a process of performance monitoring, evaluation and reporting
Reports significant complaints and systemic issues or trends and recommendations
Identifies and allocates sufficient resources for an effective and efficient CMS
Implements and maintains the CMS including:- <ul style="list-style-type: none"> * Recruitment and training of appropriate staff; * Implementation of appropriate technology; * Adequately documented complaints management framework; * Evaluates the effectiveness of the complaints management system * Identifies opportunities for continuous improvement.
Contacts the complainant to clarify their request if grounds for an Internal Review are unclear
Provides a written response to the complainant of the outcome of the assessment and/or internal review
Analyses and reports complaints management statistics to the Public Trustee, Operational Performance Group and Audit and Risk Management Committee as required
Ensures provision of training and feedback to employees who have complaints handling responsibilities (in collaboration with the Executive Director, Client Experience and Delivery)
Reviews and endorses any marketing and communication strategy relating to complaints management
External review (<i>the Queensland Ombudsman, Office of Information Commissioner</i>)
Investigates complaints as required/requested after the complaint has been through the internal complaint management process

The Public Trustee is responsible under the *Public Service Act 2008* for:-

- * Maintaining a complaints management system (including policy and procedure) that deals effectively and fairly with complaints received, including reporting to other agencies and the community;
- * Cultivating a focus on complaints management, resolution and continuous improvement;
- * Ensuring complaints management policy is easily accessible by clients and the public; and
- * Ensuring a process for regular reporting on complaints and a process for timely and appropriate notification to senior management of any significant complaints or systemic issues identified through complaints.

Definitions

The following terms apply to this policy:

Term	Definition
Anonymous complaint	The identity of the person making the complaint is unknown.
Complainant	Refers to any person who makes a complaint with the Public Trustee of Queensland.
Complaint	An expression of dissatisfaction, either verbally or in writing, from a client or member of the public about the Public Trustee's products, services (including how a staff member provided the service and conduct), procedures, practices or policies.
Complaints Management system (CMS)	Refers to policy, procedures and technology used by an agency and its staff in receiving, responding to and reporting about complaints.
Complaints Officer	Governance and Risk Directorate staff member that receives and initially assesses a complaint and determines the likely investigating officer/area.
Disputes	Unresolved complaints escalated internally or externally, or both
Senior Director Governance and Risk	The Senior Director Governance and Risk. Responsible for: <ul style="list-style-type: none"> ○ Overseeing an effective response to complaints regarding the Public Trustee's products, services, procedures, practices or policies ; and ○ Monitoring the Complaints Management System on behalf of the Public Trustee and identifying emerging issues and themes for advice to the Public Trustee.
Internal Review Officer	An Officer who has the authority and expertise in their role to conduct an internal review. Generally, Internal Reviews will be conducted by an Officer with a delegation of Director or above.
Major complaint	A complaint that has multiple issues and/or is serious in nature and usually requires an extensive review with a response provided in 28 business days.
Minor complaint	A complaint that can be resolved at point of service or within 5 business days.
Moderate complaint	A complaint that has a single issue that may require a detailed review with a response provided in 14 business days.
Privacy complaint	A complaint where an individual is of the opinion that their privacy has been breached by the agency not complying with the information privacy principles contained in the <i>Information Privacy Act 2009</i> . The complaint will be managed in accordance with the Public Trustee Information Privacy Complaints Management Policy and Procedure and a response provided within 28 business days.
QCAT	Queensland Civil and Administrative Tribunal.
Receiving Officer	Any Public Trustee employee who receives a complaint.
Record of complaint	The documented record of a complaint received.
Responding Officer	The Officer who has been allocated the complaint for response by the Complaints Officer.
The Public Trustee of Queensland	Responsible under the <i>Public Service Act 2008</i> for:- <ul style="list-style-type: none"> • Maintaining a complaints management system (including policy and procedure) that deals effectively and fairly with complaints received, including reporting to other agencies and the community; • Cultivating a focus on complaints management and resolution; • Ensuring complaints management policy is easily accessible by clients and the public; • Ensuring a process for regular reporting on complaints and a process for timely and appropriate notification to senior management of any significant complaints or systemic issues identified through complaints.

References

Anti-Discrimination Act 1991
AS/NZS 10002:2014 Guidelines for complaints management in organisations
Crime and Corruption Act 2001
Guardianship and Administration Act 2000
Information Privacy Act 2009
Public Interest Disclosure Act 2010
Public Records Act 2002
Public Sector Ethics Act 1994
Public Service Act 2008
Public Service Commission
 Code of Conduct for the Queensland Public Service (2011)
Public Trustee Act 1978
Queensland Ombudsman
 Guide to Developing Effective Complaints Management Policy and Procedures (2004)
 Effective Complaints Management Fact Sheets (2006)
Right to Information Act 2009
Standards Australia
 Guidelines for complaint management in organisations (ISO AS/NZS 10002:2014)
Public Trustee of Queensland
 Employee Complaints Management Policy and Procedure
 Fraud and Corruption Control Framework
 Information Privacy Complaints Management Policy and Procedure
 Recordkeeping Framework
 Risk Management Framework
 Workplace Health and Safety Policy
The Public Trustee of Queensland Strategic Plan 2016 - 2020 (2017 update)
Work Health and Safety Act 2011

Appendix A – Guiding Principles

In accordance with *AS/NZS 10002:2014*, the following guiding principles apply to complaints management system:

Principles	What does this mean to the Public Trustee
<p>Enabling complaints</p> <ul style="list-style-type: none"> ➤ People focus ➤ Ensuring no detriment to complainant ➤ Visibility and transparency ➤ Accessibility ➤ No charges 	<ul style="list-style-type: none"> • Everybody has a right to complain. • Complainants will be treated with respect. • Complainants will not be adversely affected because of a complaint made by them or on their behalf. • The Public Trustee’s complaints management policy and related information are published on the Public Trustee’s website: http://www.pt.qld.gov.au/complaints • Complainants can lodge their complaints in writing (preferable), verbally by telephoning the toll free number 1800 014 536 from 8:15 am to 5:00 pm or in person to any of the Public Trustee regional offices. A list of Office locations is available at: http://www.pt.qld.gov.au/locations/ <p>All written complaints should be addressed to:</p> <p style="text-align: center;">Complaints Officer Governance and Risk Directorate The Public Trustee GPO Box 1449 Brisbane QLD 4001</p> <p>or via email to complaints@pt.qld.gov.au</p> <ul style="list-style-type: none"> • The Public Trustee is committed to providing assistance to anyone who asks and anyone with specific needs, such as a disability. This may include help with filling out a form, reading instructions out aloud or printing a document in larger font. • Complaints received are to be recorded and assessed to determine the nature of the complaint (and complaint category) and how the complaint will be managed. • If it has been assessed that it is not appropriate for the Public Trustee to pursue a complaint, the Senior Director Governance and Risk will provide a recommendation to the Public Trustee for approval. The decision not to respond to the complaint will be provided to the complainant by way of a letter prepared by Governance and Risk. • Complainants will not be charged a fee to complain.
<p>Managing Complaints</p> <ul style="list-style-type: none"> ➤ Responsiveness ➤ Objectivity and fairness ➤ Equity ➤ Privacy and disclosure ➤ Communication 	<ul style="list-style-type: none"> ▪ The Public Trustee will acknowledge all complaints within five working days. Complaints received by the Office are to be responded to within approved timeframes. ▪ Each complaint will be managed in an objective, unbiased and equitable manner. ▪ Personal information about an individual will only be disclosed or used in compliance with all privacy laws and ethical obligations.

Principles	What does this mean to the Public Trustee
	<ul style="list-style-type: none"> ▪ Explanations for decisions should be provided to complainants when communicating with them. ▪ All staff will adhere to the <i>Code of Conduct for the Queensland Public Service</i> (Code of Conduct) when managing complaints.
<p>Managing the parties</p> <ul style="list-style-type: none"> ➤ Conduct of parties ➤ Work health and safety ➤ Complaint involving multiple parties ➤ Empowerment of staff 	<ul style="list-style-type: none"> ▪ Safety of staff is paramount. ▪ When a complaint involves multiple organisations (external) or programs (internal), Governance and Risk will co-ordinate with those agencies. Subject to privacy and confidentiality obligations, information exchanged between the organisations should be pre-arranged, to facilitate review and response. ▪ The Public Trustee will ensure that staff are properly trained to implement the Complaints Management Policy and Procedure as relevant to their role.
<p>Accountability, learning and prevention</p> <ul style="list-style-type: none"> ➤ Accountability ➤ Continuous improvement ➤ Prevention of ongoing disputes 	<ul style="list-style-type: none"> ▪ The Governance and Risk Directorate is responsible for reviewing and maintaining the operation of the CMS at the Public Trust Office. ▪ Aggregate complaints data will be compiled by Governance and Risk to meet any statutory, policy and procedural reporting requirements. ▪ An analysis will be undertaken by Governance and Risk and reported to the Organisational Performance Group (OPG) through the reporting framework. This will inform continuous improvement processes within the Public Trustee. ▪ A complaint response should provide meaningful and accurate advice to the complainant regarding the decision and outcome.