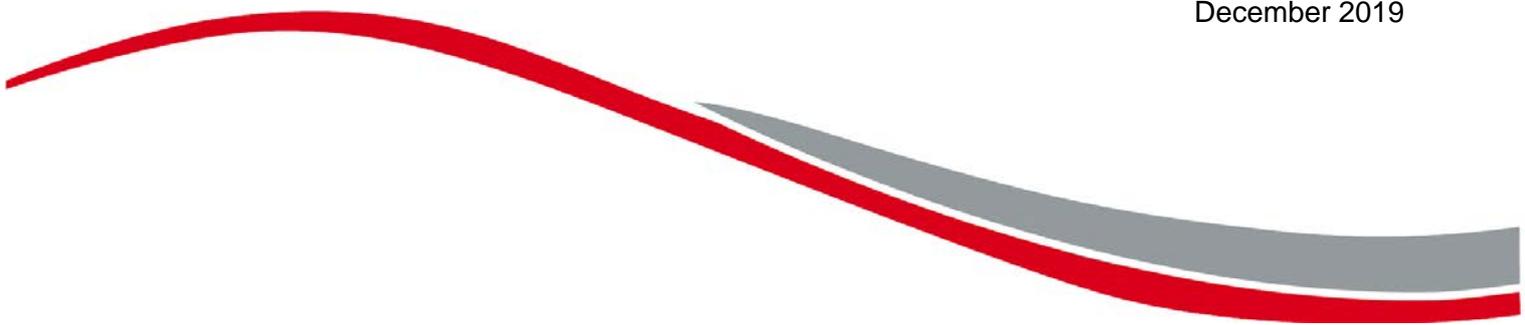




**The Public Trustee**

# **Complaints Management Policy**

December 2019



## Document Information

### Approved

Name	Position	Signature	Date
Samay Zhouand	Acting Public Trustee of Queensland and CEO	FILE COPY SIGNED	20.12.19

### Endorsed

Name	Approval	Date
Executive Leadership Team	Endorsed at meeting	17.12.19

### Revision History

Version	Date	Actioned by	Change
1.0	25/05/2015	Principal Governance Officer	Review and update with reference to new standards
1.1	19/06/2015	Principal Governance Officer	Updated following consultation with Client Services
1.2	20/08/2015	Principal Governance Officer	Updated following consultation with Client Services
1.3	Mar 2017	A/Manager, Privacy & Complaints	Updated following feedback from PWC and Queensland Ombudsman
1.4	Jun 2017	Senior Director, Governance & Risk	Updated to incorporate feedback from ED, Client Experience and Delivery
1.5	Jul 2017	Senior Director, Governance & Risk	Updated to incorporate feedback from Executive Management Team
1.6	Dec 2018	Manager, Privacy & Complaints	Updated to incorporate reference to NDIA, include hyperlinks and reflect minor website and title changes
1.7	Dec 2019	Senior Advisor, Governance	Revised to incorporate human rights information, reflect stakeholder feedback, and improve accessibility

### Contact

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<b>File:</b>	D19/16227

## 1. Policy statement

This policy outlines the Public Trustee’s commitment to customer service. It provides guidance to people who wish to make a complaint. It also provides guidance to employees handling complaints on the key principles and elements of our complaint management system.

We are committed to ensuring that the feedback we receive is managed and reported in an accountable, transparent, timely and meaningful way.

## 2. Application

This policy applies to all Public Trustee (PT) workplace participants including employees, volunteers, contractors and consultants, and any other person who provides an approved service on behalf of the PT.

## 3. What is a complaint?

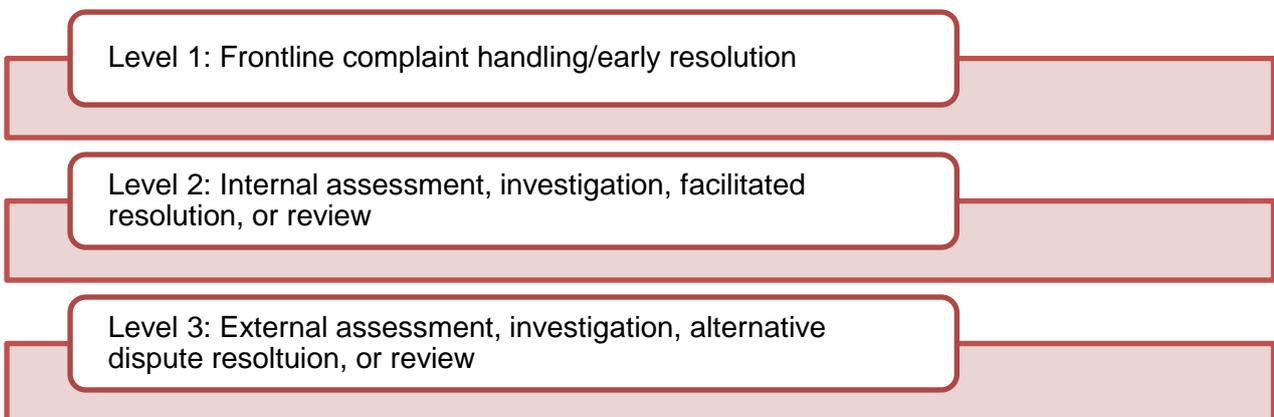
A complaint is an expression of dissatisfaction related to our products, services, staff, or the handling of a complaint. In accordance with section 219(A) of the *Public Service Act 2008*, this policy concerns complaints about PT services or actions or staff, by a person who is apparently directly affected by the service or action. This includes complaints about:

- a decision made, or failure to make a decision, by a PT employee
- an act, or failure to act, of the PT
- a proposal or intention made by the PT
- a recommendation made by the PT
- customer service provided by a PT employee.

Privacy complaints and human rights complaints fall within the scope of this policy. Some complaints are outside the scope of this policy (such as employee complaints, and complaints about corruption or workplace harassment). See [Appendix 1](#) for a list of complaints which are managed through other policies and processes.

## 4. Three levels of complaint management

We aim to resolve the majority of complaints at the first level. If this is not possible, complaints can be escalated to higher levels depending on their seriousness or the complainant’s dissatisfaction.



## 5. Human rights complaints

The PT is committed to acting and making decisions in a way which is compatible with human rights. There are 23 human rights protected under the *Human Rights Act 2019*. These are listed in [Appendix 2](#).

If an individual believes their human rights may have been limited due to an action or decision of the PT then they can raise a complaint using this policy from 1 January 2020.

## 6. Guiding Principles

Our complaint management system is underpinned by the following guiding principles, which are outlined in the Australian Standard AS/NZS 10002:2014 *Guidelines for complaint management in organizations*. The principles form the basis of our [Complaints Management Procedures](#), which provide our employees with guidance on how to identify, classify and respond to a complaint.

Principles	What this means in the Public Trustee														
<b>Enabling complaints</b>	<ul style="list-style-type: none"><li>• Everybody has a right to complain.</li><li>• We proactively seek and receive feedback and complaints.</li><li>• People making complaints are treated with respect.</li><li>• Complainants are not adversely affected because of a complaint made by them or on their behalf.</li><li>• We accept complaints from representatives of clients including family members, friends and other people or organisations that act in support of the person.</li><li>• Information about how and where a complaint may be made is publicised on our website and made available (in writing and verbally) at our office <a href="#">locations</a>.</li><li>• Complaints may be made to any PT employee in person, or by phone, email or letter.</li><li>• We provide all reasonable and practical help and support to make it easy for people to complain by recognising particular needs including: people with a disability, people living in regional and remote areas, the aged, and people from culturally and linguistically diverse backgrounds.</li><li>• Complainants are not charged a fee to complain.</li></ul>														
<b>Managing complaints</b>	<ul style="list-style-type: none"><li>• Complaints are acknowledged within five working days and responded to fairly, reasonably and in a timely manner. Complainants will be advised of the timeframe for response. Our complaint response timeframes are:<table><tbody><tr><td><b>Frontline complaint</b></td><td>Resolved at the first point of contact</td></tr><tr><td><b>Minor complaint</b></td><td>Within 5 business days</td></tr><tr><td><b>Moderate complaint</b></td><td>Within 14 business days</td></tr><tr><td><b>Major complaint</b></td><td>Within 28 business days</td></tr><tr><td><b>Privacy complaint</b></td><td>Within 45 business days</td></tr><tr><td><b>Human rights complaint</b></td><td>Within 45 business days</td></tr><tr><td><b>Progress updates</b></td><td>As required</td></tr></tbody></table></li></ul>	<b>Frontline complaint</b>	Resolved at the first point of contact	<b>Minor complaint</b>	Within 5 business days	<b>Moderate complaint</b>	Within 14 business days	<b>Major complaint</b>	Within 28 business days	<b>Privacy complaint</b>	Within 45 business days	<b>Human rights complaint</b>	Within 45 business days	<b>Progress updates</b>	As required
<b>Frontline complaint</b>	Resolved at the first point of contact														
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<b>Human rights complaint</b>	Within 45 business days														
<b>Progress updates</b>	As required														

Principles	What this means in the Public Trustee
	<ul style="list-style-type: none"> <li>• Anonymous complaints are treated like any other complaint.</li> <li>• Our employees are aware of the policy and procedures available on our websites and intranet.</li> <li>• Adequate resources, including trained staff, are available to manage complaints.</li> <li>• Complaints are recorded and tracked, timeframes for resolution are monitored, and complainants are entitled to reasonable progress reports.</li> <li>• Complaints are taken seriously and are handled fairly, objectively and without bias.</li> <li>• Personal information is managed in compliance with the <i>Information Privacy Act 2009</i> and ethical obligations.</li> <li>• We explain our policies, procedures and decisions when communicating with complainants and our employees.</li> <li>• Informal resolution and compromise are attempted wherever possible.</li> <li>• If a complainant is dissatisfied with the outcome of their complaint, they may request an internal review be undertaken by a person other than the original decision maker. If a complainant remains dissatisfied with the outcome after an internal review, they may seek an external review.</li> </ul>
<b>Managing the parties</b>	<ul style="list-style-type: none"> <li>• All PT employees are expected to adhere to the <a href="#">Code of Conduct for the Queensland Public Service</a>.</li> <li>• Managing officers may refuse to investigate a complaint if there is unreasonable complainant conduct. See <a href="#">Appendix 3</a> for more information about unreasonable complainant conduct.</li> <li>• We are committed to providing and maintaining a safe and healthy work environment for our employees.</li> <li>• When a complaint involves multiple organisations, we will coordinate communication with the complainant. We will exchange information to facilitate investigation and response, subject to privacy and confidentiality obligations.</li> <li>• Our employees are empowered to implement the complaint management system through training and support, and are encouraged to provide feedback on policies and procedures.</li> </ul>
<b>Accountability, learning and prevention</b>	<ul style="list-style-type: none"> <li>• The Governance and Risk Directorate (GRD) is accountable for the operation of our complaints management system, including: <ul style="list-style-type: none"> <li>- developing and reviewing our complaints management policy and procedures</li> <li>- receiving, recording and processing complaints</li> <li>- analysing, evaluating and reporting on complaints and their outcomes</li> <li>- reviewing the effectiveness and efficiency of the system.</li> </ul> </li> <li>• Responding to and learning from complaints is an essential part of the PT's commitment to continual quality improvement.</li> <li>• We are committed to resolving complaints in a way which minimises the possibility of escalation into ongoing disputes. Complaint</li> </ul>

Principles	What this means in the Public Trustee
	<p>responses provide meaningful and accurate advice to the complainant regarding our decision and the outcome of their complaint, including the available review mechanisms.</p> <ul style="list-style-type: none"> <li>• Informal resolution and compromise are attempted wherever possible.</li> </ul>

## 7. Definitions

Term	Definition
Anonymous complaint	The identity of the person making the complaint is unknown.
Complainant	Person, organisation or their representative (including clients, customers, service users, etc) making a complaint.
Complaint	An expression of dissatisfaction, either verbally or in writing, from a client or member of the public about the PT's products, services (including how a staff member provided the service and conduct), procedures, practices or policies.
Complaints Management system (CMS)	Encompasses all aspects of the policies, procedures, practices, staff, hardware and software used by the PT to manage complaints.
Disputes	Unresolved complaints escalated internally or externally, or both
Frontline complaint	A complaint resolved at the first point of contact.
Human rights complaint	A complaint by an individual, about an act or decision by an agency, which they believe has breached their human rights under the <i>Human Rights Act 2019</i>
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's Information Privacy Complaints Management Policy and Procedure and a response provided within 45 business days.
Unreasonable complainant conduct	<p>Unreasonable conduct by a complainant is any conduct which raises substantial health, safety, resource or equity issues for the PT, its staff and other clients. This conduct occurs where the complainant evidences no genuine intention to receive and process our response to the complaint, or the reasons for our response. Examples of unreasonable complainant conduct are listed in <a href="#">Appendix 3</a>.</p> <p>We may decide not to respond to the issues raised in a complaint if there is unreasonable complainant conduct.</p>

## **8. Legislative and policy basis**

[Human Rights Act 2019](#)

[Information Privacy Act 2009](#)

[Public Service Act 2008](#)

[Code of Conduct for the Queensland Public Service](#)

[Guidelines for complaint management in organisations](#) (AS/NZS 10002:2014)

## **9. Supporting information**

Public Trustee [Complaints Management Procedures](#) (available to staff on our Intranet)

Public Trustee [Resolving complaints leaflet](#)

## **10. Policy review and evaluation**

This policy will be reviewed every two years and revised as required to ensure it reflects significant changes in legislation, standards, directives, audit recommendations or organisational change.

## Appendix 1 Out of scope complaints

This policy does not cover complaints about the matters below. Those complaints are managed through separate policies and processes, as noted in the table below.

Decision or matter	Complaint management process
Issues that are currently the subject of legal instructions or proceedings	Issues will be assessed to determine if this policy applies. In some instances, matters will be referred directly to the Office of the Official Solicitor for resolution and the complainant will be advised of this in writing.
Judicial or tribunal decision	<p>Parties who are concerned about the result of a case, or about any other matter in connection with the case that is capable of being raised in an appeal or on review (as appropriate), should seek legal advice as to whether or not to appeal or seek review. There are strict time limits for appeals and reviews and parties need to act promptly.</p> <p>For complaints in relation to judicial conduct or a delay in delivering reserved judgements in the Magistrates, District and Supreme Courts, refer to the <a href="#">Magistrates Courts complaints process</a> and <a href="#">reserved judgements in the Supreme and District courts</a>.</p>
Allegations against employees involving suspected corrupt conduct, maladministration, substantial misuse of public resources, a substantial and specific danger to public health or safety, or a substantial and specific danger to the environment	<p>You can contact the PT's Governance &amp; Risk Directorate on (07) 3564 2184 or by email to: <a href="mailto:governance@pt.qld.gov.au">governance@pt.qld.gov.au</a>. These complaints may be managed under the <a href="#">Public Interest Disclosure Policy and Procedure</a>, <a href="#">Reporting Corrupt Conduct Policy</a> or <a href="#">Complaints about the Public Official Policy</a>.</p> <p>You may also complain directly to the <a href="#">Crime and Corruption Commission</a>.</p>
PT employee complaints about current public servants	<a href="#">Employee Complaints Management Policy</a> and <a href="#">Procedure</a> <a href="#">Workplace Harassment and Sexual Harassment Prevention Policy</a> and <a href="#">Procedure</a>
Denied right to information (RTI) or information privacy (IP) access and amendment applications	<p>If the PT makes a decision in relation to your application for access to documents, including a decision to refuse you access to documents, that no documents exist or can be located, or not to waive charges, you may either:</p> <ul style="list-style-type: none"> <li>• apply for an internal review of the decision by contacting the PT within 20 business days of the decision</li> <li>• apply directly to the <a href="#">Information Commissioner</a> for an external review of the decision.</li> </ul>
A complaint by an individual about an act or practice of the PT in relation to the individual's personal information that is a breach of our obligations under the <i>Information Privacy Act 2009</i> .	<a href="#">Information Privacy Complaints Management Policy and Procedure</a>

## Appendix 2 Human rights

The 23 human rights set out in the *Human Rights Act 2019* are:

- recognition and equality before the law
- right to life
- protection from torture and cruel, inhuman or degrading treatment
- freedom from forced work
- freedom of movement
- freedom of thought, conscience, religion and belief
- freedom of expression
- peaceful assembly and freedom of association
- taking part in public life
- property rights
- privacy and reputation
- protection of families and children
- cultural rights—generally
- cultural rights—Aboriginal peoples and Torres Strait Islander peoples
- right to liberty and security of person
- humane treatment when deprived of liberty
- fair hearing
- rights in criminal proceedings
- children in the criminal process
- right not to be tried or punished more than once
- retrospective criminal laws
- right to education
- right to health services.

You can find more information on human rights at: [www.qld.gov.au/law/your-rights/human-rights](http://www.qld.gov.au/law/your-rights/human-rights).

## Appendix 3 Unreasonable complainant conduct

Unreasonable complainant conduct will not preclude valid issues being addressed by the PT; however, we will put in place appropriate strategies for managing such conduct fairly, ethically and reasonably.

Types of conduct	May involve
<b>Unreasonable persistence</b>	<ul style="list-style-type: none"><li>• Raising a complaint after an excessive lapse of time since the complainant became aware of the issues which are the subject of the complaint</li><li>• Excessive numbers/volumes of telephone calls, emails, letters, paperwork in support of a complaint or refusing to accept a decision based solely on the fact it is not in the complainant's favour</li><li>• Making rapid, repetitive complaints in a manner designed to harass, intimidate, cause mischief or waste resources</li><li>• Repeating or reframing complaints, for which the Public Trustee has provided a response and reasons and where the complainant has been advised of external or alternative review options.</li></ul>
<b>Unreasonable demands</b>	<ul style="list-style-type: none"><li>• Asking for outcomes that are unattainable or disproportionate to the issue</li><li>• Requesting actions that are inappropriate</li><li>• Demanding more reviews than provided for in our complaints management system</li><li>• Demanding a different outcome without demonstrating that the original decision was wrong</li><li>• Demanding the complaint is dealt with in a particular way, including within unrealistic timeframes.</li></ul>
<b>Unreasonable lack of cooperation</b>	<ul style="list-style-type: none"><li>• Providing disorganised, excessive or irrelevant information</li><li>• Refusing to provide key documents or to identify the issue of complaint</li><li>• Dishonestly presenting facts</li></ul>
<b>Unreasonable arguments</b>	<ul style="list-style-type: none"><li>• Expressing irrational claims/beliefs/conspiracy theories</li><li>• Making vexatious complaints</li><li>• Illogically or unrealistically denying any responsibility for actions or inaction</li><li>• Exaggerating issues</li><li>• Raising irrelevant issues</li><li>• Making serious accusations and drawing conclusions unsupported by evidence</li><li>• Irrational interpretation of facts or laws and refusal to accept objectively settled interpretations.</li></ul>
<b>Unreasonable behaviours</b>	<ul style="list-style-type: none"><li>• Anti-social behaviour including abusive, offensive, harassing, violent, manipulative or threatening actions towards staff, property, the PT, other members of the public, or self-harm.</li><li>• Lying or being intentionally misleading.</li></ul>