

# Procedure

## Customer complaints management procedure

**Version:** 4.1 | **Version effective date:** 1/07/2025

**Supersedes:** Version 4.0

### Scope

This procedure applies organisation-wide, to all staff including permanent and temporary employees, consultants, contractors or any other person who provides the Queensland Public Trustee (QPT) with services on a paid or voluntary basis.

### Purpose

This procedure outlines the responsibilities and processes for the consistent management of customer complaints across QPT.

### Overview

A complaint is a customer complaint if it involves the expression of dissatisfaction about the service or action of the Public Trustee, or its staff, and the complainant is apparently directly affected by the service or action, and a response or resolution to the complaint is expected or legally required.

Customer complaints are an opportunity to identify issues and take action to improve service delivery and customer experiences, and drive a culture of continuous improvement.

This procedure should be read in conjunction with the Customer complaints management policy.

Not all complaints received by QPT are customer complaints. Other complaints need to be managed in a different way and are outlined in **Appendix 1** to this procedure.

Some complaints or matters may meet the definition of a customer complaint but also engage other processes. If the matter meets the definition of a customer complaint, it must be recorded as a customer complaint and included in QPT reporting. These complaint types include:

- Human rights complaints, if also a customer complaint or part of a customer complaint, will be managed in accordance with this procedure
- Privacy complaints, if also a customer complaint, will be managed in accordance with this procedure and have additional considerations under the Information Privacy Complaints Management Policy and Procedure.

Personal information in complaints is managed according to the *Information Privacy Act 2009* and Queensland Privacy Principles:

Collection:	It is optional for complainants to provide personal information. Complaints can be made anonymously and pseudonymously. If a complainant requests a response, they will be asked for their contact details.
Storage and access:	Complaints are captured in a recordkeeping system, with appropriate security classifications and access controls.

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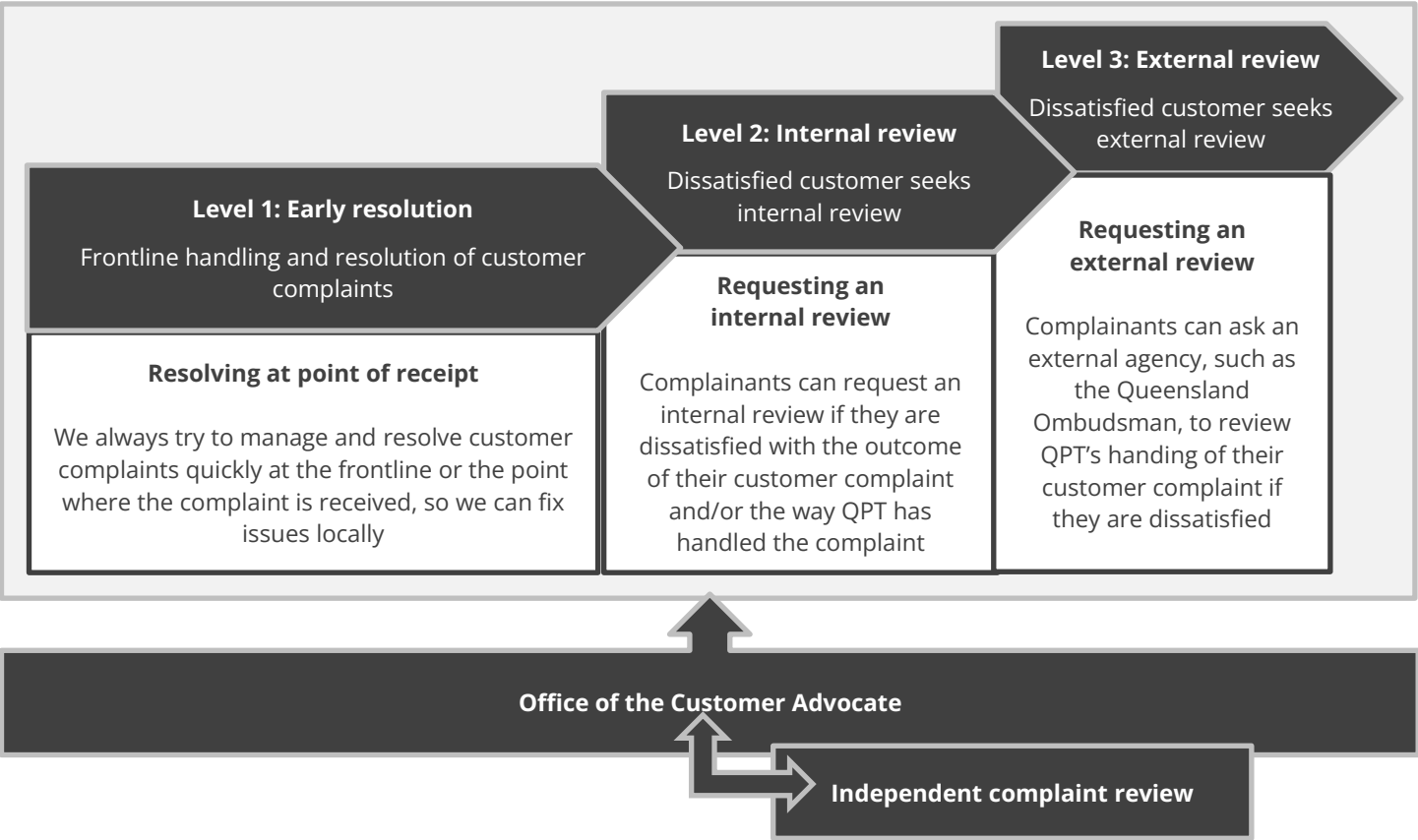
Use and disclosure:	Personal information is only used to provide an update and response to a complainant about their complaint.
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## Process / Actions

QPT’s approach to handling customer complaints is based on the Australian/New Zealand Standard (AS/NZS ISO 10002:2022 – Guidelines for complaint management in organisation) and the Queensland Public Service Customer Complaint Management Framework.

The approach operates on a three-tier model of complaint handling:

- Level 1:** Initial complaint handling, Early resolution
- Level 2:** Internal review
- Level 3:** External review



### Level 1: Initial complaint handling, Early resolution

#### Request

The complainant will raise an issue with the organisation, either in writing using the online complaints form, by an email or letter, over the phone, or in person.

The officer receiving the complaint should provide any necessary assistance to the complainant, including assisting those who may be vulnerable due to factors such as age, disability, location or issues accessing

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digital services, and offer support such as directing the person to interpreter services (such as TIS National or National Relay Service) or support agencies or supporting the complainant to document the complaint.

The officer receiving the complaint must decide if the issue is a customer complaint.

- It will be a customer complaint if all criteria below are met:
  - the complainant is dissatisfied with the service or action of the organisation or its staff
  - the complainant is apparently directly affected by the service or action, and
  - some outcome is sought.
- It will not be a customer complaint if the customer is:
  - requesting more information
  - requesting a change in services or requesting a new service
  - making a suggestion for improving QPT's services
  - providing feedback on QPT's performance
  - not directly affected by the decision or action of QPT
  - providing information (for example, reporting an incident).
- If the issue is a customer complaint, the officer receiving the complaint will become the complaint officer for the complaint and must record the customer complaint in the CMS register. Protected information must not be entered in the register.
  - See information security procedure for information security classifications.
- If the issue is not a customer complaint, it must still be actioned, but it will either be dealt with as standard correspondence or under a different complaints process as outlined in the **Appendix 1** to this procedure, and referred to the required person under the relevant process.

The complaint officer must provide acknowledgement to the complainant that the complaint has been received and will be treated as a customer complaint, in writing or verbally, within 3 business days (where possible) of the complaint being received by the organisation.

- Include information about the complaint process, expected timelines and complainant responsibilities.

The complaint officer should consider if any health, safety, wellbeing or resourcing issues are raised by the complaint or the complainant's conduct, and, if they are concerned, the complaint officer should escalate to their manager to determine any action required.

- If they are concerned about the complainant's conduct, they should consider the unreasonable complainant conduct procedure in **Appendix 2**.

The complaint officer should assess if they have any conflicts of interest with regard to the complaint. If any conflict exists, it should be declared and the complaint referred to someone else.

## **Assess and resolve**

Customer complaints are to be assessed and resolved at the point of receipt wherever possible. The complaint officer will consider if the customer complaint is frivolous or vexatious.

- If not frivolous or vexatious, proceed through the following steps to assess and resolve the complaint.
- If the complaint is considered frivolous or vexatious, the complaint officer should escalate to their

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Manager to determine any action required. If the complaint is determined to be frivolous or vexatious, the complaint officer will advise the complainant that the complaint will not be examined. This must be recorded in the register. The remainder of this procedure does not need to be followed and the complaint is closed.

The complaint officer must also decide if the complaint engages or limits human rights contained in Part 2 of the *Human Rights Act 2019 (Qld)* by considering the following questions:

- Are any human rights engaged or impacted by the decision or action complained of?
- If so, did the decision or action being complained about limit those human rights?
- If so, was the limitation lawful, justified and reasonable in the circumstances?
- The complaint officer must document their assessment of human rights considerations for the complaint.

More information about how public entities can give proper consideration to human rights and act and make decisions in accordance with human rights is available from the Queensland Human Rights Commission website at: <https://www.qhrc.qld.gov.au/your-responsibilities/for-public-entities>.

The complaint officer assesses the customer complaint and determines the best way to resolve it by:

- considering the circumstances of the complaint, the parties involved, and the requested outcomes.
- identifying each complaint issue.
- gathering relevant information or documentation, including from the complainant.
- identifying relevant benchmarks, standards and criteria to assess the complaint against (for example, legislation, policies or procedures).

The complaint officer will contact the complainant if additional information is required to confirm the complaint issues or the outcome sought, or to provide information about the customer complaints management process, such as timeframes and complainant responsibilities.

The complaint officer will communicate with the complainant by the most appropriate medium, taking into consideration their needs and preferences where possible.

The complaint officer will monitor and document any unreasonable conduct by the complainant and, if necessary, consider the unreasonable complainant conduct procedure in **Appendix 2**.

The complaint officer will keep and store appropriate records of all communication with the complainant. This includes recording supporting documentation if a complainant withdraws their complaint.

The complaint officer must aim to resolve the customer complaint **within 30 business days**, where possible and where complaints are not able to be addressed immediately. If these timeframes cannot be met, the complaint officer should contact the complainant to advise them of a new expected timeframe and a contact officer.

The complaint officer should assess whether the complaint should be completed in shorter timeframes than those outlined above. Shorter timeframes should always be considered based on the individual complaint, considering a range of factors, including:

- the nature, seriousness and urgency of the complaint
- the risk to the customer or complainant
- the number and complexity of the issues that need investigating, including how long these may take
- the outcome being sought and what timeframe it can be achieved in.

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The complaint officer will keep the complainant informed of any changes or emergent issues that impact on the resolution of their customer complaint. The complainant should be proactively contacted:

- if further information is needed about their concerns
- with updates on progress of their complaints, including resolution of parts of the complaint
- if further time is needed.

Any request by a complainant for access to or release of records/files relating to their own complaint are assessed and, if appropriate, the relevant documents are provided administratively.

- Other requests for records/files are handled under the processes under the *Right to Information Act 2009*, and should be referred to the Compliance Systems & Governance unit.

Where a complaint involves more than one part of the organisation, or external organisations or people, where privacy and confidentiality permit, communication with the complainant should be coordinated between all parties involved.

The complaint officer will escalate a customer complaint to their manager if the complaint is unable to be resolved quickly at the frontline or point of receipt, either because it is not appropriate to do so or because of the complexity, seriousness, desired outcome or other matter raised in the complaint.

Options for resolving the customer complaint should be tailored to the circumstances of the complaint and may include:

- providing an explanation to the complainant about the decision, action, etc that is the subject of the complaint and reasons for the decision, if not previously provided
- finding the customer complaint to be unsubstantiated (for example, the events did not happen as described)
- concluding that the customer complaint has been substantially resolved
- reaching a compromise solution
- concluding that the customer complaint has been substantiated and implementing specific action, such as overturning a decision, apologising, or providing a service not previously provided
- addressing or referring the issue for system improvement.

The complaint officer must record appropriate notes in the register throughout the assessment and resolution phase.

Procedural fairness must be afforded to the person who is the subject of the customer complaint and the complainant.

## **Communicate outcome**

The complaint officer must advise the complainant of the outcome of the assessment and resolution process, including:

- a clear explanation of the final decision, including reasons
- any recommendations, steps taken to address the complaint and undertakings or follow up actions
- any internal or external review options available to the complainant
- the option to provide feedback on the complaint process via the customer satisfaction survey.
- An outcome can be provided verbally, in writing, or in any other form of communication most suitable to the complainant, and should have regard to the method the customer used to make the

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complaint.

- The complaint officer should consider whether privacy obligations impact on the information that can be given to the complainant.
- The complaint officer must keep appropriate records about the information provided to the complainant in the register.

## ***Close complaint***

The complaint officer or complaints coordination officer will close the complaint and record information in the register about the complaint outcome and any further activities that need to occur.

If further activities are recommended, the complaint officer is responsible for implementing and monitoring the recommended action, or referring the matter to the responsible area for attention. The register should be updated once all outstanding actions are completed.

## **Level 2: Internal review**

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An internal review is an impartial review of a customer complaint outcome by an officer who is not the original complaint officer.

A complainant may request an internal review if they are dissatisfied with the way their customer complaint was handled and/or they believe the outcome was unreasonable.

An internal review is only available after the original customer complaint process has been finalised and can only be requested once. It is not a reinvestigation of the original complaint but establishes if the customer complaint management process for the original complaint was appropriate and/or whether the outcome reached was reasonable.

In requesting an internal review, complainants must explain why an internal review is appropriate and what action the complainant would like taken to resolve the issue. If insufficient information is provided, the request may be declined.

This request should be submitted **within 20 business days** of receiving the complaint outcome.

If a complainant is simply seeking clarification or explanation of the original decision or process, the complainant should be referred back to the original complaints officer so clarification can be provided.

## ***Request***

A complainant:

- Who is dissatisfied with the way their customer complaint was handled or believes the outcome was unreasonable can request an internal review by submitting a written request or lodging a request over the phone.
- Must explain in their request why an internal review is appropriate (i.e. why the original decision was unreasonable or the complaint handling process was unfair or deficient) and what action the complainant would like taken to resolve the issue. The complainant should respond to any requests for further information, or to confirm information by the phone. If insufficient information is provided, the internal review request may be declined.
- Should lodge their request within 20 business days of receiving the original complaint outcome.
  - The internal review officer will consider requests lodged after this period on a case-by-case basis. These requests may be actioned if:
    - the complainant can provide a reasonable explanation for lodging a late request, or

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- the internal review officer considers the request can be productively resolved despite the delay.

## Compliance Systems and Governance (CSG):

- If the complainant requires assistance to request an internal review, CSG will provide reasonable assistance, such as providing information about how to request a review, assistance to document internal review issues and allowing a support person if needed.
- CSG will assess the complainant's request to ensure sufficient information has been provided to enable the internal review to be undertaken (e.g. why the original decision was unreasonable or the complaint handling process was unfair or deficient).
  - If the request is taken over the phone, CSG should ask the complainant to confirm the information captured by the organisation before the internal review commences.
  - CSG should contact the complainant if additional information is required or to provide information about the internal review process.
  - If the complainant does not outline the grounds for review or provides insufficient information, CSG may advise the complainant that the internal review request will not be examined unless this information is provided. If the complainant does not cooperate, the remainder of this procedure does not need to be followed and the internal review is closed.
- If the internal review request is frivolous or vexatious, CSG should advise the complainant that the internal review will not be conducted. The remainder of this procedure does not need to be followed and the internal review is closed.
  - Any decision not to proceed with an internal review request must be recorded in the register. The record should include the decision not to proceed, the evidence considered as part of that decision, the reasons not to proceed with the review, and other relevant information.
- If the complainant's request raises a new customer complaint issue(s) not considered as part of the original complaint, CSG must tell the complainant the issue is out of scope for the internal review but can be lodged by the complainant as a new customer complaint.
- CSG will record the internal review request. Protected information must not be entered in the register.
- CSG will provide an acknowledgement to the complainant that the request has been received **within 5 business days** (where possible), and advise whether an internal review will be undertaken. This can be provided in writing or verbally and a record must be kept of the acknowledgement in the register.
- CSG will confirm with the relevant program area who is the nominated internal review officer.

## The internal review officer:

- Should contact the complainant directly if the internal review officer:
  - requires additional information.
  - wishes to confirm any issues with the review, or to provide information about the internal review process and its progress.
- Should consider if any health, safety or resourcing issues are raised by the internal review request or the complainant's conduct (and if they are concerned about the complainant's conduct, they should refer to the process for dealing with unreasonable conduct at Appendix 2).
- Should consider if human rights are engaged by the internal review process and whether they were



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adequately considered during the management of the original complaint. These considerations must be appropriately documented.

## ***Assess and resolve***

The internal review officer must analyse the original customer complaint to determine if the customer complaints management process and/or the outcome reached was appropriate by considering and assessing:

- information provided with the internal review request
- material considered as part of managing the original customer complaint
- if the Customer Complaints Management Procedure was followed
- whether human rights were engaged by the complaint, and if so, whether they were properly considered during the management of the complaint
- other information provided by the relevant parties (e.g. the original complaints officer or complainant).

The internal review officer must also consider whether any human rights are engaged or limited by the internal review process itself.

Subject to the complexity of the request, the internal review officer must aim to resolve the internal review **within 20 business days** of receiving the internal review request.

- The internal review officer should keep CSG informed of any changes or emergent issues that will impact on the resolution of the internal review, including any revised finalisation date if more time is required.
- The internal review officer should keep the complainant informed of any changes or emergent issues that will impact on the resolution of the internal review, including a revised finalisation date if more time is required.

Procedural fairness must be afforded to any person who is the subject of the internal review and the complainant.

Based on the assessment undertaken, the internal review officer should identify a suitable internal review outcome. This may include, but is not limited to:

- finding the original decision was appropriate and the complaint does not merit further investigation
- finding the original decision was unreasonable and should be amended
- re-opening the original complaint
- providing a clearer explanation of the original decision to the complainant
- amending a policy, procedure or practice, or recommending such documents be amended
- offering an apology or some other remedy, or
- providing further assistance to address a service delivery complaint.

The internal review officer must prepare the internal review report and save it in the register.

The internal review officer must record appropriate notes in the register throughout the internal review.



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## ***Communicate outcome***

Unless the complainant has requested some other form of communication, the internal review officer must advise the complainant in writing about the outcome of the internal review process. This should include:

- a clear explanation of the final decision, which addresses each issue raised and provides reasons
- any recommendations or outcomes
- any external review mechanisms available to the complainant.

The internal review officer must also inform the original complaint officer about the outcome of the internal review.

The internal review officer must keep appropriate records about the information provided to the complainant and the original complaint officer. This should be stored in the register.

## ***Close internal review***

CSG will close the internal review and record information in the register about the outcome and any further activities that need to occur.

The internal review officer is responsible for implementing and monitoring any further action recommended or referring the matter to the responsible area to action.

## ***Office of the Customer Advocate and independent complaints review process***

The Office of the Customer Advocate (OCA) has been established within the organisation to support customers, focusing on advocacy and insights to deliver fair outcomes for customers that align with community expectations. It is a customer support function available to complainants if they are having difficulties in getting results through usual communication pathways or processes.

OCA is available to complainants at any point in their complaints journey.

OCA also facilitates the organisation's independent complaints review process, with reviews performed by an external reviewer.

This is not a required step in the organisation's complaints procedure, and would generally be expected to emerge as an option after an internal review process and/or when options under the organisation's complaints management processes have been exhausted.

If an independent review process is activated by the OCA, the complainant may still choose at any time to progress their complaint to an external agency.

## **Level 3: External review**

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If an internal review is completed, and the complainant remains dissatisfied, they can seek an external review.

The complaint officer must provide the complainant with details of external review agencies (such as the Queensland Ombudsman, Office of the Information Commissioner, or Queensland Human Rights Commission) to assist the complainant to seek an external review.

If an external agency accepts the request and requests information from the organisation to enable the external review to be conducted, the complaints team must be notified. The complaints team will record the

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external review request in the register and coordinate response to the request in collaboration with the complaint officer or internal review officer.

## Roles and responsibilities

### Complainant

- Visit QPT's website for information about complaint processes and lodge any customer complaint through one of QPT's lodgement avenues: online, by phone, by email, by post or by visiting a QPT office.
- Provide all relevant information including a clear idea of the concern and the desired solution.
- Cooperate in a respectful way and be aware that unreasonable conduct will not be tolerated.
- Understand that complex customer complaints can take time to assess, manage and resolve.
- Be aware that some decisions cannot be overturned or changed using the customer complaints management policy and procedure, for example:
  - When the original decision was made personally by QPT's Chief Executive Officer.
  - Decisions that have already been internally reviewed.
  - Decisions from an internal review (including new decisions made following the internal review regarding the issues raised in the original complaint).
  - Decisions not to conduct an internal review
  - Decisions that are the subject of, or about to be the subject of, proceedings in a court or tribunal.
- Inform QPT of changes affecting the customer complaint, including if help is no longer required.
- Request an internal review within 20 business days of receiving the outcome of the customer complaint if dissatisfied with the way the complaint was handled or the outcome is unreasonable, and:
  - Provide a clear idea of the problem with the complaint outcome or handling and the desired solution, and understand the internal review request may not be examined if this does not occur.
  - Understand that an internal review is not a re-investigation of the original customer complaint.
  - Provide all relevant information when requesting the internal review.
  - Understand that complex internal reviews can take time to assess, manage and resolve.
  - Understand that some decisions cannot be overturned or changed as a result of the internal review.
  - Inform the organisation of changes affecting the internal review, including if help is no longer required.

### All staff:

- Manage customer complaints according to this procedure, the Customer Complaints Management Policy and systems, including when acting as a complaints officer.
- Demonstrate a commitment to fostering and supporting a positive complaint culture which includes welcoming customer complaints and viewing customer complaints as an opportunity to improve.

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- Provide information to customers about how to make a complaint if requested or appropriate, including directing them to QPT's website.
- Identify when a customer is making a customer complaint and record and action according to this procedure.
- Assist a customer to make a complaint if they require assistance.
- Consider human rights when responding to a customer complaint.
- Consider if a customer complaint also engages another process, such as privacy complaints.
- Consider if the customer complaint is frivolous or vexatious, and refer a recommendation that a customer complaint be treated as frivolous or vexatious to the appropriate office for determination.
- Provide procedural fairness to complainants and persons who are subject of the customer complaint or internal review process.
- Act fairly, reasonably and ethically in all interactions with a complainant, including considering the complainant's circumstances.
- Help complainants understand reasonable and unreasonable conduct.
- Ensure confidentiality of personally identifiable information about the complainant or any other person involved in the customer complaint.
- Resolve customer complaints promptly and in accordance with timeframes.
- Escalate a customer complaint to their manager if the complaint is unable to be resolved quickly at the frontline or point of receipt, either because it is not appropriate to do so or because of the complexity, seriousness, desired outcome or other matter raised in the complaint.
- Manage complainant expectations at all stages of the process and ensure complainants understand their responsibilities.
- Maintain regular contact with the complainant to advise them of the progress of their complaint and foster productive relationships.
- Advise the complainant that they can seek an internal review within 20 business days if they are dissatisfied with the way their customer complaint was handled or believe the outcome was unreasonable, and tell them what information they need to provide.
- Escalate a request for an internal review to Compliance Systems & Governance.
- Maintain appropriate records to support each step of the process and enable accurate reporting.
- Keep the customer complaint register and records updated.
- Participate in customer complaint management, training and awareness activities.
- Ensure they do not treat the customer adversely in any way because they have made a complaint.

## **Directors, managers and supervisors:**

- Promote good complaint management culture and practice.
- Oversee, monitor and report on customer complaint matters relating to their teams.
- Provide support and advice to staff to manage and resolve customer complaints.
- Undertake internal reviews as an internal review officer in accordance with this procedure.
- Implement appropriate health, safety and wellbeing arrangements.

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- Ensure staff are provided with initial and ongoing customer complaints management training and are empowered to resolve complaints, and develop staff to improve capability in customer complaint management and service delivery.
- Assess any complaint that has been escalated to them, to determine how the complaint should be managed including, where appropriate, facilitating internal resolution, investigation or assigning the complaint to a staff member to resolve.
- Support staff in identifying and understanding systemic issues in customer complaints to ensure organisational learning, and practice and procedure improvements.
- Ensure planning, risk management and improvement activities consider customer complaints management learnings and insights.

## **Additional responsibilities for executive directors and directors:**

- Promote good complaint management culture and practice.
- Provide support for staff with complex and sensitive customer complaint management issues.
- Report to Compliance Systems & Governance on customer complaints matters.
- Review customer complaint information and engage in analysis of customer complaints reporting data, to identify and inform improvements to service delivery.
- For Executive Director, Strategy and Governance, act as Policy Owner.

## **Public Trustee of Queensland and CEO**

- Continually review the adequacy of resources provided to staff managing complaints.
- Publish annual customer complaints data on the QPT website by 30 September.
- Approve the making, amending and rescinding of this policy and procedure.
- Ensure a commitment to responding to and learning from customer complaints as part of the organisation's continual quality improvement.

## **Compliance Systems & Governance, complaints coordination:**

- Maintain customer complaints management resources.
- Provide support for the recording, coordinating, progress, monitoring and reporting of customer complaints through the Complaints Management System (CMS), including matters that have been escalated.
- Manage quarterly and annual customer complaints and human rights reporting.
- Provide advice and guidance to staff involved in customer complaints management.
- Review customer complaints management activities to identify opportunities for better practice.
- Organising training to ensure staff understand QPT's customer complaints management approach and their responsibilities, including for managing unreasonable complainant conduct.
- Seek and action feedback about the customer complaints management approach from complainants and staff.
- Provide a liaison point for external complaints authorities.
- Review customer complaint information and engage in analysis of customer complaints reporting data, to identify and inform improvements to service delivery.

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- Arrange for an independent audit of the CMS to be conducted at least once every two years.

## Internal review officer

- Ensure they were not involved in managing the original customer complaint.
- Ensure they are in a position equal to, or higher than, the original customer complaint officer and are authorised to make internal review decisions (including recommendations) or are nominated by such a person.
  - The original complaint officer will provide any relevant material to the internal review officer and cooperate with the internal review officer.
- Ensure they have completed appropriate training.
- Provide reasonable assistance to complainants to make an internal review, including whether any human rights are impacted by the review and whether human rights were adequately considered during the management of the customer complaint.
- Advise the complainant and the original complaint officer of the outcome of the internal review process.
- Advise the complainant that they can seek an external review if they remain dissatisfied after the internal review is conducted.
- Use a register to maintain appropriate records to support each step in the internal review process and enable organisational report.

## Policy controls and managing non-compliance

Compliance with this policy is mandatory. Managers must ensure the policy is embedded into practice within their teams, and employees are required to report any instances of non-compliance immediately through their manager to the Policy Owner. Appropriate documentation is required for all decisions.

## Definitions

Term	Definition
Business days	Means a day that is not (a) a Saturday or Sunday; or (b) a public holiday, special holiday or bank holiday in the place in which any relevant act is to be or may be done (Schedule 1 <i>Acts Interpretation Act 1954</i> (Qld)).
Complainant	A person, organisation or their representative/advocate making a customer complaint. A complainant is a 'customer' for the purposes of the customer complaints management framework if they are directly affected by the issue they are complaining about, or they are authorised representative of someone who has been directly affected.
Complaint officer	A complaint officer is an employee who is involved in managing a customer complaint. Complaint officers may work anywhere in QPT.

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Term	Definition
	Their functions may include, but aren't limited to, intake, assessment, management, resolution, and data entry. The management of a customer complaint may involve one or more complaint officers.
Conflict of interest	A conflict of interest can occur when an employee has, or is seen to have, a private interest, either financial (pecuniary) or non-financial (non-pecuniary), which conflicts or may conflict with the discharge of the employee's official duties.
Customer complaint	<p>An expression of dissatisfaction about a service or action of QPT by someone who is apparently directly affected by the service or action, and where a response or resolution to the complaint is expected or legally required. Examples may include complaints about:</p> <ul style="list-style-type: none"> <li>• A decision made, or failure to make a decision, by an employee</li> <li>• An act, or failure to act, by the organisation</li> <li>• The formulation of a proposal or intention by the organisation</li> <li>• The making of a recommendation by the organisation</li> <li>• The customer service provided by an employee.</li> <li>• The handling of a complaint.</li> </ul>
External review	A process conducted by an external review body (for example the Queensland Ombudsman or Queensland Human Rights Commission) to ensure organisational decision-making is fair, reasonable and proper.
Feedback	Opinions, comments or expressions of interest, made directly or indirectly, explicitly or implicitly to or about the organisation, its products, services, staff or its handling of a complaint. Feedback is not a customer complaint.
Frivolous complaint	A frivolous complaint is one with no serious purpose or value, and does not justify the resources that would be required to action it.
Human rights complaint	<p>A complainant can make a human rights complaint if the organisation has:</p> <ul style="list-style-type: none"> <li>• acted or made a decision in a way that is not compatible with human rights, or</li> <li>• failed to give proper consideration to a relevant human right when making a decision.</li> </ul>
Internal review	A process conducted by appropriately trained organisational staff on request from the complainant which examines if the complaint management process for the original customer complaint was appropriate and/or if the outcome reached was reasonable. An internal review is not a re-investigation of the original customer complaint.
Internal review officer	<p>An internal review officer is an organisation employee who conducts an internal review. The officer must be:</p> <ul style="list-style-type: none"> <li>• independent from the original customer complaint; and</li> </ul>

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Term	Definition
	<ul style="list-style-type: none"> <li>in a position equal to, or higher than, the original decision-maker and authorised to make internal review decisions, including recommendations, or be nominated by someone with this authority.</li> </ul> <p>An internal review may involve more than one internal review officer.</p>
Involved in managing the original customer complaint	<p>To ensure independence, an internal review officer must not have been involved in managing the original customer complaint. Examples of 'involvement' include:</p> <ul style="list-style-type: none"> <li>providing advice on how the original customer complaint should be handled or complaint findings</li> <li>gathering information or evidence, or conducting interviews</li> <li>providing a complaint outcome.</li> </ul> <p>If an internal review officer has general awareness of a customer complaint, this does not constitute being 'involved' in the original complaint handling process. In these situations, the internal review officer can undertake the internal review without compromising the independence of the process. Examples of general awareness include:</p> <ul style="list-style-type: none"> <li>overhearing discussions about the customer complaint or briefly discussing a complaint (for example at a team meeting).</li> <li>taking a phone message about the complaint or reading a file note.</li> </ul>
Management strategies	Strategies that can be applied by a decision maker to manage unreasonable complainant conduct to enable the efficient and effective resolution of the complaint.
Privacy complaint	A complaint by an individual about an act or practice of an agency in relation to the individual's personal information that is a breach of the agency's obligation under the <i>Information Privacy Act 2009</i> (Qld) to comply with the Queensland Privacy Principles.
Procedural fairness	Providing any party who may be affected by a customer complaint with a fair opportunity to be heard and a reasonable opportunity to respond to any claims. Procedural fairness is also known as natural justice.
Protected information	Very sensitive or confidential information, where unauthorised and/or premature disclosure might cause damage to one or more parties. Refer to the Information security procedure for more information.
Register	<p>A tool used to capture and record customer complaints data, including information about the complainant, their complaint, how the department has resolved the matter, and any reviews undertaken.</p> <p>The Complaints Management System (CMS) is the organisation's enterprise system for recording, assessing, managing, resolving and reporting on customer complaints. The CMS should be used as the register for customer complaints.</p>
Request for service	An application for a service related to an interest of a concern made directly or indirectly, explicitly or implicitly to or about the organisation, its products, services, staff or its handling of a complaint. A request for service is not a complaint.



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Term	Definition
Resolution	A customer complaint is resolved when the issue raised is dealt with in line with the organisation's customer complaints management approach. The resolution may or may not be to the complainant's satisfaction.
System improvement	System improvement may involve a change to policy, procedure or process.
Unreasonable conduct by a complainant	<p>Conduct is likely to be considered unreasonable where it involves actions or behaviours which, because of the nature or frequency, raises substantial health, safety, wellbeing, resource or equity issues for the organisation, its staff, other service users or the complainant themselves. Examples include:</p> <ul style="list-style-type: none"><li>• persistent contact (for example, excessive and unnecessary phone calls or emails).</li><li>• demanding conduct (for example, demanding more reviews than departmental procedures allow, or demanding a different outcome without showing the original decision was incorrect).</li><li>• unreasonable lack of cooperation (for example, refusing to identify the issue or complaint or providing disorganised information).</li><li>• unreasonable arguments (for example, making irrational claims).</li><li>• unreasonable behaviour (for example, aggression or violence to staff, or threatening harm to self and others).</li></ul>
Vexatious complaint	A vexatious complaint is without reasonable or sound basis in fact, has little chance of succeeding, and is instead designed to harass, annoy, or create a resource burden for the organisation.

## Legislation and other compliance obligations

- *Disability Services Act 2006* (Qld)
- *Disability Services and Inclusion Act 2023* (Cth)
- *Human Rights Act 2019* (Qld)
- *Information Privacy Act 2009* (Qld)
- *Public Records Act 2002* (Qld)
- *Public Sector Act 2022* (Qld)
- *Public Sector Ethics Act 1994* (Qld)
- *Public Trustee Act 1978* (Qld)

## Supporting documents

- [Customer complaints management policy](#)
- [Your Complaints Journey](#)

# Customer complaints management procedure

## Related resources and information

- *AS/NZS ISO 10002:2022 – Guidelines for complaint management in organisations*
- *Crime and Corruption Act 2001* (Qld)
- *Public Interest Disclosure Act 2010* (Qld)
- Queensland Ombudsman Complaints management resource, Managing unreasonable complainant conduct and Policy and procedure guide
- [Queensland Public Service Customer Complaint Management Framework](#)
- [Queensland Public Service Customer Complaint Management Guideline](#) (and referenced resources)

## Contact

For further information, please contact:

Compliance Systems & Governance

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# Customer complaints management procedure

## APPENDIX 1 – Excluded complaints or complaints with additional considerations

Type of complaint	Governed by
<p>A complaint made under the <i>Human Rights Act 2019</i> (Qld) <b>other than a customer complaint under the Customer Complaints Management Policy and Procedure.</b></p> <p>It is noted that customer complaints under this procedure can also relate to human rights. These are not excluded complaints and human rights must be considered as part of this complaints process.</p>	<p><i>Human Rights Act 2019</i></p> <p>Customer complaints that may involve a human right/s will be governed by the <i>Human Rights Act 2019</i> and the Customer complaints management policy and procedure.</p>
<p>Complaints about corrupt conduct under the <i>Crime and Corruption Act 2001</i> (Qld)</p>	<p>QPT Reporting Corrupt Conduct Policy and the <i>Crime and Corruption Act 2001</i></p> <p>The complaint will be referred to QPT's Ethics and Integrity Unit for assessment and consideration.</p>
<p>A privacy complaint under the <i>Information Privacy Act 2009</i> (Qld)</p>	<p>Also managed under the QPT Information Privacy Complaints Management Policy and Procedure, and the <i>Information Privacy Act 2009</i> (Qld).</p> <p>Privacy complaints that are also customer complaints (and not an employee related privacy complaint) are recorded as customer complaints and included in QPT annual reporting.</p>
<p>Public interest disclosures under the <i>Public Interest Disclosure Act 2010</i> (Qld)</p>	<p>QPT Public Interest Disclosure Policy and Procedure, the Public Interest Disclosure Act and Standards</p> <p>The complaint will be referred to QPT's Ethics and Integrity Unit for assessment and consideration.</p>
<p>Complaints about decisions made under contract with another party (such as a procurement contract). Any issues that arise will be dealt with under the contract.</p>	<p>The relevant contract with the party.</p>
<p>Complaints about the Public Trustee and Chief Executive Officer (CEO)</p>	<p>QPT Complaints about the Public Official Policy.</p>

## APPENDIX 2 – Unreasonable conduct by a complainant

QPT appreciates and acknowledges a person's right to make a complaint. QPT expects that complainant conduct will be appropriate and reasonable and must not compromise staff safety and wellbeing.

Conduct is unreasonable if it involves actions or behaviours, which because of the nature or frequency, raises substantial health, safety, wellbeing, resource or equity issues for the organisation, staff, other service users or the complainant themselves.

Unreasonable conduct can arise at any time in the customer complaints management process and should be addressed as early as possible. Where unreasonable conduct is identified, this procedure is to be used to enable the customer complaint or internal review to be productively resolved by implementing management strategies. Unless the complainant is frivolous or vexatious, the matter complained about will still be dealt with, even if contact with the complainant is terminated.

Any determination that a complainant's conduct is considered unreasonable will be made assessing the complainant's conduct, not their identity, and any decision on this basis must be fair, ethical and reasonable having regard to:

- any known limitations to the complainant's ability to appropriately communicate their concerns and comprehend a response
- cultural differences, including communication patterns of people from different cultural backgrounds
- the complexity, significance and consequences of the issue raised
- the content of the responses previously provided
- whether the complaint material provides any further relevant or new information.

### Process

This process does not apply if a complainant's conduct creates an immediate unacceptable risk of harm to a person or organisation property.

The following process can be applied to unreasonable conduct that arises during the management of a complaint or internal review requested by the complainant if they are dissatisfied with the original complaint outcome or process.

If a complainant has many complaints and/or internal reviews in progress, any management strategies implemented can apply to all complaints and reviews involving the complaint.

#### 1. Unreasonable complainant conduct identified

- The complaint officer or internal review officer will actively monitor the complainant's conduct throughout the complaints management process to identify if it is reasonable or unreasonable.
  - The complaint officer or internal review officer must assess all conduct on a case by case basis to decide whether it is unreasonable in the circumstances – i.e. the nature or frequency of the conduct raises substantial health, safety, wellbeing, resource or equity issues for the organisation, staff, other service users or the complainant themselves. Known limitations to the complainant's ability to appropriately communicate their concerns and comprehend a response must also be considered.
  - If unreasonable conduct by the same complainant is identified across a series of complaints, the same management strategy or strategies can be applied to all complaints in the series.
- If the complaint officer or internal review officer considers the complainant's conduct to be unreasonable, this should be recorded in the register.

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- Unreasonable conduct should be recorded when it occurs and in sufficient detail that it provides justification for any future management strategies that need to be put in place.

## 2. Set standards of conduct and apply management strategies

- Once unreasonable conduct is identified, the complaint officer or internal review officer must set expected standards of conduct with the complainant by:
  - Explaining why conduct is unreasonable in the circumstances
  - Reminding the complainant to cooperate respectfully and not act unreasonably.
- The complaint officer or internal review officer must consider the type of unreasonable conduct and use strategies to mitigate or manage the conduct.
  - Strategies must only be implemented to the extent necessary to enable productive management of the complaint or internal review.
  - The human rights of both the complainant and those impacted by the unreasonable conduct must be considered when implementing strategies and this consideration is documented.
  - Staff safety and wellbeing is paramount. If a complainant's immediate conduct is inappropriate or unacceptable, it may be necessary to temporarily stop contact with the complainant while management strategies are developed and put in place (e.g. if a complainant is shouting or swearing during a phone call, the call should be ended).
- The complaint officer or internal review officer must explain the management strategies to the complainant, ask them to comply, and warn that ongoing unreasonable conduct may result in further strategies being imposed or possible termination of contact.
  - This explanation can be provided verbally, but must also be provided in writing and saved in the register.

## 3. Monitor complainant conduct

- Once management strategies are in place, the complaint officer or internal review officer will monitor the complainant's conduct and determine if it remains unreasonable. Each instance of unreasonable conduct should be recorded in the register.
  - Factors to be considered include:
    - How long the strategies have been in place and if the complainant has had reasonable opportunity to comply
    - The degree of compliance or non-compliance with the management strategies
    - Any other factors relevant in the circumstances.
  - The frequency of monitoring will depend on the type of conduct, for example:
    - Persistent contact many times a day may need active, daily monitoring
    - Aggressive behaviour may only need monitoring when contact with the complainant occurs.
- The complaint officer or internal review officer will take further action, based on their assessment of the complainant's conduct. Possible outcomes include:
  - if the conduct is no longer unreasonable, manage and resolve the complaint or internal review in the usual way.

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- if conduct remains unreasonable, but has improved, reinforce existing management strategies or implement a different strategy, and again warn the complainant of the consequences of ongoing unreasonable conduct. This can be repeated as many times as is productive to do so.
- if the conduct is so unreasonable that the complaint or internal review cannot be productively resolved, contact with the complainant may be terminated (see step 4).
  - The complaint issues will still be dealt with, unless it is frivolous or vexatious, and an outcome is to be provided to the complainant. However, there is no need to have ongoing engagement with the complainant about the complaint or internal review matter(s) to which the termination relates.
  - If termination occurs, the complaints process for this matter(s) will also be exhausted (for instance, there is no need to offer internal review if one has not been completed).

## 4. Termination

- Termination is a last resort, which should only be considered if the complainant's conduct is so unreasonable that continued engagement is unproductive and/or inappropriately burdens anyone's health, safety, wellbeing or organisational resources.
  - Staff safety and wellbeing is paramount. If a complainant's immediate conduct is inappropriate or unacceptable it may be necessary to temporarily stop contact with the complainant while the termination process is undertaken (e.g. if a complainant is shouting or swearing during a phone call, the call should be ended).
- To commence the termination process, the complaint officer or internal review officer must prepare advice for the executive director recommending the termination and explaining why termination is appropriate. This should include evidence that demonstrates:
  - the complainant has been treated fairly, reasonably and ethically, and proper consideration has been given to their human rights.
  - the complaint officer has complied with the Customer complaints management policy and this procedure.
  - there are no reasonable prospects of engaging productively with the complainant and continued engagement would create unreasonable risks to staff or others, and/or unreasonably burden resources.
- The executive director must not terminate contact with the complainant unless satisfied termination is appropriate. The evidence provided by the complaint officer or internal review officer (as outlined above) should inform the decision to terminate contact.
- The executive director must provide written advice to the complainant about the termination, including:
  - clearly stating that:
    - contact with the complainant about the complaint, series of complaints or internal review has been terminated and there will be no ongoing communication or engagement about the matter(s)
    - the organisation's complaints process for these matters is exhausted
  - the grounds for the termination

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- any alternative options available to the complainant (e.g. external review by the Queensland Ombudsman)
- how the complainant can raise any new or emergent issues with the organisation.
- The complaint officer or internal review officer must update and save any records in the register to reflect the termination of contact with the complainant.
  - The complaint officer or internal review officer must still address the complaint or review issue, unless it is frivolous or vexatious. An outcome should be provided to the complainant once completed.
- If the complainant continues to contact the organisation about the same issue/s following termination, the complaint officer or internal review officer is not required to continue communications with the complainant. However, if new complaint issues are raised, these must be considered in accordance with the relevant complaints procedure.

## Types of conduct

Conduct	Examples of unreasonable conduct
Persistent conduct	<ul style="list-style-type: none"><li>• Making excessive contact via phone, written correspondence, or unscheduled in-person attendance.</li><li>• Refusing to accept the outcome of the complaint.</li><li>• Lodging a new complaint that, in substance, is the same as the finalised complaint.</li></ul>
Demanding conduct	<ul style="list-style-type: none"><li>• Demanding a different outcome without showing any error in the original decision.</li><li>• Demanding additional reviews beyond what is provided for in the Customer complaints management policy.</li><li>• Seeking that a complaint is prioritised or handled other than in accordance with organisational policy.</li><li>• Lodging the same complaint through more than one channel or with more than one staff member.</li><li>• Demanding an impossible, impractical or disproportionate outcome.</li></ul>
Lack of cooperation	<ul style="list-style-type: none"><li>• Withholding information or providing incomplete or inaccurate information.</li><li>• Deliberately providing overwhelming volumes of information.</li><li>• Generally choosing to be obstructive or unhelpful, despite being able to assist.</li></ul>
Arguments	<ul style="list-style-type: none"><li>• Argumentative or irrational conduct.</li><li>• Alleging a conspiracy or plot.</li><li>• Making vexatious complaints.</li><li>• Making unrealistic, illogical or baseless claims.</li></ul>
Behaviour	<ul style="list-style-type: none"><li>• Threatening self or others.</li><li>• Being aggressive, abusive or violent.</li></ul>



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Conduct	Examples of unreasonable conduct
	<ul style="list-style-type: none"><li>• Lying or acting in a misleading or deceptive manner.</li><li>• Being manipulative.</li><li>• Threats to the safety of staff or the complainant, or threats to damage organisational property may be referred to the Queensland Police Service.</li></ul>

## Additional responsibilities regarding unreasonable complaint conduct

### Complainant:

- cooperate in a respectful way and understand that unreasonable conduct will not be tolerated.
- comply with any management strategies the organisation implements to deal with unreasonable conduct.
- understand that the organisation may terminate contact if conduct is too unreasonable to manage, but the complaint will still be dealt with, unless it is frivolous or vexatious.
- understand that if the organisation terminates contact, this means the organisation will not continue to engage with the complainant about their complaint and the complaints management process for the complaint will be exhausted. New or emergent issues can still be raised, if required.

### All staff involved in managing customer complaints or internal reviews (complaint officer or internal review officer):

- manage complaints based on their merits regardless of the complainant's conduct.
- as soon as unreasonable conduct is identified, set boundaries with the complainant by explaining reasonable and unreasonable conduct and clearly define the consequences of unreasonable conduct.
- use clear respectful language to communicate with complainants.
- if the unreasonable conduct continues, use suitable management strategies and maintain appropriate records to support the use of the strategy, such as recording instances of unreasonable behaviour.
- consider the human rights of the complainant when making decisions and ensure any management strategies used are compatible with human rights.
- if additional support is required to manage unreasonable conduct, seek advice and assistance from a director or manager.
- focus on personal health, safety and wellbeing, and seek support or debrief where required.
- where management strategies are unsuccessful and continued engagement with the complainant is unproductive, prepare advice to the executive director to determine whether contact with the complainant should be terminated.
- keep written records of instances of unreasonable conduct when they occur.

### Additional responsibilities for directors, managers and supervisors:

- support staff to participate in training about how to manage unreasonable complainant conduct.
- supervise staff who are managing unreasonable complainant conduct.
- ensure that even if contact with the complainant is terminated, the complaint is still addressed, unless the complaint is frivolous or vexatious, and matters requiring action are still addressed.

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- provide advice to staff managing unreasonable complaint conduct where necessary.
- give staff opportunities to debrief after managing unreasonable complainant conduct.
- seek advice or escalate unreasonable complainant conduct if support is required.
- report to executive leadership on matters involving unreasonable complainant conduct if support is required.

## Additional responsibilities for executive directors

- review and consider evidence provided by the complaint officer or internal review officer of a complainant's unreasonable conduct to determine whether terminating conduct with the complainant is appropriate.
- provide written advice to the complainant informing them of the decision to terminate contact.