

Complaint management policy

1. Version control

The following table outlines the approval history of this document.

Version	Approval date	Approval authority	Details
1.0	28 June 2018	Director	First draft
2.0	12 November 2019	Council	Review and update to ensure consistency with the <i>Human Rights Act 2019</i>

2. Introduction

The Queensland Sentencing Advisory Council acknowledges complaints are a valuable source of feedback that can help identify opportunities for staff and business improvement. The Council welcomes individuals or organisations who are concerned or dissatisfied about an act or practice which they have experienced while interacting with the Council or the Council Secretariat to lodge a complaint.

The Council has developed this complaint management policy. All Council members and Secretariat staff, and any contractors or consultants engaged by the Council (paid or unpaid) are obliged to comply with this policy. This policy has been adapted from the Department of Justice and Attorney-General (DJAG) [Complaint management procedure](#) and the Queensland Ombudsman's [Complaints management policy](#).

3. What is a complaint?

A complaint for the purposes of this policy can be about any one of the following:

- A privacy complaint. A privacy complaint is a complaint by an individual in relation to that individual's personal information that an act or practice of the Council is a breach of an obligation under the [Information Privacy Act 2009](#).
- A human rights complaint. That is, a complaint about a Council decision that is inconsistent with the rights outlined in the [Human Rights Act 2019](#).
- A service. Service refers to the way in which staff members interact with people or perform their duties. Service includes showing courtesy, responding to communication and acting diligently.
- A procedure, practice or policy. This simply refers to dissatisfaction with a practice, policy or procedure adopted by QSAC.

4. Out of scope complaints

Complaints about suspected misconduct, including official misconduct, are not covered by this policy and should be immediately referred to the Crime and Corruption Commission.

Complaints about public servants employed by the Council are not covered by this policy. For this type of complaint, please see the DJAG Client Complaints Management Policy.

The Council's [Public interest disclosure policy](#) provides additional guidance about how a public interest disclosure (which includes complaints about corrupt conduct or maladministration) will be managed. If a complaint of this type is referred back to the Council for resolution, the Director (or other delegate) will be responsible for dealing with the referred matter. The matter will then be dealt with in accordance with the Corruption in focus guide published by the CCC.

The Secretariat Director may refuse to investigate a complaint if it is considered to be trivial, frivolous or vexatious. A complaint may be considered vexatious when the purpose of the complaint is to harass, annoy, delay or cause detriment. A complainant may lack reasonable grounds for lodging the complaint or possess insufficient direct interest in the issue complained about.

If a complaint is considered vexatious, the Director may choose to limit or cease correspondence with the complainant, although only after careful consideration. Once this decision is made, it will be communicated to the complainant in writing.

5. Objectives

The objectives of the Council's framework for complaints are to:

- maintain transparency and accountability in performing the Council's functions
- improve the capacity of staff to manage and resolve complaints in a fair, efficient and consistent manner
- promote confidence in the Council's commitment to service delivery, effective complaint handling and good administrative decision making
- identify opportunities to improve performance through the collection and analysis of complaint information.

6. Policy

The Council is committed to ensuring complaints are managed to a high standard. This includes building on an already existing organisational culture that recognises the benefits of effective complaint handling.

The principles of natural justice will be applied to all complaints, which will be dealt with in a fair and consistent way. All complainants will be shown respect, compassion and courtesy. The Council will deal with complaints professionally. Complaints will be managed by the Director or an appropriate delegate.

Anonymous complaints will be treated like any other complaint. However, if anonymous complaints do not provide sufficient information to investigate the matter, the Council may be unable to resolve the issue.

We will be alert to people who may need additional help or a different approach to make a complaint, such as people with a disability, children or young people, people living in regional or remote areas, or people from culturally or linguistically diverse backgrounds.

Complainants will be given timely information about relevant services available to them and will be provided with a written outcome of their complaint (unless they have elected to remain anonymous).

7. Procedures

How to make a complaint

Where a person indicates to an officer they wish to make a complaint, the officer will provide them with advice and all reasonable assistance to enable them to do so. A complaint can also be received from a third party on behalf of a complainant for whatever reason, if this approach is preferred.

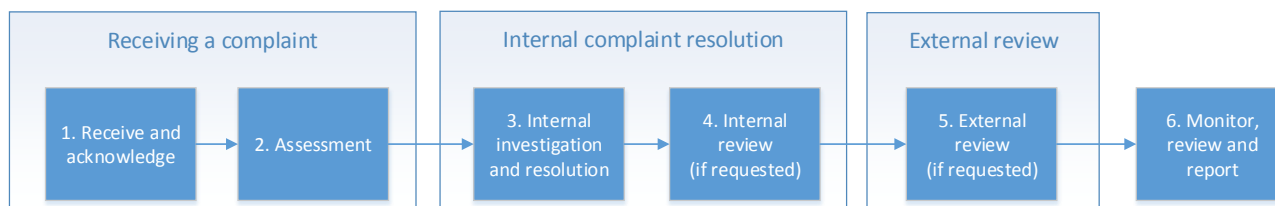
A written complaint can be sent via email to admin@sentencingcouncil.qld.gov.au, by sending a letter to the Council at:

GPO Box 2360
BRISBANE QLD 4001

A verbal complaint can be made in person via telephone: [\(07\) 3738 9499](tel:0737389499), or by visiting the Council's office at 50 Ann Street, Brisbane.

How a complaint will be managed

The Council will follow the steps outlined below when a complaint has been received.



Step 1: Receiving and acknowledging a complaint

A letter acknowledging receipt of a complaint will be sent to the complainant within three working days, unless the complainant has indicated they wish to remain anonymous. The letter will provide the complainant with information about how long the complaint will take to investigate and resolve, and the contact details of the officer who is tasked with managing the complaint. All personal information will be stored in a secure location (either physically locked in a cupboard or electronically security restricted to the officers involved in managing the complaint). The personal information of complainants will not be disclosed to unauthorised individuals unless authorised by law.

Step 2: Assessment of the complaint

The complaint will be assessed and 'triaged' according to its type and complexity. The timeframes associated with the resolution of complaints are outlined in the table below.

Rating	Description	Timeframe
Simple	A complaint that is resolved at the point of service	Resolved immediately at point of service
Standard	A complaint that usually has only one single issue or concern	Resolved within 30 working days of receiving the complaint
Complex	A complaint that has multiple issues and/or serious in nature and usually requires an extensive investigation	Resolved within 70 working days of receiving the complaint
Privacy	A complaint by an individual about an act or practice of QSAC in relation to the individual's personal information	Resolved within 45 working days of receiving the complaint
Human rights	A complaint by an individual about a decision of QSAC that infringes a person's human rights	Resolved within 45 working days of receiving the complaint

Assessment of a complaint may involve speaking directly with the complainant to ascertain additional details and to understand what outcome the complainant would like to achieve by making the complaint.

If the complaint involves the disclosure of information that indicates suspected misconduct by a public sector officer, the complaint will be managed under the QSAC Public Interest Disclosure Policy and Procedure.

If the complaint is rated as 'complex', it may be referred to an individual outside the Council for investigation. In cases where a complaint takes longer than 30 days to resolve, complainants will be provided with an update on the progress of the complaint management process at fortnightly intervals.

In relation to any complaint, the following questions should be asked as part of the assessment:

1. Is one of the human rights outlined in the [Human Rights Act 2019](#) relevant to the complaint?
2. If so, has the Council imposed a limitation on that human right?
3. If a limitation on the human right has been imposed by the Council, was it reasonable and necessary to do so?

If the complaint relates to the Council's limitation of a human right, it will be managed as a human rights complaint and will be subject to a 45-day resolution timeframe. Any complaint that involves a potential limitation to a person's human rights will be managed with reference to the publication [Good practice guide: Managing complaints involving human rights](#) (Victoria State Government, 2017).

Once the complaint has been investigated and finalised, the complainant will receive written advice about the outcome of the complaint (if they have provided relevant contact details), as well as information about review mechanisms available to the complainant.

Step 3: Internal investigation and resolution

The complaint will be investigated and resolved in a manner that is commensurate with the complexity of the issues involved.

Once the complaint has been investigated, the complainant will be notified of the Council's decision about the complaint, and the process for requesting a review of the complaint outcome.

Step 4: Internal review

If an individual is not satisfied with the outcome of the complaint, they may request the complaint process be reviewed internally by someone else (either a Council member or a Secretariat member).

Step 5: External review

If an individual is still not satisfied with the outcome of the complaint, they may request the complaint process be reviewed by someone external to the Council. In the case of a privacy complaint, a review request can be made to the Office of the Information Commissioner (1800 642 753). In the case of a human rights complaint, a review request can be made to the Queensland Human Rights Commission (1300 130 670).

Step 6: Monitor, review and report

A report about the complaint and its management will be provided to the Council for its consideration, which will include the time taken to resolve the complaint and any additional business processes that have been improved as a result of the complaint outcome. Any actions recommended by the report will be implemented and monitored by the Secretariat Director, with an update on implementation once this has been achieved. Information about complaints received, including the number of complaints, the outcome of complaints and the median number of days to finalise complaints will be reported in the Council's annual report.

8. Staff awareness and training

All staff will be:

- made aware of this policy
- briefed on the operation of the policy
- provided with annual training on managing complaints.

9. Review of this policy

The Council will review the operation of this policy and its complaint handling processes annually.

10. References and further information

- Department of Justice and Attorney General [Complaint management policy](#) and related material.
- Office of the Information Commissioner Queensland [Complaints management procedure](#).
- Department of Premier and Cabinet [Complaints management policy](#) and related material.
- Queensland Ombudsman [Complaints management policy](#) and related material.
- Queensland Human Rights Commission [Making a complaint page](#).
- Victoria State Government [Good practice guide: Managing complaints involving human rights](#).