

COMPLAINTS MANAGEMENT POLICY

SEPTEMBER 2019



Policy statement

Building Queensland is committed to maintaining and enhancing public confidence in the organisation by creating an environment that encourages feedback and manages complaints in a responsive, timely and fair manner.

Scope

This policy applies to employees of Building Queensland, contractors, consultants and any other person or entity who provides Building Queensland with services on a paid or voluntary basis.

Complaints under this policy may be about a service or action of Building Queensland, a Building Queensland employee's conduct or breach of an individual's privacy by Building Queensland.

For the purpose of this policy, the following are not classified as complaints:

- questions, enquiries and requests for information or action
- feedback obtained during public consultation processes
- feedback received about matters outside the direct responsibility of Building Queensland
- feedback received about another agency or organisation
- contractual disputes.

Background

Complaints management aims to resolve individual complaints and identify opportunities for improvement.

Under section 219A of the [Public Service Act 2008](#) Building Queensland is required to have complaints management systems in place and be accountable for its decisions and actions. The complaint management principles underlying this policy reflect the Australian Standard AS/NZS 10002-2014 Guidelines for complaint management in organisations and section 219A of the [Public Service Act 2008](#).

Building Queensland has obligations to deal with various types of complaints. Types of complaints covered by this policy, and the relevant procedure or legislation which governs the management of the complaint, are set out below:

TYPE OF COMPLAINT	COMPLAINT GOVERNED BY
Complaints about Building Queensland's services, including complaints from agencies, departments, government-owned corporations, statutory authorities or members of the public	Building Queensland Complaint Management Procedure Public Service Act 2008 , section 219A.
Complaints from a Building Queensland employee	Discipline guideline Directive relating to managing employee complaints Directive relating to appeals
A complaint which is an allegation about, or includes information giving rise to a reasonable suspicion of, 'corrupt conduct'	Building Queensland Reporting Corrupt Conduct Procedure The complaint may be referred to the Crime and Corruption Commission (CCC) for investigation or investigated by Building Queensland and reported to the CCC if required under the Crime and Corruption Act 2001
A complaint assessed as a public interest disclosure	Building Queensland Public Interest Disclosure procedure Public Interest Disclosure Act 2010
Privacy complaint (a complaint that Building Queensland has breached an individual's privacy)	Building Queensland Complaint Management Procedure Information Privacy Act 2009
A complaint about the Chief Executive Officer	Complaints about a Chief Executive Officer are referred to the Chair of the Building Queensland Board and managed under the Building Queensland Complaint about the Chief Executive Officer Procedure

Definitions

See **Appendix A** for definitions of key terms referred to in this procedure.

How to make a complaint to Building Queensland

A complaint may be lodged via phone by calling the Group Director Governance and Business Services on 07 3237 7500.

Alternatively, a complaint may be provided in writing to:

Group Director Governance and Business Services
Building Queensland
Level 30, 12 Creek Street
Brisbane QLD 4000

Or via Email: enquiries@bq.qld.gov.au

Visit <https://www.complaints.services.qld.gov.au/> for details of how to submit a complaint online to the Queensland Government.

Process for dealing with complaints



Building Queensland will try to resolve all complaints at first point of contact (for example on the phone or in person (Step 1). Otherwise, complaints will go through a process of assessment and resolution, and written advice will be provided to complainants on the outcome of their complaint.

If the complainant is dissatisfied with the outcome of their complaint or how the complaint was handled, they may seek an internal review by the Group Director Governance and Business Services (Step 3). If the complainant remains dissatisfied with the internal review, they may seek an external review by an independent external review body (Step 4). Available external review bodies include:

- Office of the Queensland Ombudsman
- Office of the Information Commissioner (for complaints about breaches of privacy).

Timeframes

Anticipated timeframes related to complaints are as follows:

- acknowledgement of a complaint within five working days
- simple complaints (that are not of a serious nature and/or not requiring extensive investigation or consultation) to be resolved within 20 working days.

If a delay in responding a complaint is anticipated due to complexity or the requirement of extensive investigation, the complainant will be informed why, and will be provided regular updates on the progress of their complaint.

Responding to and closing a complaint

Building Queensland is committed to:

- encouraging better relationships with stakeholders through meaningful feedback and resolution wherever possible
- staff development and business improvement by advising the nature, outcomes and causes of complaints to all officers concerned.

Unreasonable complainant conduct

There may be occasions when a complainant's conduct could be considered unreasonable. These might include:

- frequent, lengthy, repeated or abusive telephone calls, which occupy significant staff time and resources
- frequent letters, emails, faxes or visits seeking resolution of issues beyond the scope of the original complaint or before the decision due date
- seeking information, advice or resolution from a several staff about the same issue
- any contact which involves abusive or threatening language or behaviour
- continued contact with Building Queensland after feedback has been provided regarding the complaint and all avenues of review have been exhausted.

Building Queensland will consider the relevant circumstances, including staff welfare and appropriate use of organisational resources and make a decision regarding limiting the complainant's contact with the organisation, for example:

- restricting the times for and/or frequency of contact
- designating a single officer with whom the complainant may have contact, such as the Group Director Governance and Business Services
- nominating the acceptable form of contact, for example written communication only.

Decisions regarding limiting contact with Building Queensland will be communicated to the complainant in writing.

Procedure not to notify Crime and Corruption Commission

It is a requirement for Building Queensland to prepare and retain complete and accurate records of any decision not to notify the Crime and Corruption Commission of an allegation of corruption.

Under the requirements of the *Crime and Corruption Act 2001* Building Queensland must make a record of the decision. The record must include:

- the details of the complaint or information or matter
- the evidence on which the public official relied in making the decision
- any other reasons for the decision.

The commission may ask a public official to give the commission access to these records.

Key principles

Building Queensland's guiding principles for managing complaints are:

PRINCIPLES	ACTIONS
Visibility and accessibility	<ul style="list-style-type: none"> ▪ Information about how to complain to Building Queensland will be well publicised for stakeholders, employees and other interested parties. ▪ The complaints management process will be easily accessible to all complainants through readily accessible information about the process and flexibility on the process for making complaints (e.g. complainants may make complaints by telephone, mail, email or online). ▪ Complainants will have access to the complaints management process free of charge. ▪ Complaints made anonymously, or through an authorised agent, will be recognised and assessed in the same manner as any other complaint. ▪ Reasonable assistance to make complaints will be provided to complainants with special needs (including availability of interpreters), so that no complainants are disadvantaged.
Responsiveness	<ul style="list-style-type: none"> ▪ Complaints will be acknowledged promptly. ▪ Complaints should be informally resolved prior to escalation as a formal complaint. ▪ Complainants will be kept informed on the progress of their complaint. ▪ Each complaint will be assessed and finalised as quickly as possible. ▪ Building Queensland may refuse to investigate a complaint if it is considered to be trivial, frivolous or vexatious subject to decision by the Chief Executive Officer or the Board, where appropriate. ▪ Remedies which minimise the possibility of ongoing dispute will be sought.

PRINCIPLES	ACTIONS
Accountability	<ul style="list-style-type: none"> ▪ Complaints will be recorded and reported in accordance with legislative and other requirements. ▪ Building Queensland’s complaints management policy and processes will be open, transparent and effective.
Confidentiality	<ul style="list-style-type: none"> ▪ Complaints will be managed in a manner that protects privacy and confidentiality to the extent possible under the law and subject to requirements of natural justice.
Customer focused approach	<ul style="list-style-type: none"> ▪ Building Queensland recognises and respects everybody’s right to provide feedback. ▪ Feedback will be addressed in a timely manner. ▪ Adequate and timely feedback will be provided on complaints to all parties.
Objectivity and fairness	<ul style="list-style-type: none"> ▪ Each complaint must be assessed, categorised and managed in an equitable, objective and unbiased manner, in accordance with the principles of natural justice and without actual or perceived conflicting interests. ▪ All reasonable steps must be taken to ensure that a complainant is not subject to reprisal.
Review	<ul style="list-style-type: none"> ▪ Complainants will be notified of their internal and external review options. ▪ Adequate and timely feedback of external and internal review option will be provided to complainants.
Continuous improvement	<ul style="list-style-type: none"> ▪ Complaints are an essential tool for continuous improvement of Building Queensland’s service delivery and the complaints management process.
Monitoring and reporting	<ul style="list-style-type: none"> ▪ Complaints will be recorded and reported in accordance with legislative and government reporting requirements.

Responsibilities and accountabilities

ROLES	RESPONSIBILITIES
All employees	<ul style="list-style-type: none"> ▪ Be familiar with Building Queensland’s complaints management policy and procedures and assist people to access the complaints process. ▪ Receive and action complaints in accordance with this policy and applicable procedure and seek advice from Group Director Governance and Business Services if in doubt. ▪ Respond to constructive feedback as an opportunity to improve. ▪ Appropriately report conduct of employees that is inconsistent with Building Queensland’s values and Code of Conduct, including information giving rise to a reasonable suspicion of corrupt conduct to the Chief Executive Officer or Group Director Governance and Business Services.
Executive Directors, Directors and Managers	<ul style="list-style-type: none"> ▪ Proactively identify workplace issues and inappropriate employee conduct and performance. ▪ Cultivate a work environment where employees and stakeholders are empowered to give feedback. ▪ Promote a workplace culture where feedback and complaints are taken seriously and inform continuous improvement.

ROLES	RESPONSIBILITIES
Group Director Governance and Business Services	<ul style="list-style-type: none"> ▪ Act as a central referral and coordination point for employees, stakeholders and the public on the requirements of this policy and associated procedures. ▪ Review, monitor, and report on complaints to ensure they are appropriately managed. ▪ Receive, assess, refer and/or case manage, monitor and report on complaints in accordance with this policy to ensure complaints are appropriately managed within the organisation. ▪ Analyse, evaluate and audit complaints and their outcomes in order to support quality improvements. ▪ Act as Building Queensland’s liaison officer to refer complaints and information giving rise to a reasonable suspicion of corrupt conduct to the CCC (as appropriate) or relevant authorities via the administering department of Building Queensland as per Service Level Agreement ▪ Coordinate management of cases involving public interest disclosures. ▪ Monitor and report on complaints to the relevant authorities to ensure they are appropriately managed. ▪ If applicable, manage any disciplinary processes in consultation with the Chief Executive Officer.
Chief Executive Officer	<ul style="list-style-type: none"> ▪ Exercise delegated powers in accordance with all relevant statutory provisions, whole-of-government policy and directives and principles of procedural fairness. ▪ Ensure that Building Queensland has established and implemented systems for dealing with complaints. ▪ Ensure that systems and procedures are in place to monitor a discloser’s workplace for any signs of reprisal action.

Appendix A

Authorised delegate means the person authorised to perform a specific task or function on behalf of the Chief Executive Officer. Delegations and authorisations are recorded in Building Queensland's delegation policies.

Complaint means the expression of dissatisfaction, orally or in writing, about the products, policies, services or actions of Building Queensland and/or the associated conduct of officers, or representatives of Building Queensland.

Complainant means the person who makes a complaint.

Corrupt conduct means a conduct by anyone that adversely affects a public agency, an appointed employee or public official so that the performance of their functions or the exercise of their powers:

- is not honest or impartial, or
- knowingly or recklessly breaches public trust, or
- involves the misuse of agency-related information or material.

Corrupt conduct is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person. In addition, the conduct must be serious enough that, if proved, would constitute a criminal offence or a disciplinary breach providing grounds for dismissal.

See section 15 of the *Crime and Corruption Commission Act 2001*.

Conduct that involves any of the following could be 'corrupt conduct':

- abuse of public office
- fraud
- bribery
- extortion
- forgery
- obtaining or offering a secret
- loss of revenue of the State commission
- sedition
- stealing
- perverting the course of justice
- serious assault or assault occasioning bodily harm or grievous bodily harm
- offence relating to an electoral donation.

Employee complaint is a complaint made by a current public service employee who has an honest belief, based on reasonable grounds, that:

- an administrative decision, which they are aggrieved by, is unfair and unreasonable
- the conduct or behaviour of an employee, agent or contractor is unfair and unreasonable
- the conduct or behaviour of an employee, agent or contractor constitutes bullying in the workplace, sexual harassment, racial vilification, religious vilification or vilification on the grounds of gender identity or sexuality
- the conduct or behaviour of an employee is a breach of the Code of Conduct.

See the directive relating to managing employee complaints for decisions, conduct or behaviour that cannot be subject to an 'employee complaint'.

Privacy complaint means a written complaint by an individual about an act or practice of an agency in relation to their personal information, which alleges a breach of the agency's obligations to comply with the privacy principles under the *Information Privacy Act 2009*. A privacy complaint may also relate to an act or practice of a person or entity dealing with personal information on behalf of Building Queensland (such as a contractor or consultant).

Procedural fairness (also known as 'natural justice') refers to the common law duty to accord a person procedural fairness when making a decision that affects their rights, interests or legitimate expectations. The duty to accord procedural fairness consists of three key rules:

- the hearing rule, which requires a decision-maker to accord a person who may be adversely affected by a decision an opportunity to present his or her case
- the rule against bias, which requires a decision-maker not to have an interest in the matter to be decided and not to appear to bring a prejudiced mind to the matter
- the no evidence rule, which requires a decision to be based upon logically probative evidence.

Public consultation means a formal process where Building Queensland has invited comment.

Public interest disclosure is an appropriate disclosure of public interest information (such as a report of corrupt conduct, reprisal, maladministration that affects a person's interests in a substantial and specific way, substantial misuse of public resources, substantial and specific: danger to public health and safety the environment) made to a proper authority.

Public official is the Chief Executive Officer of a unit of public administration and any person who constitutes a corporate entity that is a unit of public administration. For Building Queensland, this means the Chief Executive officer and any other officer appointed as a Chief Executive Officer within the Building Queensland (where applicable).

Stakeholder complaint is a complaint about a product, service or action (or inaction) of Building Queensland, or its staff. Customer complaints include complaints from agencies, departments, government owned corporations, statutory authorities, media or members of the public about complaints on any of the following:

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