



# Complaints Management Policy

## 1. Key Data

|                        |  |
|------------------------|--|
| <b>Policy Name</b>     | Complaints Management Policy   |
| <b>Policy Owner</b>    | Manager (Business Services)  |
| <b>Version Control</b> | 1.1  |
| <b>Issue Date</b>      | 16.03.2015 – Initial approval by Board                                 |
| <b>Review Date</b>     | 16.03.2017 – Review undertaken   |
| <b>Review Date</b>     | 24.07.2020 – Update to include <i>Human Rights Act 2019</i> provisions |

## 2. Purpose

- 2.1 This Policy documents the position of the Gold Coast Waterways Authority (GCWA) in relation to Complaints Management.
- 2.2 GCWA is committed to delivering quality services that are responsive to the needs of staff and the community.
- 2.3 Complaints are a valuable source of feedback and an important tool for business and staff development. Diligent and prompt attention to complaints can help us to better identify the needs of our clients and stakeholders, understand our business shortcomings, increase client satisfaction and improve overall performance.
- 2.4 GCWA has a complaints management policy for dealing with complaints from the community about its policies, products, projects, services or actions.

## 3. Scope

- 3.1 This Policy applies to all staff including temporary and permanent employees, consultants, contractors and any other person who provides us with services on a paid or voluntary basis.
- 3.2 This Policy excludes certain specific complaints as they are managed under particular legislative or contractual requirements, are out of scope or have been granted an exemption.

## 4. Background

- 4.1 GCWA takes complaints seriously as they provide us with an opportunity to understand the needs of our customers, increase customer satisfaction and improve service delivery and performance. We're committed to providing and maintaining a best practice complaints management system. Our complaints management system complies with the *Public Service Act 2008* and is compatible with the *Human Rights Act 2019*.

## 5. Objectives

- 5.1 The objectives of this Policy are to:
  - Increase community confidence in GCWA's commitment to service delivery and effective complaint handling;
  - Respect, protect and promote human rights;
  - Improve the capacity of staff to manage and resolve complaints in a fair, objective, responsive, efficient and consistent manner; and
  - Identify opportunities to improve performance through the collection and analysis of complaint information.

## 6. Definitions

| Term                         | Definition  |
|------------------------------|---|
| Complaint                    | The verbal or written expression of dissatisfaction about the policies, products, projects or services provided by GCW and/or our staff |
| Complaints Management System | The Policy, personnel and technology used by an agency in receiving, recording, responding to and reporting about complaints.           |
| Customer                     | Any person or organisation who would like to make a complaint, including member of the public or stakeholder.                           |

|                        |   |
|------------------------|---|
| Human Rights Complaint | <p>A complaint about an alleged contravention of section 58 (1) of the Human Rights Act 2019, that we have:</p> <ul style="list-style-type: none"> <li>- acted or made a decision that is not compatible with human rights; or</li> <li>- in making a decision, failed to give proper consideration to a human right relevant to the decision.</li> </ul> |
|------------------------|---|

## 7. Guidelines/Principles

- 7.1 Wherever possible, complaints should be submitted in writing to the Chief Executive Officer of the GCWA so that all aspects of the complaint can be accurately understood and investigated. Verbal and anonymous complaints will be accepted.
- 7.2 All complaints will be treated in the strictest confidence and in accordance with the privacy principles contained in the [Information Privacy Act 2009 \(Qld\)](#).
- 7.3 There are no charges to the complainant for the complaints lodged with GCWA.
- 7.4 This Policy is underpinned by the following Principles:

### Visibility and Access

- Information and advice about complaint management for GCWA is available on its website and accessible to all staff and members of the community.
- Assist customers to make a complaint, in particular children, people with a disability or impairment or from a culturally and linguistically diverse background.
- Business units will ensure adequate resources, including staff and training, are available to assist complainants and manage complaints.

### Responsiveness

- Where possible, resolve complaints early and informally at the point of service.
- Take reasonable steps to understand the complaint and assess how best to manage it.
- Provide an acknowledgement, progress update or response in a timely manner and in accordance with timeframes outlined in this Policy.
- Monitor and record a complaint until it is finalised.
- Provide all parties to a complaint with regular progress reports during investigations.

### Assessment and Action

- Complaints will be investigated without prejudice to any other right a complainant may have.
- The principles of natural justice will be applied to all complaints, which are to be dealt with in a fair and consistent way.
- Complaints will be dealt with confidentially and complainants will be treated respectfully, protecting human rights.
- Personal information collected as part of the complaints process will not be released publicly.
- Complainants will not suffer any reprisal.

### Feedback

- All parties to a complaint will receive information that clearly explains how and why a decision was made.
- The complainant will be informed of any further review mechanism that is available should he/she be dissatisfied with action taken by GCWA in relation to their complaint.
- Complaints information will be published annually on GCWA's website.

### Monitoring Effectiveness

- Complaint data will be analysed to identify systemic issues that need to be addressed in order to improve performance, as outlined in this Policy.
- Where potential system improvements are identified, such feedback shall be communicated to the relevant business unit for implementation.

## 8. Exclusions

- 8.1 This Policy does not cover:
- Staff grievances
  - Non-compliance in relation to waterways management and Crown Lands managed by GCWA
  - Public interest disclosures or official misconduct
  - Privacy complaints
  - Right to Information requests – complaints concerning Right to Information requests are to be referred to Chief Executive Officer, GCWA who will manage the complaint in accordance with the provisions of the [Right to Information Act 2009](#).

## 9. Reporting Responsibilities

- 9.1 A complaints management system will be used by GCWA to identify areas where improvements can be made in complaints handling.

The Chief Executive Officer will disclose annually the following:

- Number and nature of complaints received during the reporting period
- Number of complaints resolved during the reporting period
- Time taken to investigate complaints
- Action to address systemic issues (if any)
- Complainant satisfaction with GCWA's procedures for investigating complaints.

## 10. References

- Public Service Act 2008
- Public Sector Ethics Act 1994
- Queensland Public Service Commission Code of Conduct (as adopted by GCWA)
- Human Rights Act 2019 & Human Rights Bill explanatory notes
- Queensland Human Rights Commission
  - Guide: Act and make decisions compatible with human rights (2019)
  - Guide: Handling human rights complaints (2019)
  - Guide: How to review policy and procedures for compatibility with human rights (2019)
  - Guide: Nature and scope of the rights (2019)
  - Guide: When human rights may be limited (2019)
- Customer Satisfaction – Guidelines for Complaint Handling in Organisations (AS ISO 10002:2014)
- Queensland Ombudsman - Complaint Management Policy and Procedures; and Good Decisions Training
- Procedures for the Reporting and Investigation of Official Misconduct, Department of the Premier and Cabinet
- Procedures for the Reporting and Investigation and Public Interest Disclosures, Department of the Premier and Cabinet
- Public Service Commission Discipline Guidelines

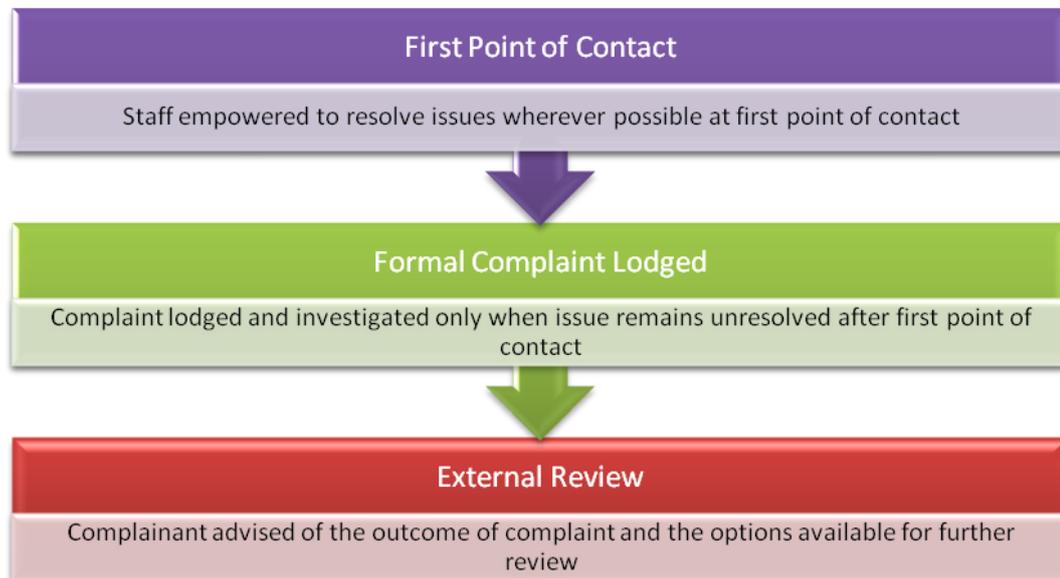
## 11. Implementation

- 11.1 This Policy is implemented through:
- inclusion in GCWA's staff induction processes
  - annual emails to all staff
  - publishing Policy on the GCWA's **GangWay** site for staff to reference
  - publishing Policy on GCWA's website for the community to reference

## 12. Procedures

12.1 These procedures are based on a staged approach to receiving, recording, processing, responding to and reporting on complaints. The process recognises that, before a complaint is lodged, every effort will be made to resolve an issue at the point of contact.

The Complaints Management flow chart outlines the steps involved in the complaint process and is summarised as:



### 12.2 First Point of Contact

The most effective way to resolve a simple issue or concern is to discuss it with the complainant. GCWA encourages staff to do this in person or by telephone wherever possible, as this is the most efficient and most service-focused way to resolve a problem. Some examples of these types of complaints might be:

- Lack of advice
- A misunderstanding
- A response to correspondence or telephone call
- Errors in records

Staff are to resolve these issues wherever possible. As such, they have authority to:

- Obtain necessary information to assess the validity of the complaint
- Resolve issues or concerns, wherever possible
- Reject issues or concerns (while informing the complainant of the entitlement to lodge a formal complaint).

If the matter is dealt with to the satisfaction of the complainant at this stage, the issues or concerns do not need to be recorded as a complaint under these procedures. Only when this process is unsuccessful in resolving an issue or concern to the satisfaction of the complainant should a formal complaint be lodged for an internal investigation.

### 12.3 Formal Complaints Resolution

If an issue or concern is unable to be resolved informally, the complainant may lodge a formal complaint with GCWA. There are four basic steps to lodging, acknowledging, investigating and reporting on a formal complaint:



### **STEP 1 – Lodging a complaint**

Any member of the public may lodge a complaint about the service, products, actions or decision provided by GCWA. All complaints will be treated in the strictest confidence.

Complaints can be received either verbally or in writing. Whenever possible, complaints should be submitted in writing so that all aspects of the complaint can be accurately investigated. The Complaint Lodgement Form provides an outline of the type of information that is required when lodging a complaint.

There are no charges to the complainant for complaints lodged with GCWA.

All written complaints should be addressed to:  
 Chief Executive Officer  
 Gold Coast Waterways Authority  
 PO Box 107  
 Southport Qld 4215

OR

By email: [mail@gcwa.qld.gov.au](mailto:mail@gcwa.qld.gov.au)

Verbal complaints may be made to GCWA by telephoning (07) 5539 7350.

In circumstances where the complainant cannot lodge their complaint in writing, the receiving officer will record all particulars of the complaint.

In line with the Complaint Lodgement Form, reports of verbal complaints should include, where possible:

- the complainant's name and contact details
- full details of the events, dates and places concerning the complaint
- the names of others who may have witnessed or have information about the complaint
- any other evidence that supports the complaint
- the desired outcome.

When creating a record of the complaint, the receiving officer should:

- work through the complaint form with the complainant, listening carefully to document the complaint as dictated
- provide further information about the complaint management process
- have the complainant sign the complaint form (where possible) or acknowledge the complaint details
- provide the complainant with a copy of the form
- refer the record of complaint to the Chief Executive Officer.

Anonymous complaints are accepted. They may be lodged either in writing or accepted by an employee as an oral statement. Complainants are encouraged to provide as much information as possible which may be of assistance when investigating the complaint. It should, however, be noted that an anonymous complaint might be more difficult to investigate as, for example, further details of the circumstances relating to the complaint might be difficult to obtain.

GCWA will provide assistance to complainants who are in any way disadvantaged by intellectual/physical disability, education, language ability or other impairment. GCWA will take into account cultural/ethnic considerations, including where indigenous matters are concerned.

## **STEP 2 – Registration, allocation and acknowledgement of complaint**

When a complaint is lodged, it will immediately be forwarded to the Chief Executive Officer who will decide whether the complaint falls within the scope of the GCWA's Complaints Management Policy, or whether it should be dealt with in another way.

If it is determined that it is a complaint, the Chief Executive Officer will identify the appropriate GCWA officer, who will be responsible for managing the investigation.

If a complaint is received by GCWA which relates to another government department/agency, the complaint should be referred immediately to the appropriate department/agency. The complainant should be advised immediately of this action.

### **Complaints Register**

All complaints must be recorded in a Complaints Register held by the Manager (Business Services). The register must contain the following minimum information:

- name of complaint
- type of complaint
- name of investigating officer/business unit assigned to deal with the complaint
- time taken to investigate complaint
- outcome of complaint
- action recommended to address systemic issues (if any)
- complainant satisfaction with the outcome.

### **Acknowledgement of Complaint**

Where possible, complaints must be acknowledged by the investigating officer within **five (5) working days** of receipt of the complaint.

The acknowledgement should:

- reassure the complainant that the complaint will be taken seriously
- request any further information that is considered necessary to investigate the complaint
- outline how the complaint will be managed, including an estimated timeframe for resolution
- establish how progress reports will be provided, if necessary
- provide contact details for the complaint officer.

## **STEP 3 – Investigation of Complaint**

### **Timeframes**

Complaints will be investigated as promptly as possible. Complaints that relate to a simple matter should be finalised within a maximum of thirty (30) working days. However, GCWA recognises that complaints can be sensitive and complex and may require detailed investigation. It should therefore be recognised that the complexity of, and the resources available for, an investigation into a more complex issue will result in more time being taken to finalise a complaint. In these circumstances, the rationale for the extended time for resolving the complaint will be communicated to the complainant, who will be kept informed on a regular basis of progress with the complaint.

### **Record Keeping**

The investigating officer will be responsible for ensuring complete and accurate recording of all material relating to an investigation into a complaint. Details of each investigation should be contained within a discrete complaint file, which should contain all correspondence, file notes of telephone conversations, interviews and findings from investigations, recommendations and internal approvals. The file should also contain evidence of the steps taken to investigate the complaint including a summary of actions in respect of recommendations (if any) made. To maintain confidentiality, access to information filed about a complaint (both electronic and paper based) should be restricted.

### **Conducting an Investigation**

The investigation process must be objective, reasonable and conducted in good faith. Decisions must be made on the weight of evidence and on the balance of probabilities. The investigation process must be objective, reasonable and conducted in good faith. Decisions must be made on the weight of evidence and on the balance of probabilities.

Investigating a complaint may include:

- clarifying the details provided in a complaint
- identifying actions taken to resolve the issue before the complaint was lodged
- gathering and analysing information from relevant file notes, correspondence and/or other sources
- reviewing applications submitted by the complainant
- reviewing documentation submitted by the complainant
- reviewing previous administrative decisions or actions
- interviewing complainants, employees and/or other individuals involved in the complaint
- reviewing relevant policies, procedures and/or legislation
- reviewing previous complaints about the same issue.

A sample Complaint Case Management Form is provided. This can be used to record and track the complaint process.

### **Natural Justice**

The principles of natural justice must be followed during an investigation. Natural justice refers to procedural fairness, ensuring a fair decision is reached by an objective decision maker.

Natural justice requires the following two rules to be observed:

- the hearing rule, which states that a person or body deciding a particular matter must ensure the affected person knows the case against them and has the opportunity to present their case before any decision is made
- the rule against bias, which states that a decision-maker (including an investigation officer), should have no personal interest in the matter to be decided, have no bias as to the outcome and act in good faith throughout the process. Care should also be exercised to exclude perceived bias from the process.

## **Outcome of an Investigation**

At the conclusion of the investigation, the investigating officer will provide the Chief Executive Officer with a written report, detailing the findings and making recommendations regarding appropriate action and/or system improvements, as appropriate.

Outcomes that may result from an investigation may include, but are not limited to:

- amending a decision
- a written/verbal apology
- an explanation
- changes to a service provided by GCWA
- a review of policies/procedures and changes to those policies/procedures
- staff training
- disciplinary action (in line with the Public Service Commission's Discipline Guidelines)
- preventative measures may be implemented (CCC Liaison Officer in consultation with the business area in question) to ensure monitoring, should a complaint trend be identified
- rejection of complaint following due consideration.

In some circumstances, no further action on a complaint may be recommended. The rationale for this course of action may include:

- the matter has been investigated by GCWA and it is considered that all action to address the original complaint has been satisfactorily completed
- the matter is currently being managed by an external agency, court or tribunal
- the matter has already been adequately managed by an external agency, court or tribunal
- after assessment, the complaint is determined to be frivolous or vexatious.

## **STEP 4 – Advising the Complainant**

At the conclusion of the investigation, a written response must be provided to the complainant outlining the key findings and/or recommendations made concerning the complaint. The response must be approved by the Chief Executive Officer before forwarding to the complainant. The written response should:

- state whether the complaint has been substantiated or is not capable of being substantiated, and the reasons for the finding
- fully examine the issues raised in the complaint
- identify the actions taken by GCWA to resolve the complaint
- identify how and why this action has been taken
- identify the options available to the complainant for an external review of the investigation.

If a complainant is not satisfied with the outcome of the investigation, they may request a review of the complaint to be undertaken by the Queensland Ombudsman.

Contact details for the Queensland Ombudsman:

Postal Address: GPO Box 3314, Brisbane, Qld, 4001

Telephone: (07) 3005 7000

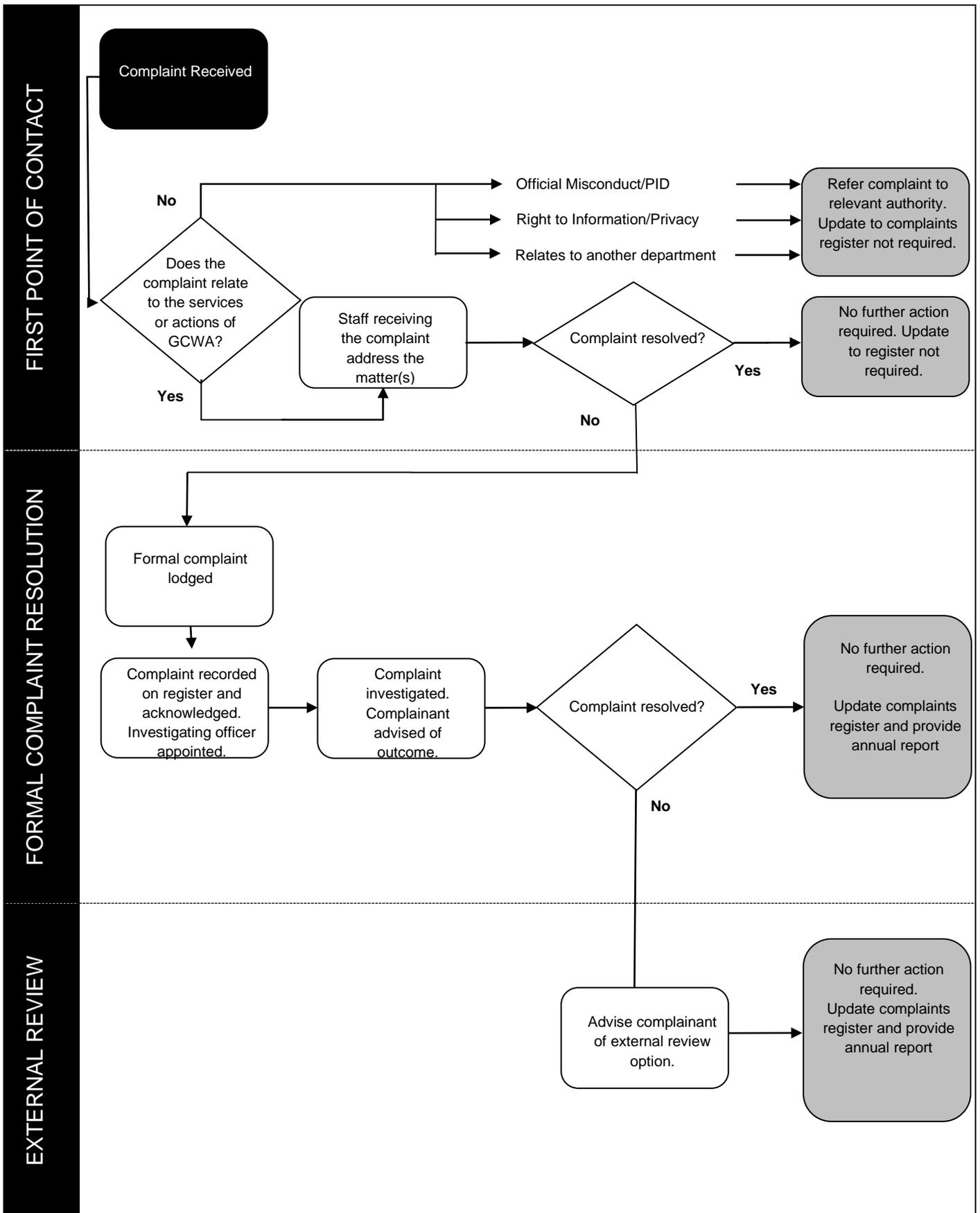
Toll Free: 1800 068 908 (outside Brisbane)

Email: [ombudsman@ombudsman.qld.gov.au](mailto:ombudsman@ombudsman.qld.gov.au)

## **STEP 5 – Advising GCWA interested parties**

All internal interested parties (for example, officers who were named in the complaint, participated in the investigation by providing evidence, being interviewed etc) are to be advised of the investigation outcome, in writing, by the Chief Executive Officer.

# Complaints Management Flow Chart





Office use only

Registration Number:

## COMPLAINT LODGEMENT FORM

### 1. Information for complainants

A complaint should only be lodged if you have been unable to resolve your issue or concern informally. Complainants may be contacted and asked to provide additional information to support their complaint.

### 2. Personal details

|             |                             |                              |                             |                               |                                |
|-------------|-----------------------------|------------------------------|-----------------------------|-------------------------------|--------------------------------|
| Title       | <input type="checkbox"/> Mr | <input type="checkbox"/> Mrs | <input type="checkbox"/> Ms | <input type="checkbox"/> Miss | <input type="checkbox"/> Other |
| Family Name |                             |                              |                             |                               |                                |
| Given Names |                             |                              |                             |                               |                                |

### 3. Contact details

|   |                                    |                                 |                                 |                                |
|---|------------------------------------|---------------------------------|---------------------------------|--------------------------------|
| Current residential address                           |                                    |                                 |                                 |                                |
|   |                                    |                                 |                                 | Postcode                       |
| Mailing address (if different to residential address) |                                    |                                 |                                 |                                |
|   |                                    |                                 |                                 | Postcode                       |
| Email address   |                                    |                                 |                                 |                                |
| Telephone number                                      |                                    |                                 |                                 |                                |
| Mobile phone number                                   |                                    |                                 |                                 |                                |
| Preferred contact method:                             | <input type="checkbox"/> Telephone | <input type="checkbox"/> Mobile | <input type="checkbox"/> Letter | <input type="checkbox"/> Email |

### 4. Complaint details

|  |                              |                             |
|--|------------------------------|-----------------------------|
| Have you lodged a complaint about this issue before?           | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|  | If yes, when:                |                             |
| Have you lodged your complaint to any other department/agency? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|  | If yes, to whom:             |                             |

| 5. Complaint summary  |  |
|---|--|
| When it happened  |  |
| Where it happened   |  |
| Who was involved  |  |
| What happened (details of your complaint)<br><br>Please include details such as grounds of the complaint (why the action/decision was wrong), and any detriment suffered (how you are affected) |  |
| What would you like to happen to resolve your complaint   |  |
| Attach any documentation that supports your complaint   |  |

### 6. Acknowledgement

All the information provided above is true and correct to the best of my knowledge.

|           |  |      |  |
|-----------|--|------|--|
| Signature |  | Date |  |
|-----------|--|------|--|

### 7. Privacy notice

We will only use the information collected on this form to resolve your complaint and access will only be provided to authorised officers.

In the event that your complaint is unresolved and you request an external review your details will be disclosed to the Queensland Ombudsman for the purposes of the review. Your personal information will not be disclosed to any other organisation unless required to do so by law.

### 8. Office use only

|                  |                                    |                                    |                                     |
|------------------|------------------------------------|------------------------------------|-------------------------------------|
| Action Officer   |                                    |                                    |                                     |
| Position         |                                    | Date                               |                                     |
| Complaint lodged | <input type="checkbox"/> Telephone | <input type="checkbox"/> In person | <input type="checkbox"/> In writing |
| Note             |                                    |                                    |                                     |

# Complaints Management Register



Reporting Period: \_\_\_\_\_

| Ref. No. | Name of Complainant | Type of complaint | Investigating Officer/<br>Business Unit | * Time taken to investigate complaint | Outcome of complaint | Action recommended to address systemic issues (if any) | Complainant satisfaction with outcome |
|----------|---------------------|-------------------|---|---------------------------------------|----------------------|--|---------------------------------------|
|          |                     |                   |   |                                       |                      |  |                                       |
|          |                     |                   |   |                                       |                      |  |                                       |
|          |                     |                   |   |                                       |                      |  |                                       |
|          |                     |                   |   |                                       |                      |  |                                       |
|          |                     |                   |   |                                       |                      |  |                                       |
|          |                     |                   |   |                                       |                      |  |                                       |
|          |                     |                   |   |                                       |                      |  |                                       |
|          |                     |                   |   |                                       |                      |  |                                       |

- \* Range Scale:
1. < 10 working days
  2. 10 – 15 working days
  3. 16 -30 working days
  4. 31 – 60 working days (explanation required)
  5. > 61 working days (explanation required)

## COMPLAINT CASE MANAGEMENT FORM

|                               |
|-------------------------------|
| <b>Registration Number:</b>   |
| <b>Business Unit:</b>         |
| <b>Investigating Officer:</b> |

| 1. GENERAL INFORMATION  |   |  |
|---|---|--|
| <b>Name of complainant</b>  |   |  |
| <b>Is the complaint being handled by the correct business unit?</b> | <input type="checkbox"/> Yes              | <input type="checkbox"/> No                          |
| <b>If no, has the complaint been referred to the correct unit?</b>  | <input type="checkbox"/> Yes<br><br>Date: | <input type="checkbox"/> No <i>(if no, why not?)</i> |
| <b>Notes:</b><br><br><br><br><br>                                   |   |  |

| 2. COMPLAINT LODGEMENT AND ACKNOWLEDGEMENT                       |  |  |
|--|--|--|
| <b>Date received</b>   |  |  |
| <b>Complaint lodged</b>  | <input type="checkbox"/> In person               | <input type="checkbox"/> In writing                  |
| <b>Has complaint been registered on the Complaints Register?</b> | <input type="checkbox"/> Yes                     | <input type="checkbox"/> No <i>(if no, why not?)</i> |
| <b>Nature of complaint</b>                                       | <input type="checkbox"/> Service delivery        | <input type="checkbox"/> Staff conduct               |
|  | <input type="checkbox"/> Administrative decision | <input type="checkbox"/> Policy/procedure            |
|  | <input type="checkbox"/> Other (specify)         |  |

|   |                              |                             |
|---|------------------------------|-----------------------------|
| <b>Date acknowledged</b>  |                              |                             |
| <b>Has complainant been advised of the complaint management procedures?</b> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <b>Notes:</b>   |                              |                             |
|   |                              |                             |

| 4. INVESTIGATION  |   |   |                             |
|---|---|---|-----------------------------|
| <b>Proposed timeframe for resolution</b>                        | <input type="checkbox"/> Standard<br><i>(i.e. within 30 working days)</i> | <input type="checkbox"/> Complex<br><i>(i.e. more than 30 working days)</i> | <b>Due date:</b>            |
| <b>Has sufficient information been provided to investigate?</b> | <input type="checkbox"/> Yes  |   | <input type="checkbox"/> No |
| <b>If no, what additional information is required?</b>          |   |   |                             |
| <b>Date complainant notified of requirement</b>                 |   |   |                             |
| <b>Investigation strategy</b>                                   | <input type="checkbox"/> Meeting(s) with complainant                      | <input type="checkbox"/> Internal review                                    |                             |
|   | <input type="checkbox"/> Review of available material                     | <input type="checkbox"/> Full investigation                                 |                             |
|   | <input type="checkbox"/> Telephone interview(s) with complainant          | <input type="checkbox"/> Other (specify)                                    |                             |

|  |   |  |
|--|---|--|
| <b>Key stages of investigation</b><br><i>(e.g. interview date(s), more than one box can be ticked)</i> |   |  |
| <b>Recommendation</b><br><i>(more than one box can be ticked)</i>                                      | <input type="checkbox"/> Written/verbal apology | <input type="checkbox"/> Explanation             |
|  | <input type="checkbox"/> Disciplinary action    | <input type="checkbox"/> Policy/procedure review |
|  | <input type="checkbox"/> Staff Training         | <input type="checkbox"/> Change to service       |
|  | <input type="checkbox"/> Other (specify)        |  |
| <b>Notes:</b>  |   |  |

| 5. NOTIFICATION   |                              |  |
|---|------------------------------|--|
| <b>Date decision communicated to complainant:</b><br><i>(complainant should always be notified in writing, when possible)</i> |                              |  |
| <b>Was the complaint justified?</b>   | <input type="checkbox"/> Yes | <input type="checkbox"/> No                          |
| <b>Was the complainant satisfied with the outcome of the complaint?</b>   | <input type="checkbox"/> Yes | <input type="checkbox"/> No                          |
| <b>If no, has complainant been notified of their right to an External Review?</b>   | <input type="checkbox"/> Yes | <input type="checkbox"/> No                          |
| <b>Has the Complaint Register been updated?</b>   | <input type="checkbox"/> Yes | <input type="checkbox"/> No <i>(if no, why not?)</i> |
| <b>Notes:</b>   |                              |  |