

Complaints Management Policy

Version 6.0

Approval



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Electoral Commissioner

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Version history

Version	Notes	Author	Date of Change
1.0	Issued for use	Electoral Commissioner	June 2015
2.0A	Draft - review	Call Centre Manager	June 2017
2.0	Issued for use	Electoral Commissioner	November 2017
3.0A	Corrections and template consistency	Acting Executive Officer	May 2018
3.0	Issued for use	Acting Electoral Commissioner	October 2018
4.0A	Addition of <i>Human Rights Act 2019</i> and template update	Complaints Officer	December 2019
4.0	Issued for use	Electoral Commissioner	December 2019
4.1	Addition of review and reporting of human rights complaints	Electoral Commissioner	April 2020
5.0A	Addition of regulatory complaints advice	Complaints Officer	June 2022
5.0	Issued for use	Electoral Commissioner	June 2022
6.0A	Timeframe for initial acknowledgment of complaint amended as per guidance under Australian Standard 10002:2022 and text updated to reflect the commencement of the new <i>Public Sector Act 2022</i> .	Complaints Officer	April 2023
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Review

This policy will be reviewed **every two years** from the approval date, or if the relevant regulatory frameworks change in a way that means this policy is no longer contemporary, or as requested by the Electoral Commissioner.

Purpose

To provide guidance to any member of the public and Electoral Commission of Queensland (ECQ) employees on how they can expect the ECQ to manage customer complaints in accordance with the *Public Sector Act 2022* (the Act).

Rationale

Under section 264 of the Act, Queensland Government entities must implement a system for managing the receipt, processing and outcome of customer complaints, which complies with any Australian Standard about the handling of customer complaints; and provides for notifying the complainant about the outcome of their complaint, unless the complaint was made anonymously.

The ECQ is committed to delivering high quality services that respond to the community's needs. We believe the community should be able to provide feedback, both positive and negative, about our services and the way we provide them. The ECQ's complaints management framework is underpinned by the principles of best practice compliance, visibility and access, responsiveness accountability and fairness.

Guiding Principles

1. Encourage community-focused service delivery by managing and responding to complaints fairly, promptly, and professionally.
2. Promote early, informal resolution of an issue or query at the lowest level through a customer service approach.
3. Information gathered from the complaints process will be used by the ECQ for business improvement.
4. Provide a flexible complaints system to assist people who might require additional help or different approaches to make a complaint, such as people with disability, people living in regional and remote areas, the aged and people from culturally and linguistically diverse backgrounds.

Policy

1. What is a complaint?

Under section 264 of the Act, a complaint means a complaint about the service or action of a public sector entity, or its staff, by a person who is apparently directly affected by the service or action.

A customer complaint may include:

- a complaint about a decision made, or a failure to make a decision, by a public sector employee of the public sector entity

- a complaint about an act, or failure to act, of the public sector entity
- a complaint about the formulation of a proposal or intention by the public sector entity
- a complaint about the making of a recommendation by the public sector entity
- a complaint about the customer service provided by a public sector employee of the public sector entity.

For the purposes of this policy, a complaint is also an expression of dissatisfaction about a breach of privacy or a breach of human rights.

This policy does not replace or interfere with legislation or policy dealing with complaints about privacy, right to information, human rights, official misconduct or maladministration, criminal conduct or illegality, or matters specifically dealt with through other legislative and/or appeal processes. These matters will be managed under the policy and procedure that applies specifically to them.

2. What is not a complaint?

The following will not be treated as a customer complaint:

- requests and enquiries that the ECQ regards as business-as-usual provision of information or a service
- general feedback, opinions or suggestions about how ECQ services can be improved or maintained
- enquiries relating to voter enrolment or relating to the receipt of apparent failure to vote letters or failure to vote infringement notices from the State Penalties Enforcement Registry (SPER)
- comments published on social media which seek to disrupt or damage the ECQ
- matters that are outside the ECQ's authority or control, decisions or actions by entities outside the jurisdiction of the ECQ, and matters of government policy
- complaints made by employees of the ECQ, which are addressed separately in the *ECQ Employee Complaints Policy*
- complaints about misconduct by ECQ staff, including illegal activities such as fraud and corruption, which are addressed under other policies and are subject to investigation by external authorities
- public interest disclosure matters (whistleblowers), which are addressed separately in the *ECQ Public Interest Disclosure Policy*
- regulatory matters, such as allegations or reports of non-compliance with electoral legislation by election candidates, political parties, third parties or donors. These reports should be lodged directly with the ECQ's Funding, Disclosure and Compliance Division and will be managed under separate policies and procedures.

3. Receiving a complaint

A complaint may be made to any ECQ employee in person, by phone, email, letter or using the online form on the ECQ's website. The ECQ may request a person making a complaint by

phone or in person to provide a written complaint. If the complainant is unable to submit a complaint in writing, an ECQ officer will record the details of the complaint to be submitted on their behalf.

It is not practicable to record a complaint every time someone casually expresses dissatisfaction with an aspect of a service provided (or not provided). Supervisors/managers are best placed to decide the veracity of casual complaints and if they should be recorded in the complaints register.

3.1 Anonymous complaints

Anonymous complaints will initially be processed as Complex complaints (refer to *Table 1*). The complaint will be assessed, and effort will be made to resolve the issue based on the information provided, however, the ECQ's ability to investigate the complaint may be limited without the ability to consult with the complainant. An outcome will be recorded by the ECQ but no feedback or advice on the outcome will be provided.

3.2 Complaints received by Ministerial correspondence or contact

The Electoral Commissioner is responsible for deciding if Ministerial correspondence contains a complaint under this policy.

3.3 Receiving a privacy complaint

If a person believes that the ECQ has dealt with their personal information in a way that is not consistent with the privacy principles, they may make a privacy complaint to the ECQ in accordance with the *Information Privacy Act 2009*. The ECQ has 45 business days to respond to the complaint, after which the individual can complain to the Office of the Information Commissioner if their complaint remains unresolved (for example, if they do not receive a response or they feel the response is inadequate).

3.4 Receiving a human rights complaint

If a person believes that the ECQ has breached their human rights, they may make a complaint about the breach to the ECQ in accordance with the *Human Rights Act 2019*. The ECQ has 45 business days to respond to the complaint, after which the individual can complain to the Queensland Human Rights Commission if their complaint remains unresolved (for example, if they do not receive a response or they feel the response is inadequate).

4. Timeframes

Complaints will be resolved within the timeframes that apply to the levels of complexity as detailed in *Table 1* below. Some complaints may be unable to be resolved within the relevant timeframe if the information provided to the ECQ is insufficient or incomplete.

At any stage, it may be appropriate for a complaint's complexity to be escalated or downgraded in response to investigation findings or on receipt of further information from the complainant. Complaint reclassification should be adequately recorded in the complaint file.

Standard Ministerial correspondence response times and processes will continue to apply to complaints received through Ministerial correspondence or contact.

Table 1: Complaint categories and timeframes

Category	Description	Timeframe	
		Initial response	Resolution
Serious	<p>Serious matters that are likely to require a formal investigation by either internal or external authorities, e.g.:</p> <ul style="list-style-type: none"> • is of significant public interest and/or likely to come to the attention of wide media audience, or already has (including social media); • relates to a significant breach of legislation of policy; and/or • has the potential for investigation (of the ECQ) by external authorities. 	1 business day	5 business days
Simple	<p>Simple, non-complex matters that can be managed at first point of contact, e.g.:</p> <ul style="list-style-type: none"> • relates to the ECQ's following of a process or procedure, excluding breaches of policy or legislation; and/or 	3 business days	15 business days
Complex	<p>Multiple relating issues and/or is serious in nature, or has the potential to become serious, e.g.:</p> <ul style="list-style-type: none"> • may come to the attention of the local media; • involves unacceptable behaviour of an ECQ contractor or employee; • anonymous complaints; and/or • relates to a minor breach of policy or legislation. 	3 business days	30 business days
Privacy	<p>Matters relating to the <i>Information Privacy Act 2009</i>. Refer to the Office of the Information Commissioner for more detailed information about resolving privacy complaints.</p>	3 business days	45 business days
Human Rights	<p>Matters relating to the <i>Human Rights Act 2019</i> (HRA). Refer to Queensland Government resources for more detailed information about human rights and obligations under the HRA.</p>	3 business days	45 business days
Internal Review	<p>Review of a complaint outcome requested by the complainant.</p>	3 business days	20 business days

5. Abusive, trivial, or unreasonable complaints

The ECQ may refuse to investigate or reject all or part of a complaint if it is seen to be abusive, frivolous, unreasonable, misleading or untrue, or where the complainant refuses to cooperate with the ECQ's efforts to investigate.

If an investigation is not pursued, the complainant will (wherever practicable) be advised that the ECQ is not proceeding with that complaint or aspect of the complaint.

A person that continues to submit abusive, frivolous, or unreasonable complaints may be declared a vexatious complainant by the Electoral Commissioner or Assistant Electoral Commissioner. The ECQ's decision to deem a complainant to be a vexatious complainant will be communicated in writing to the complainant.

Any further correspondence or telephone contact with the vexatious complainant in regard to their complaint/s identified when making the determination will be ceased.

6. Internal review

The Electoral Commissioner may select and appoint an Internal Review officer for the review of any complaint or appoint another person or persons to investigate the complaint at their discretion.

Complainants may request that the Electoral Commissioner review any complaint response. The Electoral Commissioner may or may not conduct that review at their sole discretion and may delegate the review to other internal or external entities. A reviewed decision may be upheld or amended.

7. Options for further review

A complainant who is not satisfied with the outcome of an **internal review** conducted by the ECQ may make a complaint to the Queensland Ombudsman.

A complainant who is not satisfied with the outcome of an **internal review of a privacy complaint** conducted by the ECQ may make a complaint to the Queensland Office of the Information Commissioner.

A complainant who is not satisfied with the outcome of an **internal review of a human rights complaint** conducted by the ECQ may make a complaint to the Queensland Human Rights Commission.

8. Reporting

7.1 Internal

The Complaints Officer will provide a report to the Senior Management Team (SMT) each quarter. The report will include a summary of complaints received, actions taken, apparent trends, lessons learned from the complaints process or business improvements made.

7.2 External

In accordance with s264 (3) of the Act, by 30 September each year, the ECQ will publish on its website information about complaint trends for matters received during the financial year. The report must include as a minimum:

- the number of customer complaints received by the entity in the financial year
- the number of those complaints resulting in further action, and
- the number of those complaints resulting in no further action.

In accordance with s97 (2)(b) of the *Human Rights Act 2019* the ECQ will publish in its annual report, details of any human rights complaints received, including:

- the number of complaints received
- the outcome of the complaints, and
- any other information prescribed by regulation relating to complaints.

9. Delegations

The Electoral Commissioner will appoint a Complaints Officer, who will be responsible for ongoing oversight of the complaints management process and maintenance of the Complaints Register.

Any ECQ officer may be the Responsible Officer for the purpose of investigating, resolving or providing a response to a customer complaint.

For simple complaints, all ECQ officers and call centre operators are Responsible Officers and may receive and resolve simple complaints at the first point of contact with a complainant. An assessment is to be made as to whether a complaint resolved at first point of contact is recorded in the Complaints Register.

For complex complaints, a Director will be appointed as the Responsible Officer and can approve the release of the response to the complainant.

For serious complaints, privacy complaints, human rights complaints and internal reviews, the Electoral Commissioner or the Assistant Electoral Commissioner will be appointed the Responsible Officer. They may appoint any ECQ officer to investigate a complaint, but the response **cannot be released to the complainant** until approved by the Electoral Commissioner or Assistant Electoral Commissioner.

Where an internal review is requested by a complainant, the Electoral Commissioner will be the Responsible Officer for approving the release of the outcome of the internal review if the Assistant Electoral Commissioner was the Responsible Officer for approving the original response to a complainant, and vice versa. This ensures appropriate segregation of duties, impartiality and oversight.

Officers with the delegation to approve responses to complainants are as detailed in *Table 2*, as are the delegations for officers who are able to decide that a complaint should not be investigated.

Table 2: Complaint process delegations

Category	Responsible Officer	Approving Officer	
		Decision not to investigate complaint	
		Named complaint	Anonymous complaint
Serious	Electoral Commissioner Assistant Electoral Commissioner	Electoral Commissioner Assistant Electoral Commissioner	Electoral Commissioner Assistant Electoral Commissioner
Simple	Complaint recipient Complaints Officer	Director	Director
Complex	Director	Electoral Commissioner Assistant Electoral Commissioner	Electoral Commissioner Assistant Electoral Commissioner
Privacy	Electoral Commissioner Assistant Electoral Commissioner	Electoral Commissioner Assistant Electoral Commissioner	Electoral Commissioner Assistant Electoral Commissioner
Human Rights	Electoral Commissioner Assistant Electoral Commissioner	Electoral Commissioner Assistant Electoral Commissioner	Electoral Commissioner Assistant Electoral Commissioner
Internal Review	Electoral Commissioner Assistant Electoral Commissioner	Electoral Commissioner Assistant Electoral Commissioner	

Note: To ensure appropriate segregation of duties, where the Assistant Electoral Commissioner has been the Responsible Officer for approving the response to a complainant, the Electoral Commissioner will be the Responsible Officer for approving the release of the outcome of any internal review conducted on that complaint, and vice versa.

Appendix 1 – Definitions

Definitions

Term	Definition
Anonymous complaint	A complaint received from a complainant who does not identify themselves or provide contact details. An anonymous complaint must be recorded, and an attempt made to resolve it.
Complainant	Any person who lodges a customer complaint with the ECQ.
Complaint	An expression of dissatisfaction about an ECQ service, action, decision or policy, which has been formally lodged with the ECQ by a customer who is directly affected by the service, decision or action.
Complaints Officer	An ECQ officer who is appointed by the Electoral Commissioner to manage the ongoing oversight of the complaints management process and maintenance of the Complaints Register.
Complaints register	The record keeping tool used by the ECQ to record the details of customer complaints and all related correspondence.
Feedback	Compliments or suggestions on how ECQ services can be improved or maintained, where the person providing the information does not expect a response. This may also include when a person brings an issue to the ECQ's attention but they are not directly affected by the issue, or an issue that does not require further investigation.
Frivolous complaint	A complaint not having any serious purpose, value or background intended to harass, annoy, delay or cause detriment.
Human rights complaint	A complaint regarding a breach of human rights under the Queensland <i>Human Rights Act 2019</i> .
Internal review officer	An ECQ officer that manages the review of a complaint, decision or outcome at the request of a complainant. This officer must not have been involved in the initial complaint investigation.

Investigation	<p>Assessment and review of the facts and circumstances of action, activity or event in response to a complaint received, which cannot be resolved at the first point of contact with the ECQ or requires more information to be ascertained prior to determining an outcome or response.</p> <p>Review of a response to a complaint as part of an internal review conducted as the request of a complainant.</p>
Privacy complaint	<p>A complaint regarding a breach of collection, storage, use and disclosure of personal information under the Information Privacy Principles in the <i>Information Privacy Act 2009</i>.</p>
Receiving officer	<p>Any ECQ employee who receives a complaint.</p>
Record of complaint	<p>The documented record of a complaint received verbally.</p>
Referred	<p>Where a complaint is received on a matter which is outside the remit or operational scope of the ECQ and the matter is referred to another agency or organisation.</p>
Regulatory matter	<p>Reports or allegations made to the ECQ relating to non-compliance with electoral legislation by election candidates, political parties, third parties or donors are not considered customer complaints under this Policy.</p> <p>These are regulatory matters and are managed under the <i>Compliance and Enforcement Policy for Funding and Disclosure Obligations</i> and are subject to separate timeframes for response and resolution.</p> <p>Complaints and enquiries relating to regulatory matters should be directed to the ECQ's Funding, Disclosure and Compliance Division via email fad@ecq.qld.gov.au.</p>
Reject	<p>Where an Approving Officer decides not to investigate a complaint. Reasons for this may include the complaint being considered trivial, inappropriate, abusive, vexatious or unreasonable.</p>
Responsible Officer	<p>An ECQ officer who has the delegated responsibility to resolve a complaint or lead an investigation and approve the release of an outcome or response to a complainant.</p>

Reviewed decision - upheld	Where an internal review has been conducted by an ECQ officer who was not involved in the management of the original complaint process, and the outcome is that the original decision is confirmed or supported.
Reviewed decision - amended	Where an internal review has been conducted by an ECQ officer who was not involved in the management of the original complaint process, and the outcome is that the original decision is fully or partially changed.
Unable to be resolved	<p>A complaint which will never be resolved, where reasons may include:</p> <ul style="list-style-type: none"> • insufficient or incomplete information provided in the complaint and the complainant is unable to be contacted despite repeated attempts, or • insufficient or incomplete information provided in the complaint and the complainant is anonymous.
Vexatious complainant	A complainant who submits numerous and frequent complaints or enquiries, which are argumentative or unsubstantiated, and who is unlikely to be satisfied with an outcome or response provided by the ECQ following continued effort and expenditure of resources to address the complaints. Issues raised by vexatious complainants are assessed on their merits, however, it may be determined that continued investment of time and resources is not in the public interest or may result in a negative impact upon or risk to ECQ staff, clients or service delivery.
Unreasonable complainant conduct	According to the Queensland Ombudsman, unreasonable complainant conduct (UCC) is any conduct by a complainant which raises substantial health, safety, resource or equity issues for the ECQ, its staff and other clients. All complainants will be treated with fairness and respect, and ECQ staff are entitled to be treated with the same level of fairness and respect. The ECQ will maintain suitably detailed records of unreasonable complainant conduct, the actions and strategies engaged by ECQ staff, and how the complainant responded.

Appendix 2 – Regulatory Framework

Regulatory framework

- [Public Sector Act 2022](#)
- Standards Australia - [Guidelines for complaint management in organizations AS10002:2022](#)
- Queensland Ombudsman - [Complaints Management Policy and Procedure Guide](#)
- [Information Privacy Act 2009](#)
- [Right to Information Act 2009](#)
- [Human Rights Act 2019](#)