

Complaints Management Policy **AQ07/01**

Authorisation/Executive Summary

1. Arts Queensland Complaints Management Policy was approved by the Deputy Director-General on 1 November 2007 following its endorsement by the Senior Management Team. It will apply within Arts Queensland from that date.
2. The Complaints Management Policy aligns with the whole of government priority for responsive government.

Policy Commitment Statement

3. Arts Queensland, part of the Queensland Government's Department of Education, Training and the Arts, develops and implements cultural policy and administers cultural funding and capital works programs that support arts and cultural development for the benefit of the community.
4. Arts Queensland's policy affirms and supports the right of clients and staff to provide feedback and to have complaints heard and actioned. Arts Queensland recognises that client and staff feedback, both positive and negative, is essential in order to provide quality services and decisions that meet the needs of clients and staff.
5. The Deputy Director-General and Senior Management Team supports and promotes a positive and constructive approach to complaints management and is committed to ensuring sufficient and appropriate resources, including technological and other resources, are made available for complaints management and that relevant staff will be trained in appropriate areas.

Principles

6. The following principles support Arts Queensland's complaints management system and will be reflected in Arts Queensland's Complaints Management Procedures.
7. This policy and the Complaints Management Procedures meet the requirements of Directive No. 13/06 issued by the Office of Public Service Commissioner which specifies the minimum standards for a complaints management system.

8. Arts Queensland is committed to complying with the Directive and ensuring complaints are dealt with fairly, reasonably and in a timely manner. Complainants will not suffer any reprisal by Arts Queensland, or staff of Arts Queensland, for making a complaint.
9. Arts Queensland is required to comply with a number of legislative obligations relating to its administrative actions and the conduct of staff, including the *Public Sector Ethics Act 1994* (a requirement to have a Code of Conduct for staff), the *Crime and Misconduct Act 2001* (a duty to report official misconduct), and the *Whistleblowers Protection Act 1994* (a duty to provide protection to people who make a protected disclosure).

Application / Scope Of Policy

10. **This policy applies to enquiries and complaints in relation to all departmental services (including programs of assistance and corporate services) and all staff of Arts Queensland. An enquiry or complaint may also concern a failure by Arts Queensland to meet its obligations to provide services, products, actions or decisions to the public.**

Exclusions:

11. Arts Queensland's complaints management system does not replace or interfere with legislation or policy dealing with complaints about privacy, freedom of information, official misconduct or maladministration, criminal conduct or illegality, or matters specifically dealt with through other legislative and/or appeal processes, including:
 - complaints about Arts Queensland's compliance with the **Information Privacy Principles** which are dealt with under the Queensland Government privacy scheme;
 - complaints made by staff concerning a workplace disagreement or difficulty i.e. **grievances** – all staff, including temporary and casual staff, are required to comply with *Grievance Policy CPP-HR.03*;
 - complaints relating to alleged staff "**official misconduct**" which are dealt with under the Discipline Policy CPP – HR.04, (other than staff reports of official misconduct made as a public interest disclosure which are referred to below);
 - complaints about wrongdoing i.e. a "**public interest disclosure**" which are dealt with under the Whistleblower Protection Policy CPP-HR.16; and
 - **assessments of artistic merits** made by Industry Experts in respect of applications for grants, including under the Sector Project Grants Program, as the Minister for the Arts (or delegate) makes the final decision on the funding outcome.

Definitions:

Complaint - is a generic term referring to the expression of dissatisfaction, orally or in writing, about the service or actions of Arts Queensland or its staff and includes a complaint received through the Minister's office.

Complaints Management System – means Arts Queensland's Complaints Management Policy and Complaints Management Procedures, personnel and technology used by Arts Queensland in receiving, responding to and reporting about enquiries and complaints.

Complainant – the person (including a staff member) or organisation raising the enquiry or complaint with Arts Queensland i.e. a person or organisation aggrieved about a matter.

Complaints Co-ordinator – person designated by the Deputy Director-General, Arts Queensland, responsible for:

- providing complaints handling advice to the Deputy Director-General and staff of Arts Queensland;
- monitoring, analysing and reporting on complaints and compliance with this policy and the Complaints Management Procedures;
- ensuring staff are aware of this policy and the Complaints Management Procedures;
- reviewing and recommending to the Deputy Director-General improvements to increase client/staff satisfaction and awareness of this policy and the Complaints Management Procedures;
- liaising with the Queensland Ombudsman's Office on complaint issues.

Code of Conduct – The Code of Conduct developed and approved for Arts Queensland under the *Public Sector Ethics Act 1994* for Arts Queensland staff.

Enquiry – a communication or contact between Arts Queensland and the complainant where the complainant wishes to report dissatisfaction but does not request an investigation or response e.g. a low-level customer complaint such as incorrect address; lack of advice; response to correspondence or telephone calls; and errors in records. An enquiry can be resolved through the provision of information, or advice in a one-off communication or may result in referral to another agency if the matter is outside Arts Queensland's jurisdiction.

Official Misconduct – defined in the *Crime and Misconduct Act 2001* as conduct that if proved could be:

- (a) a criminal offence; or
- (b) a disciplinary breach providing reasonable grounds for terminating the staff member's services, if the person is, or was, the holder of an appointment.

Personal Information - means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Public Interest Disclosure – a complaint/information under the *Whistleblowers Protection Act 1994* regarding:

- (a) a substantial and specific danger to the environment;
- (b) a substantial and specific danger to the health or safety of a person with a disability;
- (c) maladministration that adversely affects someone's interests in a substantial and specific way;
- (d) negligent or improper management directly or indirectly resulting in, or likely to result in, a substantial waste of public funds;
- (e) official misconduct; or
- (f) a reprisal.

Respondent – the person/agency the subject of a complaint.

Procedures For Complaints Management

12. The procedures for managing enquiries and complaints covered by this policy are detailed in Arts Queensland's Complaints Management Procedures and include the roles and responsibilities of frontline complaints staff and internal reviewers, as well as details of avenues for external review.
13. Complaints will be handled in accordance with the Complaints Management Procedures and not otherwise unless special circumstances exist.
14. Reviewers are to –
 - where possible, be independent of and no less senior than the original decision-maker;
 - have the necessary expertise to review particular matters;
 - have ready access to relevant agency material and personnel and full cooperation within the agency at all levels.

Complaints Register

15. Arts Queensland maintains records of its operations in accordance with the *Public Records Act 2002*.
16. The Complaints Register will be the primary tool for the collection of data. A current and accurate record of complaints will be maintained to:
 - ensure a consistent and appropriate response;
 - ensure data quality and integrity;
 - identify any recurring or system-wide problems;
 - provide non-identifiable reports where necessary; and
 - provide data for inclusion with Arts Queensland performance indicators as required.

Visibility And Access

18. All members of the community and staff will have easy access to information and advice about the complaints management system within Arts Queensland.
19. Arts Queensland's Complaints Management Policy and Procedures will be available to all clients and staff.
20. Complaints may be made orally or in writing. However, complainants are encouraged to submit their complaint in writing.
21. Arts Queensland will provide reasonable assistance to people who wish to make a complaint.
22. Arts Queensland will take all reasonable steps to ensure an interpreter or other suitable person is available to persons who cannot understand or speak English with reasonable fluency to communicate with Arts Queensland effectively.

Responsiveness

23. Arts Queensland will publicise this Complaints Management Policy to all staff and clients through the website located at www.arts.qld.gov.au.
24. Arts Queensland will develop and maintain policies and procedures and ensure that adequate training is provided to all staff during the induction process (for new staff) and in other appropriate staff training.
25. Enquiries and complaints will be responded to as a matter of priority.
26. Arts Queensland will ensure that complaints are promptly acknowledged and that complainants are kept informed about the progress of their complaint in accordance with the requirements of the Complaints Management Procedures.
27. Arts Queensland is committed to dealing with complaints as expeditiously as possible and monitoring timeframes for resolution of complaints.

Assessment and Action

28. Arts Queensland's complaints management system will be implemented in a flexible way that is culturally appropriate and responsive to any special needs of any person involved.
29. The complaints management system will be unbiased, objective and impartial.
30. Complaints are to be assessed in accordance with this policy and the Complaints Management Procedures. Complaints will be assessed on the basis of seriousness and complexity.
31. Where appropriate, complaints and/or complainants will be referred to external agencies on receipt.
32. If a complaint is made about a person, that person (i.e. the respondent) has the right to know the details of the complaint and will be given the opportunity to make a statement of reply.
33. All people involved in the complaint process have the right to be supported by an appropriate third party.
34. Arts Queensland will handle all complaints fairly and with due regard to the rights of staff of the department who are the subject of a complaint.
35. Arts Queensland will resolve enquiries and complaints with as little formality and disputation as possible and will use mediation, negotiation and informal resolution as optional alternatives to investigation where appropriate.

Privacy

36. Arts Queensland will handle the complaints process in accordance with the privacy principles outlined in the Queensland Government privacy scheme and will ensure that personal information collected as part of the process is handled appropriately.

37. Arts Queensland will take reasonable steps to protect personal information from loss, unauthorised access, use, disclosure or any other misuse during the complaints process.
38. "Personal information" may belong to complainants or Arts Queensland's staff – both in their capacity as agency officers and also in their capacity as potential complainants.

Confidentiality

39. Arts Queensland is also committed to dealing with complaints in a confidential manner that is respectful to both the complainant and the respondent (the information that may be requested to be kept confidential is not limited to "personal information").
40. However, Arts Queensland cannot give an assurance of absolute confidentiality given its statutory obligations and principles of procedures fairness.
41. Complainants must be informed where possible, that refusal to supply, or allow disclosure of, certain relevant information may be a significant barrier to either the ability to adequately investigate, or resolve, a complaint.

Anonymous Complaints

42. An anonymous complaint is a complaint where the complainant refuses to supply his/her own name and/or other identifying information.
43. Anonymous complaints will be accepted and treated on their merits like any other complaint.

Feedback

44. Decisions concerning the outcome of a complaint should be made as soon as possible following the conclusion of the assessment or investigation of a complaint and communicated to the complainant as soon as possible and in accordance with the Complaints Management Procedures.
45. Complainants will be provided with information on available avenues for external review if not satisfied with Arts Queensland's decision, outcome or remedy.
46. Staff conducting investigations or reviews will report the outcomes to the original decision-maker with appropriate comment aimed at preventing a repetition of any error or unsatisfactory service that may have occurred or improving systems, procedures and/or decisions otherwise.

Remedies

47. Remedies will be consistent and fair for both the complainant and Arts Queensland. The remedies offered must reflect what is fair and reasonable in the circumstances, and take into consideration Arts Queensland's legal obligations and good practice.
48. The remedy sought by the complainant is always to be considered as the first option and informal resolution and compromise are to be attempted wherever possible.

49. Remedies offered may include:
- ✓ an apology
 - ✓ admission of fault
 - ✓ change of decision/policy or procedures
 - ✓ correction of misleading or incorrect records
 - ✓ an adequate explanation
 - ✓ financial compensation including an ex gratia payment.

Monitoring Effectiveness

50. This policy is consistent with the strategic goals of Arts Queensland and the Code of Conduct.
51. The Complaints Management Policy and Procedures, and their application, will be reviewed annually by the Deputy Director-General and in accordance with the systems appraisal provisions in the *Financial Management Standard 1997* to ensure they remain effective and appropriate tools for performance improvement.
52. Arts Queensland will record and analyse information about complaints in order to identify and address any systemic issues, and to ensure that it can improve its decision-making service, systems and staff skills.
53. The Senior Management Team and the Complaints Coordinator will report to the Deputy Director-General on any problems encountered with the Complaints Management Policy and Procedures, and suggest appropriate amendments.

Date of implementation:	1 November 2007
Date of review:	1 November 2008
Authorised by:	Deputy Director-General
Review Responsibilities:	Deputy Director-General
Complaints Coordinator:	Principal Business Analyst – Legal and Governance
Records File No:	POL/207
