

# COMPLAINTS MANAGEMENT SYSTEM POLICY

|                          |                 |
|--------------------------|-----------------|
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## Version Control

| Version | Author | Board Approval Date | Change Description  |
|---------|--------|---------------------|---|
| 1.0     | SBQ    | 7 December 2023     | The Public Sector Act 2022 requires the Board to formally document its Complaint Management System (CMS). |

## Definition of Terms & Acronyms

| Terms / Acronym    | Definition  |
|--------------------|---|
| CMS                | Complaint Management System   |
| Customer Complaint | <p>Section 264(4) of the Public Sector Act 2022 .....</p> <p><i>customer complaint</i> 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.</p> <p><i>Examples—</i></p> <ol style="list-style-type: none"> <li>1. a complaint about a decision made, or a failure to make a decision, by a public sector employee of the public sector entity</li> <li>2. a complaint about an act, or failure to act, of the public sector entity</li> <li>3. a complaint about the formulation of a proposal or intention of the public sector entity</li> <li>4. a complaint about the making of a recommendation by the public sector entity</li> <li>5. a complaint about the customer service provided by a public sector employee of the public sector entity</li> </ol> |
| the Act            | Surveyors Act 2003  |
| the Board          | Surveyors Board of Queensland   |
| the HR Act         | Human Rights Act 2019   |
| the Standard       | Guidelines for complaint management in organisations AS 10002:2022  |

## Associated Documentation & Legislation

| Associated Documentation & Legislation   |
|--|
| Public Sector Act 2022<br>Surveyors Act 2003<br>Human Rights Act 2019<br>Public Interest Disclosure Act 2010 |

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## 1. POLICY STATEMENT

- Section 264(1) of the Public Sector Act 2022 requires state government departments and public service offices to establish and implement a complaints management system (CMS) for customer complaints that complies with the current Australian Standard. The current Australian Standard is AS 10002:2022 Guidelines for complaint management in organisations.
- The Surveyors Board of Queensland (the Board) is a Queensland Government statutory authority that administers the *Surveyors Act 2003* (the Act) by the registration of surveyors and controlling the practice of such surveyors. The purposes of the Act include the protection of the public, upholding the standards of practice within the profession and to maintain public confidence in the profession of surveying.
- The Board is committed to effective complaints management by managing complaints about its functions in an accountable, transparent, timely and fair manner. The Board recognises that effective complaints management is good business practice and integral to good customer service.
- The Board takes seriously all complaints about its functions by:
  - accepting complaints that are made either orally or in writing;
  - taking a complainant focused approach to how the Board deals with complaints
  - actively encouraging feedback
  - using information about complaints to improve the delivery of the Board's functions
- The objectives of this policy are to ensure:
  - fair, accountable, transparent and responsive management of complaints about the Board's functions
  - identification and correction of errors or omissions
  - effective monitoring of complaints; and
  - identification and implementation of business improvement opportunities.
- This policy is to be readily accessible on the Board's website.

## 2. PRINCIPLES

The Board is committed to the following complaints management principles:

- a) **People focused**: People should be able to make a complaint via a clear and accessible Board complaints management system. Complainants will be respected and the Board, where appropriate, will address all relevant issues raised by the complainant.
- b) **Timely and fair**: Complaint handling processes are clear, impartial and confidential, with timely acknowledgements and responses.
- c) **Clear communication**: There are clear and communicated expectations and standards for all parties involved in a complaint.
- d) **Accountable**: The Board's roles and responsibilities for complaint management are clear and publicly available.
- e) **Improving services**: The Board's resources are regularly reviewed to ensure relevance, accuracy and effectiveness.

### 3. APPLICATION & SCOPE

- This policy and associated procedures apply to all Board employees and Board members.
  
- Complaints which may be managed under this policy and associated procedures are those where a customer expresses dissatisfaction with, and is directly affected by, a service, action or decision made by the Board, its staff or persons it has engaged to provide services on its behalf and may include the following:
  - a decision made, or a failure to make a decision by an employee of the Board
  - an act or failure to act by the Board
  - the formulation of a proposal or intention by the Board
  - the making of a recommendation by the Board
  - breach of privacy
  - the customer service provided by an employee of the Board

### 4. EXCLUSIONS

- The following types of complaints are not dealt with under this policy and associated procedures, and are managed through the relevant legislation, policies and procedures:
  - Complaints about the conduct of unregistered or registered surveyors or information received regarding potential breaches of the Act.
  - The Boards decisions in relation to ‘Registration and registration endorsements’ of surveyors under Part 3 of the Act.
  - The Boards decisions in relation to ‘Complaints and investigations about registrants’ professional conduct’ under Part 4 of the Act.
  - where a matter is being addressed in an external forum or court, e.g. QCAT, a tribunal, a commission, a court or another agency.
  - Allegations of corrupt conduct made in accordance with the *Crime and Corruption Act 2001*;
  - Allegations of serious misconduct made against an employee in accordance with the Public Service Act 2022
  - Complaints made by staff about decisions affecting their employment in accordance with the Public Service Act 2022, e.g. grievances, appeals;
  - Complaints about access application decisions dealt with under the Right to Information Act.

## 5. COMPLAINT LEVELS

- The Board has assigned levels to complaints, which assist in identifying the seriousness of the complaint, the likely consequences of the complaint and the timeframe for resolution of the complaint.

|                             | <b>Level 1</b>   | <b>Level 2</b>   |
|-----------------------------|--|--|
| Definition                  | <ul style="list-style-type: none"> <li>Generally straightforward with minimal potential to impact on the Board. Such complaints are generally able to be resolved immediately or may require some enquiries and/or investigation.</li> </ul> | <ul style="list-style-type: none"> <li>Generally complex and significant and have the potential to impact negatively on the Board and/or cause lasting detriment or significant consequences. Such complaints will usually require comprehensive assessment and/or investigation.</li> </ul>   |
| Examples                    | <ul style="list-style-type: none"> <li>Complaints about staff interactions with clients.</li> <li>A repeated failure to respond to a query.</li> </ul>   | <ul style="list-style-type: none"> <li>A Registered Surveyor or customer is dissatisfied with an element of the Board's operations.</li> <li>An employee disclosed a registrants personal information to a party outside the Board.</li> <li>Board action has threatened the operations or viability of a business, or another government Board.</li> <li>An individual has inappropriately disposed of files containing sensitive personal information resulting in a party outside the Board gaining access to the files.</li> </ul> |
| How complaint is to be made | <ul style="list-style-type: none"> <li>Verbally or in writing.</li> </ul>  | <ul style="list-style-type: none"> <li>Verbally or in writing, however, the Board's preference is for the complaint to be made in writing.</li> </ul>  |
| Decision Maker              | <ul style="list-style-type: none"> <li>To be resolved by the Executive Manager. The Executive Manager is also to provide a report for the Board.</li> </ul>  | <ul style="list-style-type: none"> <li>To be resolved by the Board.</li> </ul>   |
| Timeframe                   | <ul style="list-style-type: none"> <li>Acknowledgement: 3 business days from receipt of complaint.</li> <li>Outcome: 14 business days from receipt of complaint.</li> </ul>  | <ul style="list-style-type: none"> <li>Acknowledgement: 3 business days from receipt of complaint.</li> <li>Outcome: To be determined on case by case basis (ideally within 60 business days).</li> </ul>  |
| Internally Reviewable ?     | <ul style="list-style-type: none"> <li>Yes. A complainant may request that their complaint be reviewed by the Board.</li> </ul>  | <ul style="list-style-type: none"> <li>No. The Board is a small organisation with limited resources and only meets eight times per year.</li> </ul>  |

## **6. EXTERNAL REVIEW OF COMPLAINT MATTERS**

- If a complainant is dissatisfied with any action taken by the Board in relation to a complaint other than a privacy complaint (refer to Privacy Complaints section of this policy) and after they have exhausted all available avenues of review within the Board, they can request that the Board's decision be reviewed by the Queensland Ombudsman. As per the Ombudsman Act 2001, the Queensland Ombudsman has the power to investigate the decisions and actions of Queensland state government departments and agencies.
- The Queensland Ombudsman can be contacted by:

Telephone: 1300 068 908

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

Web: <https://www.ombudsman.qld.gov.au/make-a-complaint/makecomplaint>

## **7. UNREASONABLE COMPLAINANT CONDUCT**

### **• OVERVIEW**

- Unreasonable complainant conduct (UCC) is any conduct by a complainant which raises substantial health, safety, resource or equity issues for the Board's staff, Board members or Board representatives. All complainants should be treated with fairness and respect, and Board staff, Board members and Board representatives are entitled to be treated with same level of fairness and respect they afford complainants.
- It is important to identify specifically why particular conduct is unreasonable, so that the Board's response can be tailored to the nature of the conduct. Doing so will also shift the focus away from the complainant and their personality and on to the conduct that is problematic.

### **• UNREASONABLE PERSISTENCE**

- Refusing to accept that a complaint is closed, reframing an old complaint, persevering obstinately with an argument, continuing to phone or contact an agency after a matter is closed.
- If a person is unreasonably persistent, the Board should be ready to say 'no'— for example, to advise that a complaint issue will not be investigated further, an unproductive telephone call will be terminated, an internal review will not be undertaken, or no further correspondence on the complaint will be answered. The complainant may need to be told that they have reached the end of the line.

- **UNREASONABLE DEMANDS**

- Raising issues beyond the Board’s responsibility, asking for a remedy that is impractical or disproportionate, insisting that more time be spent on a complaint than is warranted, insisting on speaking to the Chair of the Board, directing the Board on how to handle the complaint. If a person makes unreasonable demands, limits should be set on what the Board will do—for example, which issues will be investigated, who will investigate the complaint, how it will be investigated, the possible outcomes, and how communication should occur between the complainant and the Board.

- **UNREASONABLE LACK OF COOPERATION**

- Unnecessary presentation of a large quantity of material, failing to provide key documents, constantly re-defining a complaint, dishonestly presenting the facts.
- If there is an unreasonable lack of cooperation from a complainant, the Board should set conditions—for example, the complainant should be required to define the complaint issue, identify the supporting evidence, provide key correspondence or documents, be truthful in dealing with the Board, or explore some other avenue before the complaint will be investigated.

- **UNREASONABLE ARGUMENTS**

- Exaggerating issues, holding irrational beliefs, being obsessed with irrelevancies or trivialities, refusing to consider counterarguments, being guided by conspiracy theories.
- Unreasonable arguments should be identified and set aside. Limits should be placed on what the Board will examine and the style of communication that is expected. If it becomes clear the complaint is groundless, it should be declined.

- **UNREASONABLE BEHAVIOUR**

- Threatening violence, abusing Board staff, Board members or Board representatives, being rude or aggressive, threatening self-harm.
- Unreasonable behaviour will not be tolerated. A complainant can be told that a telephone call will be terminated unless more moderate language is used, that threats are unacceptable and may be reported to the police, that rude and intemperate correspondence may not be answered or may be returned, or that special contact arrangements with the complainant will be implemented.

- **CONTROLLING ACCESS TO THE BOARD**

- Restrictions may be placed on when a person can make contact, who they can contact, or how to make contact (for example, only in writing if the person is



abusive). Such decisions should be made by the Executive Officer or the Chair, following an established written procedure for taking this step. A complainant should be advised in writing of the decision and the options for reviewing its appropriateness.

- As an ultimate step, it may be necessary to refuse access to a person or withdraw services from them—for example, where the person has made serious threats or been violent to staff or an investigator. If possible, alternative contact arrangements should be put into place, such as contact via an advocate or nominee for the complainant. The option of referring the person for professional support from a psychiatrist or social worker can also be considered. The Board is to assess the nature and levels of risk faced by staff and Board members. Appropriate risk management strategies should be put in place, including critical incident, debriefing and stress management procedures

## 8. HUMAN RIGHTS ACT 2019

| <b>Human Rights Complaint</b>  | <b>Description of Complainant and Nature of Complaint/Timeframes for Resolution</b>   | <b>Relevant Policy/ Procedure</b> | <b>Key Contacts</b>  |
|--|---|-----------------------------------|--|
| <p>A complaint made about an alleged breach of a human right by an SBQ officer. Importantly, Human rights complaints are assessed as being of moderate to major severity and on receipt, should be escalated to either the SBQ Board Chair or SBQ Executive Officer for their attention.</p> | <p>Any person aggrieved about an alleged breach of a human right as prescribed by the Human Rights Act 2019.</p> <p>The Act protects 23 fundamental human rights drawn from international human rights law:</p> <ul style="list-style-type: none"> <li>• Recognition and equality before the law</li> <li>• Right to life</li> <li>• Protection from torture and cruel inhuman or degrading treatment</li> <li>• Freedom from forced work</li> <li>• Freedom of movement</li> <li>• Freedom of thought, conscience, religion and belief</li> <li>• Freedom of expression</li> <li>• Peaceful assembly and freedom of association</li> <li>• Taking part in public life</li> <li>• Property rights</li> <li>• Privacy and reputation</li> <li>• Protection of families and children</li> <li>• Cultural rights – generally</li> <li>• Cultural rights – Aboriginal peoples and Torres Strait islander peoples</li> <li>• Right to liberty and security of person</li> <li>• Humane treatment when deprived of liberty</li> <li>• Fair hearing</li> <li>• Rights in criminal proceedings</li> <li>• Children in the criminal process</li> <li>• Right not to be tried or punished more than once</li> <li>• Retrospective criminal laws</li> <li>• Right to education</li> <li>• Right to health services.</li> </ul> <p><b>TIMEFRAME:</b> The Board must respond to the complaint within 45 business days of receipt. If the complaint is not finalised within this period, the complainant may forward their complaint to the Queensland Human Rights Commission.</p> | <p>Human Rights Act 2019</p>      | <ul style="list-style-type: none"> <li>• SBQ Board Chair</li> <li>• SBQ Executive Officer</li> <li>• Queensland Human Rights Commission</li> </ul> |

## 9. PUBLIC INTEREST DISCLOSURE

| <b>Public Interest Disclosure</b>   | <b>Description of Complainant and Nature of Complaint/Timeframes for Resolution</b>   | <b>Relevant Policy/ Procedure</b>  | <b>Key Contacts</b>  |
|---|---|--|--|
| <p>A report or a complaint made by a person about a matter that meets the requirements for the making of a public interest disclosure (PID) under the Public Interest Disclosure Act 2010</p> | <p>A PID may be made to an appropriate authority by any person about:</p> <ul style="list-style-type: none"> <li>i) A substantial and specific danger to the health or safety of a person with a disability</li> <li>ii) An offence or the contravention of a condition imposed under Queensland environmental legislation if the matter would be or is a substantial and specific danger to the environment.</li> <li>iii) The conduct of a person that could, if proved, be a reprisal for making or intending to make a PID.</li> </ul> <p>A PID may be made by a public officer to an appropriate authority about conduct of another person, that could if proved, be:</p> <ul style="list-style-type: none"> <li>(i) Corrupt conduct</li> <li>(ii) Maladministration that adversely affects a person’s interests in a substantial and specific way</li> <li>(iii) Substantial misuse of public resources (other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purpose, or priorities of expenditure).</li> </ul> <p>TIMEFRAME: A person may make substantially the same public interest disclosure to a journalist if the Board did not notify the person within 6 months after the disclosure was made, whether or not the disclosure was to be investigated or dealt with.</p> | <p>Public Interest Disclosure Act 2010</p> <p>Public Interest Disclosure Policy (SBQ-02)</p> <p>Public Interest Disclosure Management Plan Policy (SBQ-03)</p> | <ul style="list-style-type: none"> <li>• PID Coordinator</li> <li>• PID Support Officer</li> <li>• Investigator</li> </ul> |