

CUSTOMER COMPLAINTS MANAGEMENT POLICY

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Purpose

This policy outlines the complaints management framework that has been adopted by the Office of the Land Access Ombudsman (the OLAO) for dealing with customer complaints. This policy describes how customers can make complaints about our services and/or the conduct of our officers, and provides information about how complaints will be handled.

This policy also sets out the OLAO's approach to receiving and dealing with information privacy complaints and how individuals can make a complaint to the OLAO about the way the OLAO handles their personal information if they believe there has been a breach of OLAO obligations under the *Information Privacy Act 2009* (IP Act).

Background

Section 219A of the *Public Service Act 2008* requires the OLAO to establish and maintain a complaints management system that complies with the current Australian Standard about the handling of customer complaints.

The current Standard is *Australian/New Zealand Standard – Guidelines for complaint management in organizations* (AS/NZS 10002:2014). It provides that an organisation should have a complaints management policy with supporting procedures.

The OLAO's complaints management framework has been developed according to the *Public Service Act 2008*, the *Australian/New Zealand Standard – Guidelines for complaint management in organizations* (AS/NZS 10002:2014) and the Queensland Ombudsman's *Policy and Procedure Guide* (24 September 2018).

Policy statement

The OLAO is committed to maintaining the highest standards of professionalism and integrity in providing a free, fair and independent dispute resolution service for landholders and resource companies in relation to alleged breaches of conduct and compensation agreements and make good agreements.

To this end, the OLAO is also committed to the responsible handling of personal information that it collects, holds, uses and discloses in the discharge of its functions under the *Land Access Ombudsman Act 2017*, and to ensuring compliance with the requirements of the IP Act when dealing with personal information.

The OLAO takes seriously all complaints received about its service delivery and the actions of its officers. The OLAO recognises that effective complaints management is good business practice and integral to good client service. Your feedback (both positive and negative) provides valuable information about the quality and effectiveness of the OLAO dispute resolution service: what is working well and which areas can be improved.

The OLAO customer complaints management system directly contributes to the OLAO's strategic plan objective of developing '[a]n accountable workforce and culture, with sustainable systems and delivery'.

Who is covered by the policy?

This policy applies to all officers of the OLAO, including temporary staff, contractors and consultants.

Scope of this policy

What is a complaint?

This policy adopts the definition of 'complaint' in the *Australian/New Zealand Standard – Guidelines for complaint management in organizations* (AS/NZS 10002:2014). Complaints are defined as:

an expression of dissatisfaction made to or about [the Office of the Land Access Ombudsman], related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

We will treat a 'complaint' as having been made under this policy where:

(A) There is an expression of dissatisfaction about:

- the delivery of our dispute resolution service, for example, unnecessary delays in a case or insufficient time to provide a response to a request for information
- the conduct of an officer of the OLAO, for example, complaints about rudeness, misconduct, or failure to follow the OLAO's complaints policies and procedures
- how we have handled personal information under the IP Act including possible breaches of privacy obligations, or refusal to provide access to, or to correct, personal information held about an individual

AND

(B) A response or resolution is explicitly or implicitly expected, or legally required.

What is not a complaint?

Complaints excluded from the scope of this policy:

TYPE OF COMPLAINT	POLICY/PROCEDURE FOR MANAGING COMPLAINT
Complaints about a decision or recommendation made in a case, or dissatisfaction about a decision made to refuse a land access dispute referral	<i>Internal Review Policy and Procedure</i>

TYPE OF COMPLAINT	POLICY/PROCEDURE FOR MANAGING COMPLAINT
Complaints that may amount to public interest disclosures under the <i>Public Interest Disclosure Act 2010</i>	<i>Public Interest Disclosure Policy and Procedure</i>
Complaints where there is reasonable suspicion of corrupt conduct against the Land Access Ombudsman under the <i>Crime and Corruption Act 2001</i>	<i>Policy for Complaints about Corrupt Conduct against the Ombudsman</i>
Internal staff complaints about an area of the OLAO or a particular officer	<i>Managing Employee Complaints Policy and Procedure</i>

Guiding principles

The following principles are the basis of our complaint management framework:

1. **People focus.** Everybody has the right to complain. We will treat complainants with respect, and they should be actively involved in the complaints process as far as practicable and appropriate in the circumstances.
2. **Visibility.** We will publicise information about how and where to complain.
3. **Accessibility.** We will ensure that our complaint handling process is accessible and easy to use for all our customers.
4. **Responsiveness.** We will respond to all complaints as quickly as possible.
5. **Objectivity.** We will address all complaints in an equitable, fair and unbiased manner using evidence submitted by both the complainant and our personnel through the complaint handling process.
6. **No cost.** We will not charge a fee to lodge a complaint.
7. **Confidentiality.** We will observe strict confidentiality in complaint handling.
8. **Customer focus.** The interests of our customers are foremost in our approach to complaint handling as the OLAO is committed to resolving problems, improving relations and our reputation, and building loyalty. We will work together with the complainant to look for a win-win solution that provides the best outcome for all parties within the resource and practical constraints the situation presents.
9. **Accountability and reporting.** We will ensure that our staff are aware of, and accountable for, complaints and our complaints will be reported internally and externally as appropriate.
10. **Continuous improvement.** We will:
 - collect data on complaints to identify trends for the purpose of improving service and business practice
 - keep abreast of complaint management best practice
 - foster a customer-focused approach
 - provide training to staff to foster better complaint handling practices
 - encourage innovation in complaint handling practices.

The OLAO's complaints management system

The OLAO's complaints management system includes three levels of investigation.

Level 1 - Frontline complaint handling - early resolution

Complaints about service delivery or staff conduct should initially be managed by the relevant team/unit, depending on the seriousness of the complaint and the level of customer dissatisfaction.

Level 2 - Internal Assessment, Conciliation or Investigation

Unresolved or serious service delivery complaints will be referred to a more senior member of staff or Land Access Ombudsman for internal assessment, conciliation or investigation.

Level 3 - External Investigation

If the complainant is dissatisfied with the outcome of an internal complaint handling process, they can request an independent investigation by the Office of the Queensland Ombudsman.

How we will handle complaints

We will try to resolve all complaints at the first point of contact, preferably within the first 24 hours of receiving the complaint. Frontline staff will be given appropriate training to ensure they are adequately equipped to respond to complaints.

All staff are encouraged to resolve issues such as incorrect addresses, lack of advice, misunderstandings, errors in records or delays in receiving responses to correspondence or telephone calls in this way.

We will show empathy for our customer, but we will not attempt to take sides, lay blame, become defensive or create false expectations. We will treat complainants with respect and will maintain their confidentiality. Personal information collected as part of the complaints process will not be released publicly.

A complaint should be escalated to a manager or senior staff member in the following situations:

- if frontline staff have been unable to resolve the complaint and the complainant is still unhappy
- if the complainant asks to speak to a supervisor or manager
- if the complaint raises serious or complex issues
- if the complaint is about a possible privacy breach.

All complaints will be dealt with using the principles of natural justice, fairness and objectivity.

Privacy complaints will be reviewed by the OLAO's Right to Information & Information Privacy Officer. All other complaints will be handled by the relevant team, and the resolution and response to the customer will be monitored within the team. This is to ensure there are no unnecessary delays and that expected timeframes are met.

How complaints may be made

If the matter can't be resolved informally, complaints can be submitted to us as follows:

By phone: 1800 717 550

By email: corporate@lao.org.au

Via our Website: www.lao.org.au

Social media: The OLAO's official Facebook, Twitter and LinkedIn channels are monitored regularly by our Communications Officer. Where messages or comments may appear on these mediums that could be considered a genuine complaint, the Communications Officer will request that the complaint is sent in via email or post with all appropriate details, or made via a phone call. The complaint will be recorded and provided to the Senior Investigator for assessment and review.

By post: *For complaints about service delivery or staff conduct:*

Customer Feedback
Office of the Land Access Ombudsman
Reply Paid 87700
PO Box 15148
City East QLD 4002

For privacy complaints:

Right to Information & Information Privacy Officer
Office of the Land Access Ombudsman
Reply Paid 87700
PO Box 15148
City East QLD 4002

In person: Level 12, 53 Albert Street, Brisbane – please phone first for an appointment.

Complaints may be lodged orally or in writing, however, complainants are encouraged to submit their complaint in writing. Where this is not possible, a record of the complaint is to be made by the receiving officer and the contents read back to the customer to verify the details are accurate. A copy of the complaint record must be sent to the customer.

Where the complaint is lodged in person, the receiving officer may arrange a meeting room to receive and document the complaint in private. In this case, the complainant will be asked to sign the documented complaint as an accurate record of the complaint.

Anonymous complaints

Anonymous complaints can be made, and will be considered in the same way as a complaint lodged by a person whose identity is known, however the OLAO's ability to investigate the complaint may be limited because of this.

Complaints about senior staff

The Land Access Ombudsman (LAO) will assess any complaints made about the conduct of OLAO Managers and decide whether an investigation is required. If a decision to investigate the matter is made, the LAO may conduct the investigation or an external investigator may be engaged to undertake the investigation.

Complaints about the LAO will be directed to the Queensland Ombudsman.

The complaints process

We are committed to providing an easy to use, responsive and fair process for handling complaints about us and our service. The process for handling a complaint includes:

1. Recording the complaint in the Complaints Register
2. Acknowledging receipt of the complaint
3. Reviewing and assessing the complaint, which may include talking to both the complainant and to any employees, and conducting a formal investigation in appropriate cases
4. Advising the complainant of the outcome of their complaint, with reasons.

Timeframes

Within **one business day** of receipt of a complaint to the OLAO, the complaint is to be recorded in the Complaints Register. In the case of privacy complaints, the complaint will be referred to the Right to Information & Information Privacy Officer who will in turn inform the Land Access Ombudsman about the complaint within **one business day** of receipt.

Within **two business days** of receipt, the customer must be advised in writing that the complaint has been received and the expected timeframe for review and resolution.

Where possible within **20 business days** of receipt of the complaint, the OLAO must have resolved the complaint or have made a genuine attempt to resolve the complaint.

If a resolution cannot be provided within this timeframe, the customer will be advised of the status of their complaint and the anticipated timeframe for resolution. Any further delays in resolving the complaint and the reasons for this must be communicated to the customer.

Recording and acknowledging complaints

All complaints received, whether they have been resolved at the first point of contact or require further follow up, must be recorded in the Complaints Register.

However, written acknowledgement will only be provided in respect of complaints that are not resolved by frontline staff and require internal assessment and resolution.

Assessing and investigating complaints

When a complaint is more serious or complex, or when a complaint cannot be resolved by frontline staff, your complaint will be assessed by the Senior Investigator to determine:

- what the complaint is about
- how it should be managed, including whether it is urgent
- if any extra information is needed.

Privacy complaints will be assessed by the Right to Information & Information Privacy Officer, and may be referred to an external privacy unit for investigation.

We will make every reasonable effort to ensure your complaint is fully understood and appropriate action taken to respond to your complaint. This may involve working with you to see if the issues can be appropriately addressed, informal inquiries or a formal investigation into the complaint.

Complaints can be investigated in many ways, depending on the nature of the complaint. The level of investigation will be commensurate with the seriousness of the complaint. Investigating a complaint may include:

- clarifying details provided in the 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 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 legislation
- reviewing previous complaints about the same issue.

Depending on the circumstances, such investigations may be undertaken by the Senior Investigator who completed the initial assessment or by an external investigator under contract. In all instances, the LAO will be briefed on the details of the complaint. When the investigation has been completed, a report regarding the findings of the investigation will be provided to the LAO, for consideration.

Complaint outcomes

You will be provided with a written response from the LAO detailing the outcome of the investigation.

Possible outcomes of complaints may include:

- an explanation of the process and information about how we handled the matter complained about
- rectification of an issue raised
- an apology for the way we handled the matter complained about
- a change in the way we are handling the matter complained about
- ongoing monitoring of issues
- a change to our process
- staff training.

Unreasonable complainant conduct

There may be occasions when a customer'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 variety of staff about the same issue
- any contact which involves abusive or threatening language or behaviour

- the customer continues to contact the OLAO after feedback has been provided regarding the complaint and all avenues of review have been exhausted.

The OLAO Manager (or Right to Information & Information Privacy Officer) handling the complaint will consider the relevant circumstances, including staff welfare and appropriate use of resources, and consult with the Land Access Ombudsman about the appropriate action to be taken.

External review

If you are dissatisfied with the outcome of the OLAO investigation of your complaint, or any part of the complaint process, you may make a complaint to the Office of the Queensland Ombudsman.

The contact details for the Office of the Queensland Ombudsman are:

Website: www.ombudsman.qld.gov.au
Email: ombudsman@ombudsman.qld.gov.au
Post: Office of the Queensland Ombudsman
GPO Box 3314
Brisbane QLD 4001
Phone: 07 3005 7000 or 1800 068 908 (outside of Brisbane)
Address: Level 17, 53 Albert Street, Brisbane

Privacy complaints

If you are dissatisfied with how we have dealt with your privacy complaint, or you do not receive a response from us within 45 business days, you may complain to the Office of the Information Commissioner.

The contact details for the Office of the Information Commissioner are:

Website: www.oic.qld.gov.au
Email: enquiries@oic.qld.gov.au
Post: Office of the Information Commissioner
PO Box 10143
Adelaide Street Brisbane
QLD 4000
Phone: 07 3234 7373 or 1800 642 753
Address: Level 7, 133 Mary Street, Brisbane

The Information Commissioner will make an assessment about whether the complaint can be resolved through mediation and, if appropriate, will take all reasonable steps to mediate the matter. If the matter can't be resolved through mediation, it may be referred to the Queensland Civil and Administrative Tribunal (QCAT).

Recordkeeping

The OLAO will maintain accurate records of complaints in the Complaints Register. These records will include:

- correspondence sent and received
- evidence of the process used to consider the complaint
- records of meetings, telephone conversations and interviews
- findings from the investigation
- recommendations and approvals.

The complaint records will be available for internal and external review, subject to information privacy, right to information considerations and legislative obligations.

Reporting

The Complaints Register will be used to provide information on the effectiveness of the OLAO's complaints framework.

The Senior Investigator will:

- provide the Land Access Ombudsman with six-monthly reports on the number of customer complaints received by the OLAO, the number of those complaints resulting in further action and the number of those complaints resulting in no further action; and
- provide the Land Access Ombudsman with de-identified complaints data for annual publication on the OLAO's website in accordance with s 219A(3) of the *Public Service Act 2008*.

Roles and responsibilities

Land Access Ombudsman

The Land Access Ombudsman is responsible for:

- ensuring that a complaints management system is established for the OLAO
- promoting awareness of the complaints management system and cultivating a people focus throughout the organisation
- ensuring there is a process for regular reporting on complaints management
- publishing complaints data on the OLAO's website by 30 September each year, to comply with s 219A(3) of the *Public Service Act 2008*
- allocating sufficient resources to ensure complaints are effectively managed, including the assignment of specific roles and responsibilities to staff and engaging external investigators when appropriate
- providing appropriate training courses, such as those offered by the Queensland Ombudsman on Complaints Management Training.

Senior Investigator

The Senior Investigator, in addition to the responsibilities of an OLAO Manager, will:

- monitor the general enquiries and corporate email inbox for any incoming complaints received
- provide six-monthly reports to the Land Access Ombudsman on the:
 - number of complaints received
 - number of complaints requiring further action and
 - number of complaints requiring no further action

- provide complaints information to the Land Access Ombudsman for publication on the OLAO's website by 30 September each year, in accordance with s 219A(3) of the *Public Service Act 2008*. The information will be de-identified and will include statistics on the:
 - number of complaints received
 - number of complaints requiring further action and
 - number of complaints requiring no further action
- review the effectiveness of the complaints management framework at least every two years
- ensure that the complaints management policy is included in the induction process for new staff, and that all staff receive refresher training on the complaints management framework every two years
- ensure that the complaints management framework is being followed by their team
- ensure timely and effective resolution of complaints in accordance with this framework
- allocate complaints that can't be resolved at the first point of contact to the Land Access Ombudsman within 24 hours of receipt
- ensure that complaints are logged into the Complaints Register for tracking and reporting purposes
- acknowledge the receipt of complaints not resolved at the first point of contact within five business days, and advise the customer of the expected timeframes for resolution or response
- attempt to address complaints through informal processes
- undertake complaints investigations and advise customers of the outcome
- ensure that natural justice is applied throughout the complaints management process
- approve and implement resolution actions
- ensure that appropriate action, including preventative action where warranted, is taken to address sources of complaints, adverse issues and trends identified and foster continuous improvement
- ensure that staff with roles in handling complaints are provided with appropriate information and training.

All staff

All officers of the OLAO are responsible for:

- complying with the OLAO's complaints management policy and procedures
- dealing with matters raised by customers locally in the first instance in order to minimise formal complaints
- informing customers of the processes for lodging and managing complaints
- providing assistance to enable customers to lodge complaints
- treating complainants in a respectful and courteous manner
- maintaining privacy and confidentiality
- recording and submitting verbal complaints received to their manager
- ensuring all complaint dealings (resolved and unresolved) are recorded in the Complaints Register.

Glossary

For the purpose of this policy, the following definitions shall apply:

Complainant: Any person who lodges a complaint with the OLAO.

Complaint: An expression of dissatisfaction, either verbally or in writing, from a member of the public or a party to a land access dispute, about our services, the conduct of an officer of the OLAO or about the way we have handled the individual's personal information.

Receiving officer: Any employee who receives a complaint.

Related documents

This policy should be read in conjunction with the following related policies and procedures:

- *Internal Review Requests Policy and Procedure*
- *Public Interest Disclosure Policy and Procedure*
- *Policy for Complaints about Corrupt Conduct against the Ombudsman*
- *Managing Employee Complaints Policy and Procedure*
- *Information Privacy Plan.*

References

- [Land Access Ombudsman Act 2017](#)
- [Information Privacy Act 2009](#)
- [Public Service Act 2008](#), s 219A
- [Australian/New Zealand Standard – Guidelines for complaint management in organizations \(AS/NZS 10002:2014\)](#)
- Queensland Ombudsman, [Policy and Procedure Guide](#) (28 September 2018).

Further information

For further information regarding this policy, refer to:

- the Senior Investigator
- the Land Access Ombudsman

Review

This policy will be reviewed every two years after the approval date.

Approval

Jane Pires
Land Access Ombudsman

Version History

VERSION	DATE	ACTION	DESCRIPTION / COMMENTS
1.0	15/04/2019		First release
1.1	30/03/2020	No change	

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