

Complaints about EWOQ Procedure

Statement

This procedure contains the responsibilities imposed on members of EWOQ in receiving, handling and responding to complaints against EWOQ or individual members of EWOQ. This Procedure is made in accordance with the EWOQ Policy on Complaints Against EWOQ.

Scope

A complaint for the purposes of this procedure includes any complaint about the service or action of EWOQ, or its staff, by a person who is apparently directly affected by the service or action, including:

- (i) a decision made, or a failure to make a decision, by a public service employee of EWOQ;
- (ii) an act, or failure to act, of EWOQ;
- (iii) the formulation of a proposal or intention by EWOQ;
- (iv) the making of a recommendation by EWOQ;
- (v) the customer service provided by a public service employee of EWOQ,

(a **Complaint**).¹

This procedure applies to all Complaints made against EWOQ, whether by phone, in person, by email or other written form of communication, made directly or indirectly, explicitly or implicitly. It also applies to Complaints received from the Queensland Ombudsman by referral.²

A decision is a decision made by any employee of EWOQ, or the EWO, at any stage of a process, including initial findings.

Internal Complaints against EWOQ

Internal complaints made by employees of EWOQ against EWOQ do not fall within the definition of Complaints under s.219A of the *Public Service Act* and are not covered by this procedure. These internal complaints are to be handled in accordance with the Employee Complaints Procedure. However, any employee complaint which is also a Human Rights Complaint must be handled in accordance with the Human Rights Complaints process set out below.

Complaint processes

There are two processes to follow when a Complaint is received, with the process required determined by the type of Complaint received.

The types of Complaint are broken down into:

- (i) Complaints about the outcome of a decision made under or in relation to sections 19A, 20, 22 or 12B of the EWO Act (**Decision Dispute Complaints**); and

¹ This definition is derived from section 219A of the *Public Service Act 2008* (Qld) and is binding upon EWOQ.

² For clarity, this procedure applies broadly to any Complaint received by EWOQ, including those concerning the *Human Rights Act 2019* (Qld), RTI process, and privacy issues.

- (ii) Complaints other than Decision Dispute Complaints (**General Complaints**).

Where a General Complaint is received, process 1 below is to be followed. Where a Decision Dispute Complaint is received, process 2 below is to be followed.

Process 1 – General Complaints

Step One: The Complaint is received, whether by email, phone, letter, social media/EWOQ website or another method.

Step Two: If the Complaint is received by a person:

- (i) in the AIR team: that person will enter the Complaint into Resolve (through the complaints & compliments portal) and refer the Complaint to the EWO; or
- (ii) outside of the AIR team: that person will send the Complaint to the Intake Team, who will enter the Complaint into Resolve (through the complaints & compliments portal) and refer the Complaint to the EWO.

Step Three: The EWO will acknowledge the complaint by providing a written response to the complainant within 1 business day of receipt of the Complaint.

Step Four: The EWO will refer the complaint to the appropriate team member (the **Delegate**), who will consider the Complaint, including by investigating the complaint and forming an assessment of the validity of the Complaint.

Step Five: A meeting will occur between the EWO and the Delegate to determine the response to the Complaint. The Delegate will draft a response to the Complaint in line with the discussion with the EWO.

Step Six: The EWO will review the proposed response, and once they have approved it the letter will be signed by the Delegate (who will be the contact person listed on the letter).

Step Seven: The Delegate will send the letter to the complainant and close the complaint file in Resolve, noting whether further action was taken or no further action was taken.

This process should be completed within **5 days** of receipt of the Complaint. The investigation timeframe will depend on the complexity and seriousness of the allegation/s and the availability of parties, documentation and other information. If EWOQ is unable to finalize the Complaint process by this time the complainant will be contacted to provide an update.

Further Complaints: If the same complainant later appeals the decision reached in Step Five, then that appeal will be lodged as a new Complaint and above process is to be followed, except that the ultimate response to that further Complaint should be sent by a person of higher rank than had formerly responded to the original Complaint and the timeframe will be extended to **30 days** from receipt of the further Complaint.

Process 2 – Decision Dispute Complaints

Step One: The Complaint is received, whether by email, phone, letter, social media/EWOQ website or another method.

Step Two: If the Complaint is received by a person:

- (i) in the AIR team: that person will enter the Complaint into Resolve (and tick the “Case Review” button) and refer the Complaint to the team leader of the person whose decision is the subject of the Complaint (TL); or

- (ii) outside of the AIR team: that person will send the Complaint to the Intake Team, who will enter the Complaint into Resolve (and tick the “Case Review” button) and refer the Complaint to the team leader of the person whose decision is the subject of the Complaint (TL).

Step Three: The TL will review the Complaint and in conjunction with their regional manager (RM) assess whether any component of the Complaint is a General Complaint which needs to be separately handled through Process 1. If so, that part of the Complaint is handled in accordance with Process 1 and the Decision Dispute Complaint component continues through this process.

Step Four: The TL will input the Complaint through Resolve (using the “Case Review” button process) and assess whether the decision made in relation to sections 19A, 20, 22 or 12B of the EWO Act was:

- (i) justified, and a letter in accordance with the relevant section is to be sent to the complainant; or
- (i) not justified, and the dispute is to be referred back to the relevant ICO for further investigation, and the complainant is to be contacted advising the successful outcome of their complaint, but noting that they may yet receive the same outcome after further investigation is undertaken.

Step Five: The TL will close the complaint file in Resolve, noting whether further action was taken or no further action was taken.

This process should be completed within **30 days** of receipt of the Complaint. The investigation timeframe will depend on the complexity and seriousness of the allegation/s and the availability of parties, documentation and other information. If EWOQ is unable to finalize the Complaint process by this time the complainant will be contacted to provide an update.

Further Complaints: If the same complainant later appeals the decision of the TL, then that appeal will be lodged as a new Complaint and the above process is to be followed, but references to the TL should be read as references to the RM, and references to the RM are to be read as references to the EWO.

Further requirements

The recording of Complaints in Resolve is to be performed in accordance with the Work Instruction on Complaints (see link below).

Where a Complaint is received and it is anonymous, no response is required but the Complaint must still be noted in Resolve and reported in accordance with this procedure.

Reasonable additional information may be requested from the complainant to complete the investigation. The EWOQ staff member responding to the Complaint may decline to continue investigating until the additional information is provided, with any delays attributable to the Complainant resulting in a pause to the time limits set out above. If the complainant declines to provide the information (expressly or by failing to respond to reasonable request) a decision may be made based on available information.

Complaints which:

- (i) are made about the EWO; or
- (ii) are not resolved by following the above processes,

should be referred to the Queensland Ombudsman for resolution.

Human Rights Act Complaints

Where a Complaint is received, the EWOQ officer responsible for responding to the Complaint under the above processes must assess whether it is a complaint made under the *Human Rights Act 2019* (Qld) (a **Human Rights Complaint**). It is also the responsibility of that EWOQ officer to enter details of whether each Complaint is a Human Rights Complaint into the Resolve complaints & compliments portal by selecting the relevant response in the “human rights issue” option box.

Where a Human Rights Complaint is identified, EWOQ must respond at a minimum within 45 days of the date of that Human Rights Complaint, but should respond within the timeframes set out in this procedure.

Any proposed response to a Human Rights Complaint must be reviewed and approved by the EWO before it is delivered to the complainant.

Information Privacy Act Complaints

Where a Complaint is received, the EWOQ staff member responsible for reviewing the Complaint under the above processes must assess whether it is a complaint made under the *Information Privacy Act 2009* (Qld) (an **IP Complaint**).

Where an IP Complaint is identified, EWOQ must respond at a minimum within 45 days of the date of that IP Complaint, but should respond within the timeframes set out in this procedure.

Any proposed response to an IP Complaint should be reviewed and approved by the EWO before it is delivered to the complainant.

Reporting on Complaints

EWOQ will report annually on the Complaints it receives by publishing details of:

- (i) the number of Complaints received in that financial year, and details of which of those Complaints resulted in:
 - a. further action being taken; and
 - b. no further action being taken;
- (ii) the number of Human Rights Complaints received in that financial year,

on EWOQ’s website by 30 September after each financial year, and in EWOQ’s annual report for that year.

For the purposes of this reporting, it is clarified that:

- (i) further action is taken on a Complaint where the review of the complaint supports a change to the original outcome;³ and
- (ii) no further action is taken on a Complaint where the review of the complaint supports the original outcome.⁴

³ For example, (a) where an apology is issued in response to staff behaviour which was found to fall short of EWOQ standards, or (b) where a decision to issue a section 22 letter was found to be unjustified given the circumstances.

⁴ For example, where the review reveals that (a) the behaviour of the staff member was appropriate, or (b) the decision made to issue a letter under section 22 was justified.

The General Manager for the AIR team is responsible for reviewing all Complaints received in each financial year and ensuring that the data collected on these complaints, including as to their outcome, is accurate.



Related documents

- “Work Instruction – Complaints” 2020 EWOQ available [here](#).
- “Policy on Complaints against EWOQ” 2020 EWOQ available [here](#).
- “Guidelines for complaint management in organizations” AS/NZ10002:2014 available [here](#).
- “Employee Complaints Procedure” 2020 EWOQ available [here](#).
- [Public Service Act 2008](#)
- [Public Records Act 2002](#)
- [Public Sector Ethics Act 1994](#)
- [Right to Information Act 2009](#)
- [Information Privacy Act 2009](#)
- [Crime and Corruption Act 2001](#)
- [Energy and Water Ombudsman Act 2006](#)

Useful Links

- [Code of Conduct for the Queensland Public Service](#)
- [Ethics in the Queensland Public Sector](#)

Approval

Approved by: Jane Pires, EWO  <small>Jane Pires (Jun 26, 2020 16:28 GMT+10)</small>	Endorsed by: Eleanor Bray, GM SOG  <small>Eleanor Bray (Jun 26, 2020 11:09 GMT+10)</small>	Authored by: Lyndal Bubke, PPO	Effective Date: 01/06/2020
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