

Complaints against EWOQ Procedure

Purpose

The purpose of this procedure is to set out how Energy and Water Ombudsman Queensland (EWOQ) will deal with a complaint against EWOQ. 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 to support PR_OM_015 Complaints Against EWOQ Policy.

Scope

This procedure applies to all permanent and temporary full-time, part-time employees and contractors of Energy and Water Ombudsman Queensland (EWOQ).

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.¹

Out of Scope

- **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 Individual employee grievances 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.

- **Complaints which are made about the EWO**

Should be referred to the General Manager Strategy, Operations and Governance in accordance with Complaints of Corruption Conduct against the EWO Procedure.

Procedure

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:

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

¹ 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.

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

1. The Complaint is received, whether by email, phone, letter, social media/EWOQ website or another method.
2. If the complaint is received by a person:
 - 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
 - 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.
3. The EWO will acknowledge the complaint by providing a written response to the complainant within one business day of receipt of the complaint.
4. 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.
 - a. If the complaint is actually determined to be a decision review complaint, not a complaint against EWOQ, a decision review will be completed and the complaint against EWOQ de-registered in Resolve – per process: [Promapp - Complaints against EWOQ](#)
5. 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.
6. 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).
7. 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 finalise 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 5, 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

1. The Complaint is received, whether by email, phone, letter, social media/EWOQ website or another method.
2. If the Complaint is received by a person:
 - 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

- 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 (TL) of the person whose decision is the subject of the complaint.
3. The TL will review the complaint and in conjunction with the Dispute Resolution Manager (DR Manager) 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.
 4. 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:
 - justified, and a letter in accordance with the relevant section is to be sent to the complainant; or
 - 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.
 5. 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 finalise 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 DR Manager, and references to the DR Manager 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 [Promapp - Complaints against EWOQ](#).

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 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:

further action is taken on a complaint where the review of the complaint supports a change to the original outcome;² and

no further action is taken on a complaint where the review of the complaint supports the original outcome.³

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.

² 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.

³ 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.

Definitions

Complaint	<p>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:</p> <ul style="list-style-type: none"> (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,⁴
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RACI

[This table should be used to identify stakeholders on their role for tasks within the procedure.]

Tasks	Responsible	Accountable	Consult	Inform
Receiving complaint against EWOQ	All			
Notifying the Ombudsman	EMG	EWO		
Dealing with a complaint against EWOQ	EMG	EWO		
Receiving complaints against EWO -	All	GM SOG		
Referring matter Queensland Ombudsman	GM SOG	GM SOG		Queensland Ombudsman
Reporting of Complaints against EWOQ	PPO	GM AIR	EWO	Advisory Council

Associated documents

⁴ This definition is derived from section 219A of the *Public Service Act 2008* (Qld)

- [PO_OM_015 Complaints against EWOQ .pdf](#)
- [PR_OM_027 Complaints of Corrupt Conduct against the EWO.pdf](#)
- [PR_OM_011 fraud and corruption reporting procedure.pdf](#)
- [PR_OM_004 Individual employee grievances - V4_0 - Approved.pdf](#)
- [Promapp - Complaints against EWOQ](#)
- [Code of Conduct for the Queensland Public Service](#)
- [Ethics in the Queensland Public Sector](#)
- [AS 10002:2022 Guidelines for complaint management in organizations \(ISO 10002:2018, NEQ\).](#)

Document control

Document ID	<CGPP-606335712-747
Responsible manager	Jeremy Inglis, Principal Policy Officer
Name of Approving EMG Member	Eleanor Bray, General Manager Strategy, Operations and Governance
Date approved by EMG Member	3/11/2022
Date of next review	3/11/2024 [2 years from date of approval and date of last review]

Version No.	Description of changes	Prepared by	Date
1.1	New template and reference to AS10002:2022 & Human Rights Act included.	Jeremy Inglis	01/11/2022