

# Policy

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## A11 Complaints handling

### Purpose

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This policy states the principles we will consider and the actions we will undertake when we receive complaints about our operating activities.

This policy aims to provide us with a continual improvement cycle and support QAO's operations and governance through complaint investigations with an aim of strengthening and improving our performance and accountability.

### Application

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The principles apply to all members of the QAO workforce, including permanent, temporary, casual, and contracted employees. They also apply to contractors, consultants, and audit service providers.

This policy covers all information, concerns, or feedback about our business operations and staffing and administrative decisions received by any member of QAO workforce.

These can relate to but are not limited to:

- our financial administration, business operations, community engagement, or corporate publications
- matters related to right to information and information privacy that are not appeals against decisions made
- the quality of service our workforce provides, encompassing staff behaviour
- any issues of fairness, equity, probity, or consistency in how we have applied our mandate, policy, or practices
- any issues regarding human rights as per the *Human Rights Act 2019*
- the conduct of our audits, including compliance with professional standards, regulatory and legal requirements (APES 320 para 119, ASQC 1 para 55)
- our system of quality control
- our financial audit fees, but only if the client continues to dispute the fee or advises they are making a complaint.

Complaints relating to unauthorised release of audit related information, including alleged confidentiality breaches of the *Auditor-General Act 2009* (the Act)(ss.53 and 65), are excluded from the scope of the policy and are managed in accordance with policies *A15 Disclosure of Audit Related Information* and *A20 Obtaining comments on proposed items in reports to parliament*.

This policy also does not cover:

- referrals on financial management and accountability relating to other Queensland public sector entities managed under policy *A02 Referrals*
- complaints made as a public interest disclosure in accordance with the *Public Interest Disclosure Act 2010* managed under policy *G06 Public Interest Disclosure*
- complaints made by QAO employees managed under policy *P02 Managing Employee Complaints*
- complaints received in relation to right to information (RTI) and information privacy managed by the Senior Information Officer.

## Policy

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Complaints are to be dealt with confidentially, fairly, ethically, objectively, and in a timely manner.

Once a complaint has been received it cannot be withdrawn. There will be no reprisal from making a complaint.

The principles of natural justice must always be observed.

When taking complaints and investigating matters raised, consideration must be given to an individual's human rights in accordance with the *Human Rights Act 2019*.

QAO does not tolerate detrimental actions attempted to, or taken, in reprisal against a complainant, any person proposing to make a complaint, and any person believed or suspected to be a complainant, nor any detrimental actions taken against any person subject to a complaint.

## Responsibilities

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Role	Responsibility
Auditor-General	<ul style="list-style-type: none"><li>• final decision maker on complaints if involving an EMG member</li><li>• appoints an Assistant Auditor-General as an investigating officer or an independent external reviewer if required.</li></ul>
Executive Management Group (EMG)	<ul style="list-style-type: none"><li>• promote and support the complaints process</li><li>• endorse preliminary assessment for category 1 complaints</li><li>• provide oversight over category 1 complaints</li><li>• final decision maker on category 1 complaints / resolve category 1 complaints</li><li>• deal with exceptions escalated through the monitoring and reporting of all complaints.</li></ul>
Assistant Auditors-General	<ul style="list-style-type: none"><li>• promote and support the complaints process, including increasing awareness of QAO's complaints policy and procedures</li><li>• acts as the lead investigating officer</li><li>• approve preliminary assessments</li><li>• approve action plans and finalisation reports</li><li>• final clearance and approval of non-category 1 complaint outcomes / resolve non-category 1 complaints</li><li>• manage, in coordination with the Principal Advisor Communications and Public Relations, media inquiries on complaints.</li><li>• conduct or provide oversight over assessments, and any necessary investigations, for complaints made relating to any function, team and/or employee as required</li></ul>



Role	Responsibility
Senior Manager	<ul style="list-style-type: none"> <li>• champion complaints management by and within QAO, and the effective implementation of complaints management activities including: <ul style="list-style-type: none"> <li>– developing and maintaining policies and procedures to assist with the implementation, operation, and continuous improvement of the complaints management system, ensuring QAO achieves its objectives and there is alignment between operational targets and compliance obligations</li> <li>– promoting awareness and compliance of the complaints management system within QAO</li> <li>– ensuring reasonable procedures are in place for the receipt, assessment, and management of a complaint and information is published to enable members of the public to readily access them</li> <li>– monitoring QAO's compliance with, and the effectiveness of, the complaints management system and identifying opportunities to maximise benefits for QAO</li> <li>– retaining records of complaints in accordance with policy <i>103 Records Management</i></li> <li>– registering complaints received in the complaints system</li> <li>– collating information, e.g. complaint trends and patterns, to identify potential problems and risks and/or improvement to service delivery, processes and internal controls for QAO</li> </ul> </li> <li>• provide acknowledgment of receipt of complaint to complainant(s)</li> <li>• ensure that complaints are properly assessed and where appropriate, appropriately and impartially investigated by: <ul style="list-style-type: none"> <li>– assessing complaints and preparing advisory notes and recommendations</li> <li>– coordinating the development of the action plans</li> <li>– monitoring the status and progress of all complaints against approved plans</li> <li>– reporting progress of complaints and highlighting any issues</li> <li>– closing complaints</li> </ul> </li> <li>• communicate with the complainants, including proactively advising on the progress of resolving the complaint within the bounds of s.53 of the AG Act, policy <i>A15 Disclosure of audit related information</i>, and the <i>Information Privacy Act 2009</i></li> <li>• liaise with other integrity agencies as required and ensure all matters involving suspected corrupt conduct are referred to the Crime and Corruption Commission</li> <li>• provide briefing, status updates and report on outcomes to the auditor-general, and/or the assistant auditors-general</li> <li>• prepare internal and external reporting requirements.</li> </ul>
Investigating officer	<ul style="list-style-type: none"> <li>• develop action plan(s), including identifying resource requirements</li> <li>• investigate complaint(s) whilst providing reasonable protection of the identity of the complainant(s)</li> <li>• prepare a finalisation report on the investigation, including providing advice and recommendations on action(s) to be taken.</li> </ul>



Role	Responsibility
Senior Information Officer	<ul style="list-style-type: none"> <li>process letters and emails received from complainants</li> <li>liaise with Senior Manager on complaints received via mail and QAO central email accounts</li> <li>create files for all complaints received.</li> </ul>
Sector Director / Director	<ul style="list-style-type: none"> <li>be aware of their responsibilities with regard to QAO's complaints management system</li> <li>refer any complaints received to the Senior Manager, including details of complaints received from audit clients.</li> </ul>
Member of QAO workforce	<ul style="list-style-type: none"> <li>be aware of their responsibilities with regard to QAO's complaints management system</li> <li>refer any complaints received to the Senior Manager, including details of complaints directly received from audit clients, through the relevant director.</li> </ul>

## Requirements

### Assessing and managing a complaint

Complaints are to be assessed and managed in accordance with the procedures *complaint handling* attached to this policy.

Policy *A18 Complaint involving corrupt conduct* will supplant this policy if there are grounds to suspect that any complaint may involve corrupt conduct.

Any information communicated to the complainant(s) must be within the bounds of s.53 of the AG Act, policy *A15 Disclosure of audit related information*, and the *Information Privacy Act 2009*.

Complainants do not have the right of appeal against our decisions in relation to their complaint(s), unless no action was taken.

If the complainant(s) is unsatisfied, they can lodge a complaint with the parliamentary committee responsible for the oversight of QAO.

If no action is taken, the reason for the decision is documented.

The internal review of the decision is managed in accordance with QAO official review procedures.

### QAO Officers who are the subject of a complaint

QAO employees who are the subject of an adverse allegation are assumed to be innocent of any adverse allegation until there is evidence to the required standard of proof to show otherwise and will always be given the opportunity to respond to the adverse allegation before an adverse finding is made. Notwithstanding this, s.137 of the *Public Service Act 2008* provides for the suspension of a QAO employee from duty should the proper and efficient management of QAO be prejudiced if the employee were not suspended.

QAO employees who are the subject of an adverse allegation may seek assistance from their legal representative or industrial union. They may also utilise the confidential counselling and support services under the Employee Assistance Program (EAP). Contact a member of the Human Resources team for more information on QAO's EAP provider.

QAO employees who are the subject of an adverse allegation are not to suffer from reprisals by QAO or any other employee, nor are they to take detrimental actions against actual or suspected complainant. Perpetrators can face both criminal and disciplinary sanctions.



QAO employees who are subject of a formal investigation will be given sufficient details of the allegations, whilst protecting the identity of the complainant(s), to allow them natural justice in the disciplinary process. If the investigation finds the complaint unsubstantiated or wrong, the allegations will remain confidential unless the employee desires otherwise.

Management of any resulting disciplinary action(s) to be applied to QAO employees will be in accordance with policy *P17 Managing Performance and Conduct*, whilst consultants, contracted employees, and audit service providers will be managed in accordance with their contracts.

## Communications

The Assistant Auditors-General will manage all media inquiries on complaints.

## Definitions/glossary of terms

<p>Complaint</p>	<p>A complaint is a generic term referring to the expression of dissatisfaction, orally or in writing, about the service or actions of an agency or its staff.</p> <p>For the purposes of this document, the term complaint applies to any complaints about QAO's services or actions received from various sources including elected members, public sector entities, integrity agencies, contractors, media, or the public.</p> <ul style="list-style-type: none"> <li>• A complaint is any level of expressed dissatisfaction.</li> <li>• A complaint includes: <ul style="list-style-type: none"> <li>– unsatisfactory staff service</li> <li>– right to information or information privacy issues</li> <li>– technical and professional mistakes/issues associated with service delivery</li> <li>– issues of fairness, equity, probity and consistency in the way in which officers of QAO have implemented policy in practice.</li> </ul> </li> <li>• A complaint does not include: <ul style="list-style-type: none"> <li>– requests for information</li> <li>– general feedback or suggestions</li> <li>– appeals against decisions made in accordance with statutory requirements (these are covered by official review procedures)</li> <li>– matters directly related to legislation or government policy</li> <li>– initial audit client concerns regarding audit fees, unless the client continues to dispute the fee or advises they are making a complaint.</li> <li>– feedback from clients via client surveys</li> <li>– A disclosure about financial management and accountability of a public sector entity excluding QAO as this complaint is covered in policy <i>A2 Referrals</i>.</li> </ul> </li> </ul>
<p>Complaint categories</p>	<p>Category 1: High priority matters requiring immediate action/review.</p> <p>Category 2: More complex matters requiring immediate action/review.</p> <p>Category 3: Straightforward matters than can often be resolved quickly with minimal additional work, including mediation, negotiation, or informal resolution.</p>
<p>Executive Management Group (EMG)</p>	<p>Key governance group supporting the auditor-general comprising the auditor-general (chair) and the assistant auditors-general.</p>



Natural justice	<p>Natural justice includes, amongst other things, three fundamental principles, being:</p> <ul style="list-style-type: none"> <li>• Right to be heard - that something should not be done to a person that will deprive the person of some right, interest, or legitimate expectation of a benefit without the person being given an adequate opportunity to present the person's case to the decision-maker.</li> <li>• Absence of bias - the decision-maker must be unbiased.</li> <li>• Procedural fairness - procedural fairness, involving a flexible obligation to adopt fair procedures that are appropriate and adapted to the circumstances of the particular case.</li> </ul>
Public Interest Disclosure (PID)	<p>Disclosure about wrongdoing in the public sector that serves the public interest. For an allegation to be considered a PID under the <i>Public Interest Disclosure Act 2010</i> it must be:</p> <ul style="list-style-type: none"> <li>• public interest information about serious wrongdoing or danger</li> <li>• an appropriate disclosure</li> <li>• made to a proper authority.</li> </ul>
Referral	<p>Disclosure of information about the financial management and accountability of a public sector entity excluding QAO.</p> <p>A referral may include a public interest disclosure made to QAO as the appropriate authority for a disclosure which relates to waste of public funds.</p>

## Reference/links

State legislation	<p><i>Anti-Discrimination Act 1991</i></p> <p><i>Auditor-General Act 2009</i></p> <p><i>Crime and Corruption Act 2001</i></p> <p><a href="#"><u>Human Rights Act 2019</u></a></p> <p><i>Information Privacy Act 2009</i></p> <p><i>Ombudsman Act 2001</i></p> <p><i>Public Interest Disclosure Act 2010</i></p> <p><i>Public Records Act 2002</i></p> <p><i>Public Sector Ethics Act 1994</i></p> <p><i>Public Service Act 2008</i></p> <p><i>Right to Information Act 2009</i></p>
External code, protocol, and standard	<p><i>Code of Conduct for the Queensland Public Service</i></p>
QAO policy	<p>A02 Referral</p> <p>A15 Disclosure of Audit Related Information</p> <p>A18 Complaints involving corrupt conduct</p> <p>G06 Public Interest Disclosure</p> <p>P02 Managing Employee Complaints</p>
QAO procedures	<p>Official review procedures (refer to the Senior Information Officer)</p>
QAO documents	<p>QAO Factsheet – Complaints</p>
Other resources	<p>Queensland Ombudsman – what complaints can be referred</p>



## Further information

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Should you require any further information or clarification in relation to this policy, please contact the Senior Manager.

Although every effort is made to ensure policies, procedures and guidelines are comprehensive and comply with relevant legislation, it is acknowledged that errors may occur. Staff who identify any discrepancies are to advise the Senior Manager immediately.

## Policy review statement

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This policy will be reviewed every two years from the last approval date, or when there is a significant change in the intent of the policy.

