# Complaints Policy (External)



**Queensland Advocacy for Inclusion**

|  |  |
| --- | --- |
| **Applies to:**  | All employees (full-time, part-time or casual), volunteers (including students), management committee members and contractors (collectively referred to as ‘workplace participants’) undertaking work with, for, or on behalf of QAI. |
| **Review Date:** | February 2025 |

# Policy purpose

Queensland Advocacy for Inclusion (QAI) is committed to delivering high quality legal and advocacy services to people with disability to protect and advance their rights and interests. We expect our workplace participants to always conduct themselves appropriately and respectfully towards others. We welcome feedback and complaints about our services and the way we provide them so that we can continuously improve and better serve our clients and community.

QAI will engage with people and organisations providing feedback and complaints in a respectful way and will provide assistance to people who need it to make or advance a complaint.

This policy outlines the process for QAI clients and stakeholders to provide feedback or make a complaint, including how the feedback or complaint will be dealt with, the way we will keep people informed about the progress and outcomes of their complaints, mechanisms for escalation and the timeframes for completion of these processes.

QAI has been declared an ‘entity’ under section 60 of the *Human Rights Act 2019* and is subject to the same obligations as a public entity under that Act*.*

# Definitions

**Complainant**: Any person who lodges a complaint with QAI.

**Complaint**: An expression of dissatisfaction, either verbally or in writing, from a member of the public about QAI workplace participant conduct, service, procedure, practice, or policy.

**Feedback:** Information describing a person’s reaction to the conduct of a QAI workplace participant, a service, procedure, practice or policy that is used as a basis for improvement. The reaction may be negative or positive.

**Investigating officer:** The officer to whom a complaint is referred for initial management and investigation.

**Investigation**: Reviewing an action or activity in response to a complaint.

# Guiding principles

QAI will apply the following principles when managing and responding to feedback and complaints:

* **Respectful** – we will deal with feedback and complaints in a respectful way and will acknowledge the impact of inappropriate actions on our clients and stakeholders; we will receive and respond to complaints empathetically, equitably and confidentially.
* **Accountable** – we will provide fair and transparent mechanisms for managing complaints and feedback in a timely way; we will accept responsibility for poor conduct, service, procedure, practice and policy when we should.
* **Responsive** – we will provide information (and support if needed) to clients and stakeholders about how to provide feedback and complaints; we will keep them informed about the progress of their complaint, the outcome of any investigation and how to escalate it further if they are not satisfied.
* **Continuous** **improvement** – we will use feedback and complaints as an opportunity to learn and to improve our services, procedures, practices and policies; we recognise that effective complaints policies help protect and advance the rights of our clients and stakeholders.
* **Human** **rights-focused** – we will identify whether complaints involve human rights issues and will manage and respond to all complaints in a way that respects the dignity and human rights of all parties.

# Positive feedback

Clients and stakeholders can use a [feedback form](https://www.surveymonkey.com/r/C5D2MJX) ([**Attachment A**](#_ATTACHMENT_A)) to provide feedback to QAI. Clients and stakeholders are not required to use this form to provide feedback and can give feedback in a way that suits their accessibility needs.

Positive feedback about a QAI workplace participant, service or another aspect of our operations:

* will be shared with the workplace participant and their supervisor
* may be shared with the workplace participant's team and other workplace participants
* may be de-identified and shared in internal reports, funding reports and submissions and annual reports
* may be published with the consent of the client or stakeholder.

# Non-positive feedback

Sometimes, clients and stakeholders provide feedback about QAI workplace participants, services, procedures, practices, and policies that does not amount to a formal complaint but is providing constructive criticism based on a person’s experience or view of a service or some other aspect of QAI’s operations.

QAI welcomes all feedback from clients and stakeholders.

Non-positive feedback about a QAI workplace participant, service or another aspect of our operations:

* will be shared with the workplace participant and their supervisor
* may be shared internally to encourage action to address the issues it raises.

Where appropriate, QAI may provide information to the client or stakeholder about any action or changes to services, policies, procedures or practices that might have been taken in response to the feedback.

# Complaints process

This section of the policy outlines how complaints about human rights, QAI workplace participants’ and management committee members’ conduct, services, procedures, practices and policies will be managed.

## Who can make a complaint

Anyone can make a complaint about QAI, including clients, members and members of the public. Anyone who makes a complaint can be supported through the complaint process by anyone of their choosing. This includes, but is not limited to, family members, friends, advocates, interpreters and community elders.

## How to make a complaint

Complaints can be made verbally, in writing or in a method that suits a person’s accessibility needs. QAI respects the right for any person to have an external advocate as part of the complaints process. If a complainant requires assistance from an interpreter, QAI will arrange the interpreter in the complainant’s preferred language.

To provide an outcome to a complaint, QAI will need to know:

* who is making the complaint
* what they are making the complaint about
* what outcomes they would like as a result of making the complaint.

To assist with making a complaint, a complaint form has been provided in[**Attachment B**](#_ATTACHMENT_B:_Complaint_1)**.** A complainant is not required to use this form to make a complaint and can make a complaint in a way that suits their accessibility needs, for example, in person, over the phone or by email.

## Referral to investigating officer and acknowledgement of receipt of complaint

In all instances, complaints will be referred to the Chief Operating Officer (COO) for oversight and recording. The COO will refer the complaint to the appropriate officer (the investigating officer) for management and investigation.

In most cases complaints will be referred as follows:

* Complaints about front office processes will be managed and investigated by the COO.
* Complaints about client services will be referred to the Principal Lawyer or Advocate responsible for the service about which the complaint is made.
* Complaints about members of the QAI management team, QAI’s systemic advocacy activities and human rights complaints will be referred to the Chief Executive Officer (CEO).
* Complaints about the CEO will be referred to the President/Vice President of the management committee.

Within **1 business day** of receipt of the complaint, the investigating officer will acknowledge receipt of the complaint on behalf of QAI by letter, email or phone call to the complainant. A copy of this policy will be provided to the complainant and they will be offered support, if required, to progress their complaint.

A flowchart outlining the complaints and internal review process is at [**Attachment C.**](#_ATTACHMENT_C:_Flowchart)

## Complaints about criminal conduct and professional misconduct

Where a complaint raises allegations which, if proved, would amount to criminal conduct or professional misconduct by a QAI workplace participant, the complaint should be referred immediately to the CEO who will contact the complainant and recommend they make a complaint to the Queensland Police Service or the Legal Services Commission, as appropriate.

Where it is considered appropriate, the CEO may also make a complaint about the conduct of a QAI workplace participant to the Queensland Police Service or the Legal Services Commission.

Action will be taken against the workplace participant in accordance with QAI’s Employee disciplinary policy and processes subject to the outcome of a police or Legal Services Commission investigation.

## Informal resolution of complaint

In the first instance, the investigating officer will endeavour to resolve the issue informally with the complainant within one to **two business days**. If the matter is resolved, the investigating officer will write a letter to the complainant (informal resolution letter) outlining how the complaint was resolved and what action was, or will be, taken (if any).

## Formal resolution of complaint

If the investigating officer is unable to resolve the complaint informally with the complainant, within **two business days**, they should notify the complainant that the matter is being treated as a formal complaint and advise them of the next steps to occur in the process.

Within **three business days after notifying the complainant** that the matter is being treated as a formal complaint the investigating officer will review the complaint and the service or issue complained about and provide a written response to the complainant in the form of a formal finalisation letter.

## Human rights complaints

If a client or stakeholder believes QAI, its workplace participants or management committee have acted in a way or made a decision that is not compatible with human rights or did not properly consider human rights in making a decision, they can make a complaint.

The CEO or management committee will respond to the complainant within **45 business days**.

If the CEO or management committee has not responded in that time or the complainant considers the response received to be inadequate, they have the right to make a complaint under the Human Rights Act to the Queensland Human Rights Commission.

## Complaints about members of the management committee

Complaints (other than human rights complaints) against a member of the management committee will be referred to the President of the management committee in the first instance. The President, or their delegate, will endeavour to resolve the issue informally within **five business days** and formally within **10 business days**.

The President or their delegate should follow the process outlined above for managing and investigating complaints.

## Dissatisfaction with complaints outcome

If a complainant is not satisfied with the outcome of their complaint, they have the following options:

**1) Ask for additional information** – if the complainant has questions about the decision or the reasons, they can ask for clarification from the original decision-maker. If the complainant remains dissatisfied with the additional information provided, they can request an internal review of the decision.

**2) Consideration of new information about a substantive issue** – if the complainant obtains new information which relates to a substantive issue in the complaint after the initial decision about the complaint has been made, they can provide it to the original decision-maker for consideration. The original decision-maker will consider the new information and decide whether it alters their decision or warrants further investigation. If the original decision-maker decides that the new information does not alter their original decision, the complainant can seek an internal review of their complaint.

**3) Internal review** – an internal review is an impartial review of a decision about a complaint.

**4) Complain** tothe [Queensland Human Rights Commission](https://www.qhrc.qld.gov.au/complaints/making-a-complaint) if their complaint relates to an action or decision that affects their human rights under the Human Rights Act.

**5) Complain** tothe government agency that funds the particular client service that the complaint was about. (Information about the government agencies that fund QAI’s various services is at [**Attachment D**](#_ATTACHAMENT_D:_Contact)**.**)

**6) Complain** to the [Legal Services Commission Queensland](https://www.lsc.qld.gov.au/contact-us), if their complaint is about a lawyer’s conduct or QAI as a community legal centre (see [**Attachment D**](#_ATTACHAMENT_D:_Contact)for a list of contact details).

## Internal reviews of complaints

Where complainants are not satisfied with the outcome of a complaint in the first instance, they can seek an internal review of the original complaint decision.

An internal review is not a re-investigation of the complaint, although this may be recommended by the reviewer.

In each case, the internal review of the complaint will consider whether the original decision-maker:

* identified and addressed all the relevant issues including potential breaches of the Human Rights Act
* obtained and considered appropriate information and evidence
* complied with legislative requirements and QAI’s internal policies and procedures
* made the correct decision
* adequately explained the original decision
* acted consistently with their obligations under the Human Rights Act.

The complainant requesting the review must outline why they think the original decision in relation to their complaint was incorrect, unreasonable or wrong or why the investigation or interpretation of the information and evidence was deficient. The complainant can provide additional information to support the request for a review.

The internal review will be completed within **10 business days** of the complainant’s request for the review or after additional information is provided by the client for consideration by the reviewer.



**Queensland Advocacy for Inclusion**

Advocacy people with disability.

# ATTACHMENT A: Feedback Form

Your feedback is important to us and helps improve our services.

If you would like to give feedback, please take the time to complete this short, confidential survey.

We may share statistics gathered in QAI’s annual report or other material, but only in an anonymous, de-identified way. Your comments (and your name) will only be shared outside of QAI if you give us express permission to do so.

## How you can give feedback

[Complete online](https://www.surveymonkey.com/r/C5D2MJX)or find it at [www.qai.org.au/about-us#contact](http://www.qai.org.au/about-us#contact)

****

**Call us** to give verbal feedback on 07 3844 4200

**Send this form back** to PO Box 3384, South Brisbane QLD 4101

Or email to qai@qai.org.au

## Which service did you receive assistance from?

|  |  |
| --- | --- |
| [ ]  Human Rights Advocacy Practice | [ ]  Disability Royal Commission Advocacy |
| [ ]  Mental Health Advocacy Practice | [ ]  Young Peoples Advocacy |
| [ ]  Justice Support Advocacy | [ ]  Systems Advocacy |
| [ ]  NDIS Appeals Advocacy | [ ]  Do not know |
| [ ]  NDIS Decision Support Advocacy | [ ]  Other:  |

## How did we help you? (Tick any that apply)

|  |
| --- |
| [ ]  I received personalised advice or assistance |
| [ ]  I was represented at a hearing |
| [ ]  I was referred to another organisation |
| [ ]  I received general information only (including website information, factsheets etc.) |
| [ ]  I was supported in speaking to various parties and negotiating the system |
| [ ]  I was not helped |
| [ ]  I received other help: |

## Please answer the following:

|  | **Yes** | **Maybe** | **No** | **Not applicable** |
| --- | --- | --- | --- | --- |
| I got the help I wanted from QAI (even if it was not the outcome I was hoping for) | [ ]  | [ ]  | [ ]  | [ ]  |
| QAI staff were professional and respectful | [ ]  | [ ]  | [ ]  | [ ]  |
| QAI helped me to understand my legal problem and my options | [ ]  | [ ]  | [ ]  | [ ]  |
| QAI met my cultural and personal needs | [ ]  | [ ]  | [ ]  | [ ]  |
| I would recommend QAI to other people | [ ]  | [ ]  | [ ]  | [ ]  |

## Would you like to tell us why?

For example, if you did not get the help you wanted, what help did you want?

|  |
| --- |
|  |

## Any other comments, suggestions or feedback?

|  |
| --- |
|  |

## Do you consent to QAI using your comments for promotional purposes, for example, on our website or annual report?

|  |
| --- |
| [ ]  Yes, **AND** you can use my name |
| [ ]  Yes, **BUT DO NOT** use my name |
| [ ]  No |

## Would you like to be contacted to be involved in focus groups, consulted about changes to systems, or become a member of QAI?

If yes, we will retain your contact details and contact you when opportunities arise. You can also like our Facebook page <https://www.facebook.com/queenslandadvocacy/> or visit our website <https://qai.org.au>.

|  |
| --- |
| [ ]  Yes, my preferred method of contact is: |
| [ ]  Please send me information about how to become a member of QAI  |
| [ ]  No, please do not contact me |

|  |  |  |  |
| --- | --- | --- | --- |
| **Name (optional):** |  | **Date:** |  |

# ATTACHMENT B: Complaint form

|  |
| --- |
| Who is your complaint about? |
|  |
| When did it happen? |
|  |
| Where did it happen? |
|  |
| What is your complaint about? |
|  |
| What outcome would you like as a result of your complaint? |
|  |

**If you would like a response to your complaint, please provide your contact details.**

|  |  |
| --- | --- |
| **Name of person making complaint:** |  |
| **Form completed by:** |  |
| **Date:** |  |
| **Phone:** |  |
| **Email:** |  |

# ATTACHMENT C: Complaints Process Flowchart



## Receive complaint

* Record in complaints register
* Acknowledge receipt within 1 business day
* Assign to Investigating Officer

## Informal resolution

* Investigating Officer to resolve informally
* Notify complainant within 3 business days
* Close complaint **OR** Escalate to formal investigation

## Formal investigation

* Formal investigation by Investigating Officer
* Investigation provided within 10 business days

## Communicate outcome

* Investigating Officer to provide finalisation letter notifying complainant of outcome
* Close complaint **OR** Escalate to internal review

## Internal review

* Assign Review Officer
* Review of formal investigation by Review Officer
* Review provided within 10 business days

## Communicate outcome

* Review Officer to notify complainant of outcome
* Close complaint **OR** Refer for External Review

## External complaint

* Complaint made by complainant to funders, the Legal Services Commission or for a human rights complaint, the Human Rights Commission

## Who investigates complaints?

| **Complaint Type** | **Investigating Officer** |
| --- | --- |
| Front Office | Chief Operating Officer |
| Client Services | Principal Solicitor or Principal Advocate |
| Human Rights ComplaintSystemic AdvocacyManagement Team Member | Chief Executive Officer |
| Chief Executive Officer Management Committee Member | President or Vice President |
| Legal professional conductEthics issues | Chief Executive Officer Notify professional indemnity insurer |

## Who conducts internal reviews?

| **Investigating Officer** | **Review Officer** |
| --- | --- |
| Chief Operating Officer | Chief Executive Officer |
| Principal Solicitor or Principal Advocate | Chief Executive Officer |
| Chief Executive Officer | President or Vice President |
| President or Vice President | Management Committee |

# ATTACHAMENT D: Contact details

If you are unsure which department has funded the service you have received, please check with QAI so they can provide you the appropriate contact details.

The [Commonwealth Department of Social Services (DSS)](https://www.dss.gov.au/contact/feedback-compliments-complaints-and-enquiries/feedback-form) can accept complaints about programs it funds.

DSS is the funding body for the following programs:

* Decision Support Pilot program,
* National Disability Insurance Scheme Appeals program,
* Disability Royal Commission program, or
* Systemic Advocacy program

To make a [complaint to DSS](https://www.dss.gov.au/contact/feedback-compliments-complaints-and-enquiries/complaints-page): a person can contact them on:

Telephone: 1800 634 035

Fax: 02 6133 8442

Email: complaints@dss.gov.au

Mail: DSS Feedback, GPO Box 9820, Canberra ACT, 2601

Or by using the [online complaints form.](https://www.dss.gov.au/contact/feedback-compliments-complaints-and-enquiries/feedback-form)

The [Queensland Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP)](https://www.dsdsatsip.qld.gov.au/contact-us/compliments-complaints/how-give-us-your-feedback) can accept complaints about programs it funds.

DSDSATSIP is the funding body for the following programs:

* Young Peoples program, and
* Disability Advocacy Pathways (“Pathways”).

To make a [complaint to DSDSATSIP](https://www.dsdsatsip.qld.gov.au/contact-us/compliments-complaints/how-give-us-your-feedback), a person can contact them on:

Telephone: 1800 491 467

Email: feedback@dsdsatsip.qld.gov.au

Mail: Complaints and Investigations Unit, Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships, GPO Box 806, Brisbane QLD, 4001

[Education Queensland (EQ)](https://qed.qld.gov.au/contact/customer-compliments-complaints) can accept complaints about programs it funds.

Education Queensland is the funding body for the Education Advocacy program.

To make a complaint to EQ a person can contact the Director of Disability, Inclusion and Student Services on:

Email: Support.Diversity@qed.qld.gov.au

Mail: Director, Disability, Inclusion and Student Services, Department of Education, PO Box 15033 City East QLD, 4002

The [Queensland Department of Justice and Attorney-General (DJAG](https://www.justice.qld.gov.au/about-us/contact/compliments-complaints/compliments-complaints-form)) can accept complaints about programs it funds.

DJAG is the funding body for the following programs:

* Human Rights Legal Service,
* Natural Disaster Disability Advocacy program,
* Justice Support Program, and
* Mental Health Advocacy Practice.

To make a [complaint to DJAG](https://www.justice.qld.gov.au/about-us/contact/compliments-complaints), a person can contact them on:

Telephone: 13 74 68

Email: mailbox@justice.qld.gov.au

Mail: Department of Justice and Attorney General, GPO Box 149, Brisbane QLD, 4001

Or by using the [online complaints form.](https://www.justice.qld.gov.au/about-us/contact/compliments-complaints/compliments-complaints-form)

[Legal Aid Queensland (LAQ)](https://www.legalaid.qld.gov.au/System-Pages/Compliments-and-Complaints-form) can accept complaints about its preferred suppliers. QAI is a preferred supplier for:

* Legal representation before the Mental Health Review Tribunal.

To make a complaint to LAQ, a person can contact them on:

Telephone: 1300 65 11 88

Fax: 07 3917 0249

Mail: Legal Aid Queensland – Head office, GPO Box 2449, Brisbane QLD, 4001

[Legal Services Commission Queensland](https://www.lsc.qld.gov.au/contact-us) (LSC) can accept complaints about the conduct of lawyers and legal services.

To make a complaint to the LSC, a person must make the complaint in writing using the LSC [complaint form.](https://www.lsc.qld.gov.au/__data/assets/pdf_file/0012/649677/2020-complaint-form1-fillable.pdf) Once the complaint form has been completed, it can be sent to:

Email: lsc@lsc.qld.gov.au

Mail: Legal Services Commission, PO Box 10310, Adelaide Street, Brisbane QLD, 4000

For more information, the LSC can be contacted on:

Brisbane: 07 3564 7726

Locations outside of Brisbane: 1300 655 75