



Purpose

This procedure is intended to provide guidance to Office of the Health Ombudsman (OHO) employees in handling service delivery complaints and is to be read in conjunction with the Service delivery complaints policy.

Application

This procedure and its associated policy apply to all OHO permanent and temporary employees as well as contractors, employment agency staff, work experience students and volunteers in the course of undertaking their duties with the OHO.

Legislative provisions

- *Human Rights Act 2019*
- *Information Privacy Act 2009*
- *Public Records Act 2002*
- *Public Sector Act 2022*

Related resources

- Service delivery complaints management policy
- Unreasonable complainant conduct policy and procedure
- Human Rights policy
- Queensland Ombudsman – how to complain
- Guidelines for complaint handling in organisations ISO 10002:2022
- Customer vulnerability – Requirements and guidelines for the design and delivery of inclusive service ISO 22458
- [Queensland Public Service Customer Complaint Management Framework](#)
- [Queensland Public Service Customer Complaint Management Guideline](#)
- [Queensland Government Guide: Handling human rights complaints](#)

What is a service delivery complaint?

A service delivery complaint is an expression of dissatisfaction (either written or verbal) made by a person (or authorised third party) who is apparently directly affected by the service of action of the OHO and/or our employee/s where a response or resolution is explicitly or implicitly expected or legally required. This includes the following:

- a decision, or a failure to make a decision
- an act or failure to act
- an act or decision that is not compatible with human rights

- the formulation of a proposal or intention by the OHO
- the making of a recommendation by the OHO
- customer service provided by an employee.

However, not every expression of dissatisfaction warrants management as a service delivery complaint. Exclusions are detailed within the Service delivery complaints policy.

Considering, classifying and identifying action officers

Once a complaint is confirmed to be a service delivery complaint, consider the following:

- Has the complaint been made within three months of the complainant becoming aware of their issue? If not, are there extenuating circumstances? (see policy for considerations of extenuating circumstances). Where the complaint is out of time and there are no extenuating circumstances to consider, then the complaint may not be accepted.
- What is the specific service delivery issue raised?
- How should the complaint be classified (i.e. straightforward or complex/serious)?
- Does the assessment of the complaint raise alleged breaches of the human rights contained in the *Human Rights Act 2019*? If so, consult with Director Legal Services before dealing with the complaint. Refer to Guide: Handling human rights complaints.
- Based on the subject of the complaint and its classification, who should deal it?
- What outcome is the complainant seeking?
- Has relevant supporting information been provided?
- Does further information need to be requested or enquiries made?

When assessing complaints, particular considerations include the nature and seriousness of the complaint, the quantity and quality of information and capability of productive review or outcome. Anonymous complaints should be assessed against the same criteria as any other service delivery complaint. The *Human Rights Act 2019* requires all government agencies in Queensland to act compatibly with human rights and to consider human rights before making a decisions. Any escalation to a senior officer should be undertaken as soon as possible. Escalations must include all relevant information and any action taken.

The below criteria provide guidance for determining complaint classifications and identifying appropriate action officers:



Classification	Action officer	
	Receiving officer	Escalate to senior officer
<p>Straightforward complaints are likely to have minimal risk or detriment to the complainant or the OHO.</p> <p>Examples include:</p> <ul style="list-style-type: none"> complaints about incorrectly addressed correspondence minor delays minor communication difficulties low-level concerns about OHO policy or process (e.g. taking issue with a decision to require written confirmation of a verbal health service complaint). <p>These complaints are more likely to have been made informally and directly to the employee concerned.</p> <p>Complaints of this nature are suited to frontline informal resolution.</p> <p>The timeframe to resolve these complaints is 10 business days but may be extended.</p>	<p>If the complaint is about an individual employee, they should attempt to resolve it informally with the complainant.</p> <p>If the complaint is received by an employee but is about someone else – they should refer the complaint to that person who will then consider the complaint to determine, whether they should attempt informal resolution or escalate the matter.</p> <p>Any receiving officer may choose to provide an explanation to address complaints about policy or process.</p>	<p>The complaint should be immediately escalated if:</p> <ul style="list-style-type: none"> the complainant requests someone else deal with the complaint (including if correspondence is addressed to the Health Ombudsman or the complainant asks to speak to a manager) the employee is not confident that they can deal with the matter fairly or feels that the complainant will perceive them as not capable of dealing with it fairly when the problem is clearly outside the employee's delegation or area of expertise if the complaint is from a public sector agency or a Member of Parliament* the complainant is still dissatisfied after an employee has attempted informal resolution.
<p>Complex/serious complaints involve a medium or high-level of risk/detriment to the complainant or the OHO.</p> <p>Examples include:</p> <ul style="list-style-type: none"> complaints about significant delays a challenge to the conduct or competency of the employee 	N/A	<p>All serious complaints must be referred to a senior officer for the relevant work unit irrespective of whether the receiving officer considers they have merit.</p> <p>This referral is to occur immediately upon receiving the complaint.</p>



- Human rights complaints

The timeframe to resolve these complaints is 20 business days but may be extended.

Note: the OHO has up to 45 business days to deal with a human rights complaint.

Responding to service delivery complaints

Guiding principles for informal complaint resolution:

- respond in an objective manner
- be courteous
- seek clarification and confirm issues, relevant information, and outcomes sought (i.e. summarise the main points made and ask whether the understanding is correct)
- generally acknowledge the complainant's sense of grievance, justified or not
- provide information that will assist the complainant to better understand the matter they are complaining about
- ask the complainant how they would like their dissatisfaction to be addressed
- attempt to meet any reasonable requests that would resolve the matter.

Where the receiving officer is unable to resolve the complaint at first contact:

- advise the complainant about the complaint process and indicative timeframe for response
- where appropriate, advise that the matter will be discussed with management to explore options to resolve the complaint
- where the complainant makes a human rights complaint or where the complaint provides information which is assessed as a human rights complaint, the senior officer must consult with Director, Legal Services. This consultation will determine who is best placed to deal with the complaint.

What outcomes can be expected?

Each complaint is unique and will need a solution that addresses the complainant's particular concerns. Some possible outcomes of a complaint include:

- an expression of empathy or regret that the complainant has suffered some form of detriment without admitting any fault
- offering an apology where it is apparent that the employee was at fault
- providing explanations and giving reasons for a decision or action
- undertaking some remedial action
- expediting the work on a matter where there has been some delay



- training for the employee concerned
- informal or formal management action taken against the relevant employee, including formal disciplinary processes under the OHO's [Discipline Policy](#).

All service delivery complaints must be acknowledged within three business days of receipt. Complaints may be declined on assessment if it is considered that no action is warranted. Examples include frivolous or vexatious complaints. Complainants should be advised of the outcome and reasons.

It may not always be possible to satisfy a complainant. Common sense will dictate whether the receiving officer or manager has achieved everything that the complainant could reasonably expect from this Office. The complainant should be told in clear terms what the receiving officer, senior officer and the OHO can and cannot do.

When responding to a service delivery complaint, the action officer must provide information about the complainant's internal review rights. An example is below:

If you are not satisfied with our response, you may ask for an internal review. You should make this request in writing within 3 months of receipt of this correspondence/email. Your request should outline why you are asking for an internal review. You lodge your request for an internal review at info@oho.qld.gov.au. Please contact <insert officer name, position, phone number> if you require any further information.

Where a response identifies potential information privacy and human rights issues during the management of a service delivery complaint, complainants should be advised of the external oversight options in relation to these issues as they may be available to the complainant prior to the completion of the OHO's internal review process.

Internal review of service delivery complaints

In the following circumstances it may be necessary for a service delivery complaint to be reviewed.

- where a straightforward or serious complaint has not been able to be resolved by the receiving staff member's Team Leader/Manager; or
- where the Team Leader/Manager/Director/Executive Director is subject of a complex/serious complaint or an unresolved straightforward complaint; or
- where the complainant remains dissatisfied with the outcome and requests an internal review

Where an internal review of a service delivery complaint is also assessed as a human rights complaint, consultation must occur with Director, Legal Services in regards to who is most appropriate to deal with the complaint.

A Director may undertake a review where the decision-maker was a Team Leader or Manager and the Director has not otherwise been involved in the matter. In these circumstances, the Director must consult with their Executive Director.

Where the service delivery complaint has been handled in the first instance by a Director, or where the Director is the subject of the complaint, the Executive Director to whom they report may undertake the review provided they have not otherwise been involved in the matter.

Where the Executive Director has been involved in the matter, or the Executive Director is the subject of the complaint, the Health Ombudsman may undertake the review or appoint another Executive Director to conduct the review.

Any appointed reviewers should have had no previous involvement in the matter, have no conflict of interest and be impartial, qualified and/or experienced to conduct the review.

Where the complaint concerns an employee, the review must be conducted in accordance with natural justice and the employee complained about must be provided with an opportunity to provide their version of events.

Where the complaint concerns OHO process or policy, consideration must be given to the merits of changing practice, as well as barriers.

Sufficient information should be gathered to make a decision, provide reasons and identify appropriate actions for resolution. The work required to be undertaken in relation to the review will depend upon the nature and substance of the allegations.

It is not necessary to undertake a significant review in circumstances where the complaint is non-specific, lacks substance or supporting evidence, or is assessed as being of a vexatious nature.

A review should be undertaken as quickly as possible but should be finalised within 20 business days of receipt of the review request. If the complainant remains dissatisfied following a review, they should be advised of their external review option through the Queensland Ombudsman. Many external review requests will be within the Queensland Ombudsman jurisdiction. Other external options depend on the nature of the complaint include: the Office of the Information Commissioner or the Queensland Human Rights Commission. Contact details for these entities must be included in the correspondence where applicable.

Where the Health Ombudsman has appointed an Executive Director to undertake the review, the reviewer is to provide the Health Ombudsman with a written report on the findings and recommendations. The Health Ombudsman will consider the report and decide the outcome, including any remedies.

Where there is an unresolved service delivery complaint about the Health Ombudsman, the complainant should be advised of their external review option through the Queensland Ombudsman.

Feedback and monitoring

Where an employee is the subject of a service delivery complaint, they will be advised of the outcome. Staff may choose to access services through the OHO's [employee assistance program – Lifeworks](#).

Where appropriate, management action may be taken in relation to the employee with a view to preventing a repetition of any error or unsatisfactory service that may have occurred. Where a formal disciplinary process is deemed appropriate, it will proceed in line with the OHO's [Discipline Policy](#).

It is important that the complaint is provided with information regarding the outcome of their complaint or any internal review within the timeframes detailed in this procedure.

Recordkeeping

The OHO maintains a Service Delivery Complaints Register to facilitate publication of complaint statistics in compliance with section 264(3) of the *Public Sector Act 2022* and section 97 of the *Human Rights Act 2019*. The register is maintained by Executive Services; information to be recorded in the register is sent to executive@oho.qld.gov.au.

Where a straightforward complaint has been made during a general interaction with an OHO employee and the receiving officer is able to satisfactorily resolve the complaint during the interaction then it is not necessary to report the matter specifically as a service delivery complaint. Details of any conversation and correspondence must be recorded on the relevant Resolve case or, for non-health service complaint matters, as part of normal business recording for that type of interaction (e.g. Finance).

Where a straightforward complaint has not been resolved during the first contact, has been made outside the course of a general interaction with an employee and/or has been escalated to a senior officer, details of the complaint must be recorded in the Service Delivery Complaints Register and Content Manager. Executives Services will create a file note on the relevant Resolve case indicating a Service Delivery Complaint has been dealt with including Content Manager reference number.

All straightforward complaints not resolved by receiving officer at first point of contact and all serious/complex complaints must be recorded in the Service Delivery Complaints register. All human rights complaints are categorised as complex/serious.

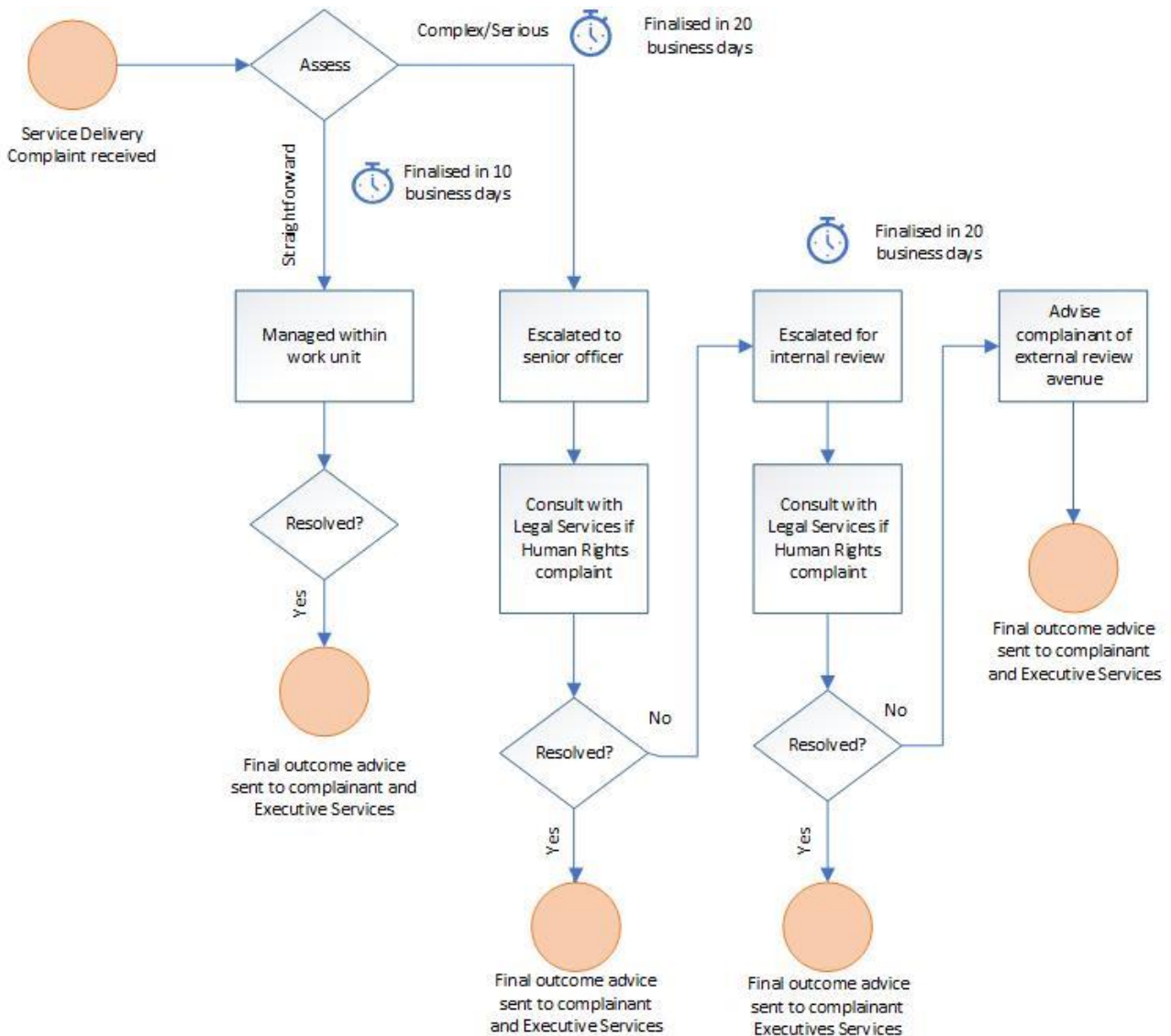
Where matters are recorded in the Service Delivery Complaint Register, details of any conversations and correspondence will be saved Content Manager.

Training

All staff will be provided with training in how to identify, manage and record a complaint dealt with under the Service delivery complaints policy and procedure upon induction. Senior officers who have specific complaint responsibilities may consider enrolling in complaint training courses run by the Queensland Ombudsman.

Process

It is acknowledged that complaints and complainants are unique with diverse needs, abilities, and personal circumstances. The action officer should pro-actively identify risk factors that may cause vulnerability, such as age, impairment or disability, mental health issues, low income, sudden change in circumstances, rural/remote factors, issues accessing digital services and tailor management as required. However generally, service delivery complaints will follow the process below:



Note: Timeframes for finalising complaints may be extended.

Definitions

Complex/serious	A service delivery complaint which is complex/serious with medium or high level risk/detriment to the complainant or the OHO. Examples include a complaint about significant delays, a challenge to the conduct or competency of the officer, or serious communications difficulties.
Complainant	Person, organisation or their representative (including clients, consumers, service users, customers etc) who is apparently directly affected by the service or action of the OHO, making a complaint.
Directly affected	The complainant or an authorised third party must have sufficient connection to the complaint. Their interest must be greater than the concerns of a merely interested bystander who has no direct interest in the outcome. They must be the person who rights or interests would be affected if the decision or action remained.



External review	A review of the management of a complaint by an external entity to the OHO.
Human rights	Human rights means the rights stated in part 2, divisions 2 and 3 of the <i>Human Rights Act 2019</i> .
Internal review	An internal review is an objective, independent and impartial merits review of the complaint process and outcome, it is not a re-investigation.
Receiving officer	The officer who first receives a service delivery complaint.
Reviewer	Directors, Executive Directors or Health Ombudsman may conduct a review of the handling or outcome of a service delivery complaint.
Senior officer	A Team Leader, Manager or Director.
Service delivery complaint	A expression of dissatisfaction (either written or verbal) made by a person (or authorised third party) who is apparently directly affected by the service or actions of the OHO or an OHO employee/s in the course of carrying out the OHO's functions, for which a response or resolution is explicitly or implicitly expected.
Straightforward	A service delivery complaint which is likely to have minimal risk or detriment to the complainant or the OHO. Examples include incorrectly addressed correspondence, minor delays or minor communication difficulties.
Employee/s	All temporary and permanent employees, consultants, contractors, students or any other person who provides us with services on a paid or voluntary basis.
Unreasonable complainant conduct	Conduct is likely to be unreasonable if it involves actions or behaviours which, because of the nature of frequency, raises substantial health, safety, wellbeing, resources or equity issues for the OHO, its staff, other service users or the complainant themselves.


Version control

Version no.	Changes made
0.1	Updated to align with <i>Public Service Act 2008</i> , <i>Human Rights Act 2019</i> and <i>AUS/NZ 1002:2002</i> .
1.0	Approved
1.1	Updated to reflect introduction of <i>Public Sector Act 2022</i> , provides further guidance on dealing with a complaint that is human rights complaint and the Queensland Public Service Commission Customer Complaint Management Framework and Guideline.
2.0	Approved

Approval

Effective date	25 September 2023
Last reviewed	8 September 2023
Next review	September 2026



Contact	Prue Beasley, Director OHO
Custodian	Director, Office of the Health Ombudsman
Approved by	Dr Lynne Coulson Barr OAM, Health Ombudsman
Approval date	25 September 2023
Signature	
Security classification¹	Official

¹ NB. This footnote is intended to provide guidance when deciding the security classification of information.

Official – routine information without special sensitivity or handling requirements and a low business impact per document if compromised or lost. For example, information that may be shared across government agencies.

Sensitive – information that requires additional handling care due to its sensitivity or moderate business impact if compromised or lost. For example, information containing legal professional privilege.

Protected – information that requires the most careful safeguards due to its sensitivity or major business impact if compromised or lost. For example, cabinet documents.