



Purpose

The Office of the Health Ombudsman (the OHO) is committed to managing service delivery complaints in a way that is accessible, responsive, fair, transparent and in a manner that is compatible with human rights. The OHO is committed to using the information from service delivery complaints to inform practice and quality improvements. Responding effectively to complaints about the OHO, is also important to OHO's role in maintaining public confidence in the health service complaints management system.

Service delivery complaints are managed in accordance with s264 of the *Public Sector Act 2022* and are underpinned by the complaint management principles outlined in the *Australian Standards IS1002:2022 Guidelines for complaint management in organisations*.

Application

This policy and its associated procedure 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

- *Crime and Corruption Act 2001*
- *Health Ombudsman Act 2013*
- *Human Rights Act 2019*
- *Information Privacy Act 2009*
- *Public Interest Disclosure Act 2009*
- *Public Records Act 2002*
- *Public Sector Act 2022*

Supporting documents

- Service Delivery Complaints procedure
- Unreasonable Complainant Conduct policy and procedure
- Human Rights policy
- [Queensland Ombudsman – How to Complain](#)
- Guidelines for complaints handling in organizations ISO 10002:2018
- 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](#)



Scope

This policy applies to a written or verbal complaint made by a person (or authorised third party) who is apparently directly affected by the service or action of the OHO and/or our employees 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.

Exclusions

This policy does not apply to complaints where:

- someone responds adversely when provided with information that they do not agree with (i.e. a response of dissatisfaction that is immediate, of a venting nature, and/or non-specific); these communications may not amount to a service delivery complaint. Examples include verbal outbursts or derogatory exclamations such as 'you're wrong' or 'you're useless' directed towards a staff member by a complaint party
- a party to a complaint disputes a decision made under the *Health Ombudsman Act 2013* such as a decision not to accept a complaint or a decision made to take no further action following an assessment process or an investigation, the party should be advised to contact the [Queensland Ombudsman](#)
- certain decisions made under legislation which can only be overturned or changed using an internal and/or external review process set out in the legislation
- a complaint assessed as a public interest disclosure (PID) made under the *Public Interest Disclosure Act 2010* is to be managed in accordance with the OHO Public Interest Disclosure policy
- a complaint which includes an allegation/s or corrupt conduct as defined in section 15 of the *Crime and Corruption Act 2001* is to be managed in accordance with the Requirements for Reporting Corrupt Conduct policy
- a Right to Information request and Information Privacy complaint is lodged
- an internal employee complains about an area of the OHO or a particular officer with the complaint to be managed in accordance with the Internal Complaints policy and procedure.



Principles

The following principles will govern the OHO's management of service delivery complaints:

Accessibility

- Any person who is directly affected by the service or actions of OHO in a matter can make a complaint under this policy, including a person who has been authorised by a party who has been directly affected.
- Accept complaints verbally or in writing via a range of formats. Information about how to lodge a service delivery complaint is published on our website.
- Assist complainants to make a complaint, in particular people with a disability or impairment, children or those from a culturally and linguistically diverse background.
- Anonymous complaints, while not encouraged, are accepted.
- There is no cost to lodge a service delivery complaint.

Responsiveness

- Complaints will be acknowledged and responded to in a timely manner in accordance with the Complaints Management model set out below.
- Complainants will be updated at appropriate intervals about their complaint's progress.
- Complaint outcomes, systemic improvements and actions requiring attention following the consideration of a complaint will be communicated to the complainant, relevant divisions or employees within the OHO in a timely manner.
- Complaint trends and systemic issues will be provided to the OHO Executive Leadership Committee on at regular intervals and used to inform continuous improvement initiatives.

Objectivity and Fairness

- Service delivery complaints management will be objective, fair, respectful, consistent, in accordance with the principles of natural justice and without actual or perceived conflicting interests.
- Service delivery complaints will be assessed to determine how they should be dealt with, and by whom.
- Complaints assessed as unsuitable for handling by the OHO may be referred to an appropriate external agency.
- All complaints will be considered on their merits - the substance of a complaint and opportunities for resolution will determine the approach and the level of resources dedicated to it.
- Complainant expectations will be managed by ensuring the complainant is aware of the process, timeframes, their likely involvement, the possible outcomes of the complaint and any other necessary information.
- Advise complainants of their internal and external review right options, if needed.



Feedback and reporting

- Use complaints information for business improvement and employee development.
- Undertake bi-annual reporting to identify trends and issues.
- Publish complaints information on our website annually.

Human rights compatibility

- The OHO is committed to respecting, protecting and promoting human rights.
- Under the *Human Rights Act 2019* the OHO has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision to give proper consideration to human rights. When making a decision about service delivery complaints, decision makers must comply with this obligation.

How to complain

Where possible, OHO employees will attempt to resolve a service delivery complaint informally at first point of contact (e.g. on the phone or via email).

Where informal resolution is unsuccessful, a service delivery complaint can be lodged:

- via email to the relevant business area, or to info@oho.qld.gov.au with “Service delivery complaint” included in the subject line
- via letter to PO Box 13281 George Street Brisbane Qld 4003
- via facsimile to (07) 3319 6350
- via the [Queensland Government website](https://www.qld.gov.au)
- by making a verbal complaint to an OHO employee
- by completing the Service Delivery complaint form available on our website.

The OHO will meet the reasonable costs of services which assist people with hearing or vision impairments or who may require a translation and interpreting service.

- The Queensland Government Translation and Interpreting Services are available for complainants who are unable to speak or write English. They are available at www.qld.gov.au/languages or by phoning (TIS National) on 131 450.
- The National Relay Service is available for people with hearing or vision impairments (*133 677 TTY/Voice or 1300 555 727 (Speak and Listen)).

A service delivery complaint should include:

- name, address, email and telephone number
- previous case reference number (if applicable)
- a concise summary of the nature of complaint (e.g. why/how the service provided was of concern)
- name/s of officers involved



- the desired outcome/s if known.

Anonymous complaints are accepted however, it can be more difficult to investigate a complaint without all the relevant information.

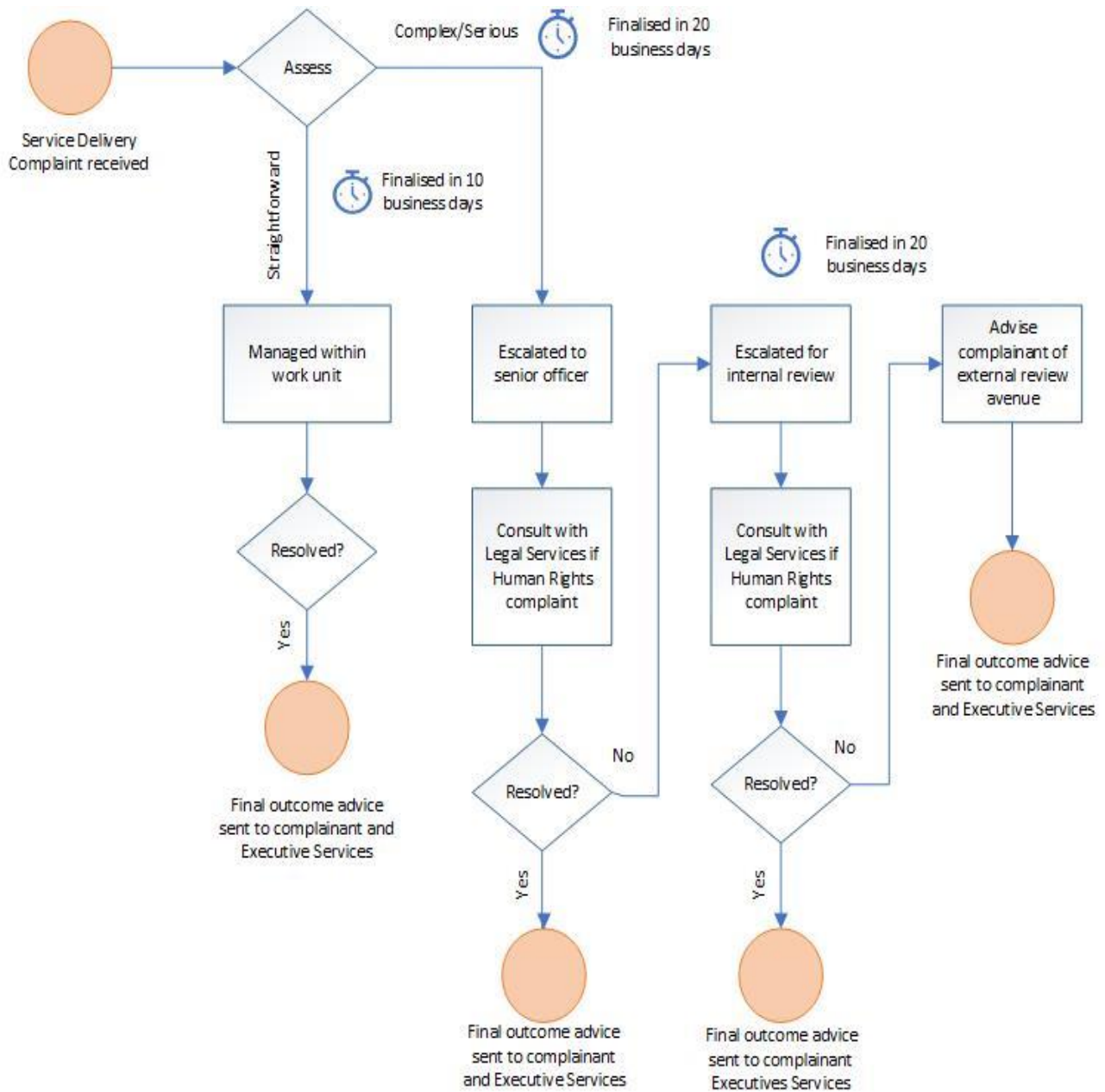
Service delivery complaints should be made no later than three months after the day the complainant became aware of the action being complained about, in order to enable timely assessment and responsive management of the issues raised. If more than three months have passed since the action resulting in the complaint, consideration will be given on a case by case basis regarding any circumstances such as ill-health and/or personal issues impacting on the complainant's ability to address the concerns. The assessment of the complaint will take into account any extenuating circumstances and the seriousness and complexity of the complaint.

Complaint management model

The way in which a complaint should be managed will depend on both how it is classified and how it was received.

Anonymous complaints should be assessed against the same criteria as any other complaints. When assessing complaints, particular considerations include the nature and seriousness of the complaint, the quantity and quality of information and capability of productive outcome.

The complaint will be assessed to determine whether it is straightforward or serious/complex, and will follow the below approach:



Note: Timeframes for finalising complaints may be extended.

Where a complainant is dissatisfied with the outcome of their complaint or how the complaint was handled, they are entitled to seek an internal review by an appropriate OHO officer. A request for an internal review should be made within three months of the communication of the decision.

If a complainant remains dissatisfied after an internal review, they can request an external review from the Office of the Queensland Ombudsman.

Where a complainant is dissatisfied with the OHO response to their complaint about a human rights matter they can make a complaint to the [Queensland Human Rights Commission](#).

Managing unreasonable complainant behaviour

The OHO recognises that in managing complaints fairly, efficiently and effectively, all parties to a complaint have certain rights and responsibilities. The OHO will ensure that our work health and safety responsibilities and duty of care are met. The obligation extends to OHO employees who deal with complainants. The OHO will ensure appropriate strategies are in place for managing unreasonable complainant conduct fairly, ethically and rationally (e.g unreasonable persistence, demands, lack of cooperation, unreasonable arguments and behaviour). Please refer to Unreasonable conduct by members of the public – policy and procedure for further information.

Recordkeeping

Within its annual report each year, the OHO will report the number of service delivery complaints received, the number of complaints where action was taken, and the number that resulted in no further action.

Publishing this information is required by section 264 of the *Public Sector Act 2022* and section 97 of the *Human Rights Act 2019*.

The Director, Office of the Health Ombudsman, will report to the Executive Leadership Committee on a six monthly basis regarding any trends in service delivery complaints.

The Service Delivery Register will be used to identify improvements in the way the OHO deals with complaints covered by this policy.

Definitions	
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.
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.
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.
Human rights	Human rights means the rights stated in part 2, divisions 2 and 3 of the <i>Human Rights Act 2019</i>
Employees	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, resource or equity issues for the OHO, it's employees other service users or the complainant themselves.

Version control

Version no.	Changes made
0.1	Updated to align with <i>Public Service Act 2008, Human Rights Act 2019 and AUS/NZ 1002:2002.</i>
1.0	Approved
1.1	Updated to reflect introduction of Public Sector Act 2022, 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	17 November 2022
Next review	September 2026
Custodian	Office of the Health Ombudsman
Contacts	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.