

# Queensland Ambulance Service

## REVISED Complaints Management

### Policy Statement

Version No 2.0

Effective Date 1 July 2023

## 1 STATEMENT

In order to achieve excellence in ambulance services, the Queensland Ambulance Service (QAS) considers feedback (including compliments and complaints) from a range of sources to ensure that organisational performance is enhanced to meet the needs and expectations of the Queensland community through continuous improvement.

The QAS encourages feedback and acknowledges the rights of customers and employees to complain when a person is dissatisfied with a decision, or a service provided by the QAS.

The QAS is committed to the proactive management and prompt resolution of complaints, whilst ensuring the rights of all parties involved are upheld. All complaints are managed and resolved as they arise in an accountable, transparent and timely manner that is fair, and that adheres to the principles of natural justice and privacy and with consideration to human rights.

### 1.1 Our commitment to human rights

The QAS will respect, protect and promote human rights in our decision-making and actions in accordance with the *Human Rights Act 2019*.

## 2 PURPOSE

This Policy Statement forms part of the QAS Complaints Management Framework and specifies the principles of complaint management and resolution within the QAS.

The QAS has adopted a three-level customer complaint management model:

- Level 1 – Initial complaint handling
- Level 2 – Internal review
- Level 3 – External review.

This Policy Statement supports the QAS' obligation to implement a complaints management system that complies with the Australian Standard – Guidelines for complaint management in organisations.

The QAS Complaints Management Framework complies with the *Public Sector Act 2022* and is compatible with the *Human Rights Act 2019*.

### 3 SCOPE

This Policy Statement applies to all employees, volunteers, contractors and consultants of the QAS when managing complaints.

For the purposes of the QAS Complaints Management Framework, complaints may be categorised as either (i) Employee Complaints or (ii) Customer Complaints.

- Employee Complaints are to be specifically managed in accordance with the provision of the **QAS HR Procedure – Employee Complaints Management** or **Department of Health Human Resource Policy E12 – Individual Employee Grievances** (for HCC and RSQ employees) or through an industrial instrument.
- Customer Complaints are managed in accordance with the **QAS Procedure – Customer Complaints Management**.
- Customer Complaints regarding the Health Contact Centre are managed in accordance with the **Health Contact Centre Procedure – Consumer and General Feedback**.
- Customer Complaints regarding Retrieval Services Queensland are managed in accordance with the **Retrieval Services Queensland Procedure – Customer Complaints Management**.

A customer complaint requires the complainant to be directly affected (have a direct interest) by the matter they are complaining about, or the complainant must be making a representative complaint on behalf of someone who is directly affected.

All complaints received by the QAS will be managed through the QAS Complaints Management Framework, regardless of the source of the complaint.

#### 3.1 Out of scope

This policy does not apply to opinions, questions, enquiries, requests for information or feedback from a customer about a QAS service or action of the QAS, or its employees.

The following types of complaints are excluded under this policy and are managed through the relevant legislation, policies and procedures:

- Reports of suspected corrupt conduct and public interest disclosures that are dealt with under the *Crime and Corruption Act 2001* and the *Public Interest Disclosure Act 2010*;
- Complaints dealt with under the *Right to Information Act 2009* and the *Information Privacy Act 2009*;
- Complaints that are being managed by a third party such as the Queensland Ombudsman;
- Complaints that are primarily contractual in nature;

- Matters that are subject to legal proceedings;
- Complaints and concerns raised by suppliers or members of the public about procurement activities that may be dealt with under the Queensland Procurement Policy;
- Complaints about matters that have already been dealt with by the QAS or are currently being dealt with by another agency or department; and
- Complaints from customers who are not directly affected.

## 4 POLICY PRINCIPLES

The *Public Sector Act 2022* and the Public Sector Commission Directive: 11/20 'Individual employee grievances', require the QAS to have a complaints management system.

The following principles underpin the QAS' approach to complaint management and are aligned to the guiding principles as set out in the Australian Standard on complaint management.

### 4.1 Facilitating Complaints

4.1.1 The QAS respects and supports an individual's right to make a complaint and will ensure that:

- feedback and complaints are proactively sought and received;
- complaints can be made by representatives including family members, friends or organisations that act in support of the complainant;
- complainants have the right to be supported by a friend, advocate, interpreter and/or community elder;
- human rights, privacy and confidentiality are protected, respected and promoted;
- people making complaints are treated with respect;
- complainants are not adversely affected by the complaint made by them or made on their behalf;
- potential vulnerability of a complainant is taken into consideration and relevant information on how to make a complaint is readily available and easy to access, understand and use;
- assistance is provided to people who wish to gain access to information about making complaints, and guidance is provided about the complaints management process;
- complaints are accepted verbally and in writing via a range of formats;
- complaints may be anonymous complaints; however this may limit how the QAS can address the complaint;
- complainants will not be charged a fee to make a complaint;
- employees that have undertaken training in the QAS Complaints Management Framework are aware of the content of the complaints management procedures and can provide appropriate assistance to anyone who wishes to make a complaint; and

- employees responsible for the management and resolution of complaints have undertaken training in the QAS Complaints Management Framework and act in accordance with the requirements of QAS Complaints Management Framework.

## 4.2 Managing complaints

4.2.1 The QAS will make all reasonable attempts to resolve complaints locally and informally in the first instance, wherever possible.

4.2.2 The QAS will treat all complaints fairly and ensure that complaints management processes adhere to the principles of natural justice, confidentiality and privacy standards.

4.2.3 The QAS will endeavour to be as open and transparent as possible.

4.2.4 The QAS will consider human rights throughout the complaints management process and will act in a way that is compatible with human rights.

4.2.5 All complaints will be:

- managed effectively and efficiently, and wherever possible, within established complaint resolution timeframes; and
- resolved in a fair and objective manner having regard to the complexity of the issue/s comprising the complaint.

4.2.6 The QAS will ensure complainants are provided with accurate and timely information including acknowledging the complaint, the process being undertaken to resolve the complaint, expected resolution timeframes and any issues, including timeframes that cannot be met and/or complaints that are unable to be dealt with.

4.2.7 For complaints concerning more serious allegations such as allegations of misconduct or suspected corrupt conduct, local or informal management may not be appropriate. These complaints may require more senior officers to manage the complaint and may also require reporting to other agencies such as Office of the Health Ombudsman, Queensland Health's Ethical Standards Unit or the Queensland Police Service.

4.2.8 Actions taken to resolve complaints will:

- seek to implement appropriate remedies to the complainant and the QAS, taking into consideration the outcome sought by the complainant; and
- ensure a consistent approach to decision making.

4.2.9 Notification of the outcome of the complaint will be provided after a decision is made and will include adequate reason for the decision.

4.2.10 If a complainant is dissatisfied with the complaint process and decision made to resolve the complaint, they can seek to have an internal review conducted. If a complainant is

dissatisfied with the decision made at internal review, an application may be made to an appropriate authority for an external review, such as the Queensland Ombudsman.

4.2.11 When a complaint resolution process identifies systemic issues, or opportunities for improvement, these actions will be considered by the QAS and actioned accordingly (e.g. making administrative or procedural changes to improve outcomes).

### 4.3 Managing the parties

4.3.1 Complainants have a responsibility to work productively with the QAS so that the complaint can be resolved. The QAS will not tolerate conduct that is abusive, threatening, unreasonable, vexatious or makes inappropriate demands on the QAS' time, resources or employees.

4.3.2 The QAS does not condone conduct by complainants which is unacceptable. This may include actions or behaviours which, because of the nature or frequency, raises substantial health, safety, wellbeing, resource or equity issues for the QAS, its employees, its customers or the complainant.

4.3.3 As part of managing a complaint, the QAS will ensure that:

- clear behavioural expectations are communicated to both employees and complainants;
- the processes ensure the health and safety of employees, including identity protection if needed;
- there are strategies to manage unreasonable complainant conduct that will be underpinned by the principles of prevention, management and accountability;
- where multiple agencies or QAS work areas are involved, appropriate processes are established to ensure pre-arranged responsibilities for investigation and response to a complaint, being mindful of privacy and confidentiality obligations; and
- employees are empowered to manage complaints as relevant to their role in accordance with the QAS Complaints Management Framework.

### 4.4 Accountability and learning

4.4.1 The QAS will ensure appropriate procedures are developed, maintained and reviewed regarding the management and resolution of complaints.

4.4.2 Through the QAS Complaints Management Framework, complaints will be tracked and monitored to ensure compliance with established resolution timeframes.

4.4.3 The QAS will monitor and review complaints management processes regularly to:

- ensure investigations are complying with timeframes and maintaining appropriate levels of communication with the complainant/s;
- ensure all reporting requirements are being met and the complaints management systems in place are transparent and effective;
- identify complaint trends and outcomes;

- assess opportunities for improvement and the need for changes to the Complaints Management Framework and the operations of the QAS; and
- evaluate potential changes to the complaints management policy, procedures and supporting documents.

## 5 RESPONSIBILITIES

### 5.1.1 All employees must:

- Treat others with respect, dignity and comply with standards of appropriate and ethical behaviour, as described in the Code of Conduct for the Queensland Public Sector and related policies/procedures;
- ensure they remain aware of the requirements of the QAS complaints management framework as outlined by this policy and supporting documents;
- participate in the complaints management process by assisting and providing information where required; and
- engage in any processes in good faith, focusing on timely and fair resolution of issues.

### 5.1.2 Employees responsible for the management and/or resolution of complaints processes must:

- model appropriate and ethical behaviour at all times when dealing with complaints;
- ensure complaints are considered seriously, dealt with fairly and in accordance with established procedures and timeframes;
- ensure complaints management processes adhere to the principles of natural justice and with consideration to human rights;
- maintain confidentiality and provide support for a person who has made a Public Interest Disclosure, and monitor for signs of reprisal against a discloser, or any other person, particularly where a public interest disclosure has been made;
- provide relevant and timely information about the progress of complaints to relevant parties;
- ensure, where required, information or allegations of a serious nature are referred to the appropriate external agency/agencies;
- maintain accurate and up to date records and reporting regarding the handling of all complaints, including decisions, actions taken and reasons for decisions and actions;
- ensure all work practices and systems align with the requirements of this Policy Statement and Procedures comprising the QAS Complaints Management Framework;
- utilise the designated systems and processes for identifying, gathering, classifying, maintaining and storing complaint related records; and
- proactively identify systemic issues arising from complaints and ensure these are referred to the appropriate area for management.

### 5.1.3 The Commissioner is responsible for:

- the implementation and ongoing maintenance of the QAS Complaints Management Framework; and
- the implementation and ongoing maintenance of the QAS Policy Statement – Complaints Management.

### 5.1.4 The Medical Director is responsible for:

- the implementation and ongoing maintenance of the QAS Procedure – Customer Complaints Management; and
- implementation of those systems and processes that are necessary to support the operation of the QAS Procedure – Customer Complaints Management, including the provision of advice, training, and reporting to external agencies where necessary.

### 5.1.5 The Executive Director, Workforce, is responsible for:

- the implementation and ongoing maintenance of the QAS HR Procedure – Employee Complaints Management; and
- implementation of those systems and processes that are necessary to support the operation of the QAS HR Procedure – Employee Complaints Management, including the provision of advice, training, and reporting to external agencies where necessary.

### 5.1.6 The Executive Director, Health Contact Centre is responsible for:

- the implementation and ongoing maintenance of the Health Contact Centre Procedure – Consumer and General Feedback; and
- implementation of those systems and processes that are necessary to support the operation of the Health Contact Centre Procedure – Consumer and General Feedback, including the provision of advice and training.

### 5.1.7 The Executive Director, Retrieval Services Queensland is responsible for:

- the implementation and ongoing maintenance of the Retrieval Services Queensland Procedure – Customer Complaints Management.
- implementation of those systems and processes that are necessary to support the operation of the Retrieval Services Queensland Procedure – Customer Complaints Management, including the provision of advice and training.

## 6 GLOSSARY

TERM	DEFINITION
<b>Accessibility</b>	Accessibility is the degree to which a product, system or service is available to as many people as possible.
<b>Anonymous complaint</b>	A complaint lodged without contact information where it appears the complainant wants to retain anonymity. Anonymous complaints do not require further action unless sufficient information has been provided to address the content in the complaint.

<b>Compatible with human rights</b>	<p>An act of decision is compatible with human rights if the act or decision:</p> <ul style="list-style-type: none"> <li>(a) Does not limit a human right; or</li> <li>(b) Limits a human right only to the extent that it is reasonable and demonstrably justifiable in accordance with Section 13 of the <i>Human Rights Act 2019</i>.</li> </ul>
<b>Complaint</b>	<p>A Customer Complaint or an Employee Complaint.</p> <p><b>Customer Complaint:</b></p> <p>The <i>Public Sector Act 2022</i> defines a customer complaint as a complaint about the service or action of a department, or its employees, by a person who is apparently directly affected by the service or action.</p> <p>Includes a representative complaint made on behalf of someone who is directly affected.</p> <p>Includes, for example, a complaint about any of the following—</p> <ul style="list-style-type: none"> <li>(i) a decision made, or a failure to make a decision, by an employee of the department;</li> <li>(ii) an act, or failure to act, of the department;</li> <li>(iii) the formulation of a proposal or intention by the department;</li> <li>(iv) the making of a recommendation by the department; or</li> <li>(v) the customer service provided by a public sector employee of the department.</li> </ul> <p><b>Employee Complaint:</b></p> <p>A complaint made by a current employee who has an honest belief based on reasonable grounds that:</p> <ul style="list-style-type: none"> <li>(a) an administrative decision is unfair or unreasonable; or</li> <li>(b) the conduct or behaviour of an employee, agent or contractor is unfair or unreasonable or constitutes sexual or workplace harassment; and</li> <li>(c) the decision, conduct or behaviour has a substantial and direct adverse effect on the employee concerned.</li> </ul> <p><i>Note: If a QAS employee in a non-employment capacity is directly affected and dissatisfied with a QAS service (e.g. treatment of an ambulance officer for an injury, by the QAS), the complaint should be covered by the QAS Procedure – Customer Complaints Management. A complaint relating to an employee’s employment with the QAS is to be managed through the QAS HR Procedure – Employee Complaints Management.</i></p>
<b>Complainant</b>	<p>A person, organisation or representative who makes a complaint to an agency.</p>



<b>Complaint Management Framework</b>	All policies, procedures, practices, systems, employees and resources used to manage complaints within an agency.
<b>Corrupt conduct</b>	See section 15 of the <i>Crime and Corruption Act 2001</i> .  Examples of official corrupt conduct may include, but are not limited to: <ul style="list-style-type: none"> <li>• fraud or theft</li> <li>• unauthorised disclosure of confidential or patient information</li> <li>• misuse of authority for personal gain</li> <li>• unlawful assault in the workplace of patients or other staff</li> <li>• performing official duties while intoxicated or under the influence of drugs</li> <li>• deliberate or reckless conduct that results in patient harm.</li> </ul>
<b>Customer</b>	A person or organisation who is the end recipient of goods, services, products, information, advice or ideas.
<b>Directly affected</b>	To be directly affected, the complainant (or the representative of the complainant) must have a direct interest in the matter they are complaining about.
<b>External review</b>	A process available for specific types of complaints where an oversight agency, such as the Queensland Ombudsman, or other complaints handling organisation, investigates the handling of a complaint by an agency.  An external review will only occur after the complainant has progressed through the agency's complaint process in the first instance and exhausted any other right of review.
<b>Feedback</b>	Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly to or about the organisation, its products, services, employees or its handling of a complaint.
<b>Human rights complaint</b>	A complaint about an alleged contravention of Section 58(1) of the <i>Human Rights Act 2019</i> by a public entity in relation to an act or decision of the public entity.
<b>Internal review</b>	A merits review that reviews the complaint process and outcome to ensure it complied with policy or procedural requirements and that the outcome is the appropriate decision.  It is not a re-investigation of the complaint; it is an impartial review of a decision made about a complaint undertaken by an appropriate officer independent from the original decision-maker
<b>Natural justice</b>	An administrative law principle that provides for fairness in decision making. Natural justice has two rules:

	<p>(a) Rule against bias – decision makers are to be objective, free from bias, and have no personal interest in the matter being decided; and</p> <p>(b) Hearing rule – an individual is to be informed of the substance of any allegations against them and have the opportunity to present their case prior to a decision being made.</p>
<b>Privacy complaint</b>	A complaint by an individual about an act or practice of a relevant entity in relation to the individual's personal information that is a breach of the relevant entity's obligation under the <i>Information Privacy Act 2009</i> to comply with the privacy principles or an approval under Section 157 of the Act.
<b>Public Interest Disclosure (PID)</b>	<p>A disclosure of information about certain types of wrongdoing or danger. For the information, or complaint, to be considered a public interest disclosure and attract the protections afforded by the <i>Public Interest Disclosure Act 2010</i>, the information must be disclosed to a proper authority.</p> <p>The person disclosing the information must also have an honest belief, on reasonable grounds, that there is wrongdoing or danger (subjective test), or the information must tend to indicate the wrongdoing or danger, regardless of the belief of the person disclosing the information (objective test).</p> <p>For further information, please refer to the <i>Department of Health Human Resources Policy 15 (QH-POL-202) – Public interest disclosure</i>.</p>
<b>Reprisal</b>	An act of retaliation.
<b>Unreasonable complainant conduct</b>	Any behaviour which, because of its nature or frequency, raises substantial health, safety, resource or equity issues. Examples of unreasonable complainant conduct can include unreasonable persistence, unreasonable demands, unreasonable lack of cooperation, unreasonable arguments, and unreasonable behaviour.
<b>Vulnerability</b>	Vulnerability is a state of being especially susceptible to detriment due to circumstances including disability, age, literacy levels, gender, trauma and stress.

## 7 REFERENCES

- *Public Sector Act 2022*
- *Information Privacy Act 2009*
- *Public Records Act 2002*
- *Human Rights Act 2019*
- *Ambulance Service Act 1991*
- *Ombudsman Act 2001*
- *Health Ombudsman Act 2013*
- *Public Interest Disclosure Act 2010*
- *Crime and Corruption Act 2001*

- Australian Standard – Guidelines for complaint management in organisations (AS 10002-2022)
- Customer vulnerability – Requirements and guidelines for the design and delivery of inclusive service ISO 22458

## 8 RESOURCES

- Public Service Commission Directive: 11/20 Individual employee grievances
- Code of Conduct for the Queensland Public Sector
- Queensland Human Rights Commission Guide – Handling Human Rights Complaints
- Queensland Ombudsman – Policy and Procedure Guide
- Queensland Ombudsman Complaints management resource
- Queensland Ombudsman Policy and procedure guide
- Commonwealth Ombudsman Better Practice Complaint Handling Guide
- Department of Health Human Resource Policy E12 – Individual Employee Grievances (for HCC and RSQ employees)
- QAS Procedure – Customer Complaints Management
- QAS HR Procedure – Employee Complaints Management
- Health Contact Centre Procedure – Consumer and General Feedback
- Retrieval Services Queensland Procedure – Customer Complaints Management

## 9 AUTHORITY

This Policy Statement is authorised by the Commissioner, QAS.

## 10 AMENDMENTS REGISTER

Version 1.0 – May 2021	Version 1.0 – new policy statement.
Version 2.0 – May 2023	This revised Policy Statement is Version 2.0 and has been updated to reflect the revised Australian Standards – Guidelines for complaints management in organisations (AS 10002-2022).