



Complaints and grievances management policy

Version: 1.0 | **Version effective:** 22/01/2024

Audience

Department-wide

Purpose

This policy supports the Department of Education's (the department) obligations to manage and investigate complaints, including: customer complaints, individual employee grievances, complaints involving the public official (Director-General), privacy complaints, human rights complaints, public interest disclosures, complaints about early childhood education and care services, and complaints made by overseas students enrolled in an Education Queensland International (EQI) registered course.

Policy statement

The department is committed to effective and efficient complaints and grievance management. The department supports the right to make a complaint or grievance and strives to manage these matters in an accountable, transparent, timely and fair manner that is compatible with human rights.

Principles

| Principle | What this means for the department |
|--------------------------|--|
| Complainant focus | <ul style="list-style-type: none"> Everyone has a right to complain or raise a grievance and to not be adversely affected by their complaint or grievance. Anyone making a complaint or grievance will be treated with respect. The department's actions and decisions consider, and are compatible with, the human rights of all parties to a complaint or grievance. The department respects the confidentiality of personal information of complainants, aggrieved employees and others involved in the complaint or grievance. |

| Principle | What this means for the department |
|---|---|
| | <ul style="list-style-type: none"> The department proactively seeks and receives feedback and complaints. Complaints can be made anonymously (grievances excepted). |
| Accessibility and transparency | <ul style="list-style-type: none"> The department's complaints and grievance processes are free and accessible. The department clearly displays information about how and where complaints and grievances may be made either on the department's website, on OnePortal or at frontline service delivery locations. The department provides all reasonable assistance and support to make it easy to make a complaint or grievance. |
| Responsiveness | <ul style="list-style-type: none"> Complaints and grievances are recorded and timeframes for resolution are monitored. Complaints and grievances are acknowledged and responded to fairly, reasonably and in a timely manner. Complainants and aggrieved employees are kept informed about the progress of their complaint or grievance, and advised about the outcome reached, reasons for the department's decision, and any review options available. Where possible and appropriate the department involves the complainant in the complaints process. |
| Objectivity, fairness and equity | <ul style="list-style-type: none"> Complaints and grievances are managed objectively, without bias and in a way that is compatible with, and properly considers human rights. Natural justice and procedural fairness are embedded in complaint management activities and the department will take all reasonable steps to ensure that a person is not adversely affected because of a complaint made by them or on their behalf. If a complainant's or aggrieved employee's conduct is unreasonable, the department may implement strategies to manage the conduct so the complaint or grievance can be productively resolved and staff welfare and wellbeing is protected. |
| Accountability, continuous improvement | <ul style="list-style-type: none"> The department uses formal, documented processes to manage complaints and grievances. Departmental policies, procedures and practices are regularly reviewed to ensure relevance, accuracy and effectiveness. Complaint data is regularly analysed to understand performance and drive improvement, to ensure visibility of complaints trends and meet legislative reporting obligations. |

| Principle | What this means for the department |
|-----------|--|
| | <ul style="list-style-type: none"> Ongoing training and support are provided to staff managing complaints and grievances. |

Requirements

There is a variety of complaint and grievance legislation and directives with which the department must comply. These processes allow different types of complainants, within and outside the department, to raise grievances and make complaints about the department's decision-making, service delivery and staff conduct. The department is responsible for determining if and how a complaint or grievance should be dealt with. These decisions will be made in accordance with departmental policies and procedures.

1. Complaint and grievance management processes

Customer complaints

Section 264 of the *Public Sector Act 2022* (Qld) requires the department to establish and implement a system for customer complaints and report its annual customer complaints data on its website. The system must enable the department to:

- manage the receipt, processing and outcome of a customer complaint
- comply with the Australian Standard for customer complaints management
- notify a complainant about the outcome of their complaint (unless the complaint was anonymous).

The department is also required to comply with section 46 of the *Education (General Provisions) Act 2006* (Qld) for school complaints.

The department manages customer complaints (including human rights impacts) using the [Customer complaints management procedure](#), [Managing unreasonable complainant conduct procedure](#) and [Internal review procedure](#).

Privacy complaints

Chapter 5 of the *Information Privacy Act 2009* (Qld) allows a person to make a privacy complaint to the Office of the Information Commissioner, provided they have first complained to the department and 45 business days have elapsed without a response, or the response is considered inadequate.

Complaints about privacy must be managed under the department's [Information privacy and right to information procedure](#), which outlines who must manage these complaints and the timeframe for their completion.

Privacy complaints that are also customer complaints and engage human rights, must also be recorded in accordance with the Customer complaints management procedure and included in departmental reporting.

Complaints by overseas students enrolled in an Education Queensland International (EQI) registered course

Standard 10 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 requires registered providers to have an internal complaint handling and appeal process in place. The department is a registered provider and must therefore comply with the National Code.

Complaints about the service or action of EQI, EQI education agents or homestay providers are managed in accordance with the Customer complaints management procedure, Internal review procedure and International Student Programs standard terms and conditions. However, there are additional requirements for these complaints about timeframes for acknowledging and assessing the complaint. These timeframes are outlined in the [Complaints and appeals – subclass 500 \(schools\) visa procedure](#), alongside an internal appeals process.

Complaints about Early Childhood Education and Care (ECEC) services

The Chief Executive (Director-General) of the department is the regulatory authority responsible for regulating ECEC services in Queensland under the National Quality Framework (NQF) and the *Education and Care Services Act 2013* (Qld). As the regulatory authority, the department is required to have processes in place to receive, manage and investigate complaints about ECEC services in Queensland.

The department manages complaints about ECEC services in Queensland using the [Early childhood education and care complaints management policy](#).

Employee grievances

Sections 110 of the *Public Sector Act 2022* (Qld) and clause 7 of Directive 11/20: Individual employee grievances requires the department to establish and implement a system for dealing with employee grievances. The department's system must enable the department to:

- comply with the principles of individual employee grievance resolution as provided in clauses 4 and 8 of Directive 11/20: Individual employee grievances; and
- be supported by written policies and procedures that are readily available to employees.

Employee grievances are managed under the department's [Individual employee grievances procedure](#).

Misconduct or corrupt conduct

Complaints about alleged misconduct or corrupt conduct can be made under the *Crime and Corruption Act 2001* (Qld), Code of Conduct for the Queensland Public Service, and the department's Standard of Practice.

Complaints about misconduct or corrupt conduct are managed under the department's [Reporting fraud and corruption procedure](#) and the [Allegations against employees in the area of student protection procedure](#).

Public Interest Disclosures (PID)

The *Public Interest Disclosure Act 2010* (Qld) requires the department provide appropriate avenues for reporting allegations of wrongdoing or danger.

PIDs are managed under the department's [Making and managing a public interest disclosure procedure](#).

Complaints involving the public official (Director-General)

Sections 48A of the *Crime and Corruption Act 2001* (Qld) requires the department to have a policy in place for dealing with complaints that involve or may involve misconduct or corrupt conduct by the Director-General.

These complaints are managed under the [Complaints involving the 'public official' \(Director-General\) procedure](#).

Human rights

The *Human Rights Act 2019* (Qld) requires all staff to consider human rights when making decisions and make sure that decisions and actions are compatible with human rights. The Act also requires the department to include details in its annual report about any human rights complaints received and the outcomes of those complaints.

Complaints managed under each of the above complaints processes can also be human rights complaints and human rights must be considered as part of the complaints process.

2. Out of scope complaints

Some complaints are outside the scope of the department's Complaints and grievances management policy and are managed under different processes. These include:

- complaints about certain decisions made by departmental officers under legislation, such as the *Education (General Provisions) Act 2006* (Qld), *Education and Care Services Act 2013* (Qld), or *Education Services for Overseas Students Act 2000* (Cth). These decisions can only be overturned or changed using an internal and/or external review process set out in the legislation (if any). However, peripheral matters may be considered, such as whether the officer's conduct and behaviour during the decision-making process met departmental standards.
- complaints about decisions made by departmental officers under a contract with another party (such as a hire agreement or procurement contract). Any issues that arise will be dealt with under the contract.

3. The department's complaints and grievance handling approach

The department must manage complaints and grievances in accordance with this policy and the relevant procedures above.

Under each approach, the department aims to resolve complaints and grievances quickly at the frontline or the point where the complaint is received.

The department's approach ensures:

- complaints and grievances are managed responsively, using a clear and accessible process
- human rights are considered
- risks are mitigated because trends and issues are identified, and effective solutions put in place; and
- staff are empowered to resolve complaints and grievances promptly, effectively and efficiently.

4. Complainant rights and responsibilities

While complainants and aggrieved employees have a right to make a complaint or grievance, they also have balancing sets of responsibilities, which the department will make them aware of. These responsibilities are outlined in the relevant procedures above and on the department's website.

The department will not tolerate conduct that is abusive, threatening, unreasonable, vexatious, or makes inappropriate demands on the department's time, resources or staff. Staff safety and wellbeing is paramount and if complainant conduct creates an unacceptable risk, the department may discontinue contact with the complainant about the complaint. Aggrieved employee conduct will be managed under the Code of Conduct for the Queensland Public Service.

5. Monitoring and review

The department's complaints and grievance approach is reviewed regularly to ensure it continues to meet departmental needs and requirements. Information that informs these reviews includes:

- feedback from customers and staff
- the results of internal or external audits, or evaluations
- any changes in policy, legislation or organisational structure.

Definitions

| Term | Definition |
|--|---|
| Aggrieved employee | An employee who lodges an individual employee grievance. |
| Complaint | An expression of dissatisfaction about a service or action of the department by someone who is directly affected by the service or action. |
| Complainant | A person, organisation or their representative/advocate making a complaint about a service or action of the department. |
| Early childhood education and care services | This encompasses all service types regulated in Queensland under the National Quality Framework and the <i>Education and Care Services Act 2013</i> (Qld). |
| Education agent | Education agent registered with EQI to recruit students for EQI programs. |
| Employee | Any current department employee whether permanent, temporary, full time, part-time or casual. |
| EQI | Education Queensland International |
| External review | A process conducted by an external review body (for example, Queensland Industrial Relations Commission, Queensland Ombudsman or Queensland Human Rights Commission) to ensure departmental decision-making is fair, reasonable and proper. |

| Term | Definition |
|---|---|
| Human rights complaint | A complainant can make a human rights complaint if the department has: <ul style="list-style-type: none"> acted or made a decision in a way that is not compatible with human rights; or failed to give proper consideration to a relevant human right when making a decision. |
| Individual employee grievance | A grievance made by a current public service employee who has an honest belief, based on reasonable grounds, that: <ul style="list-style-type: none"> an administrative decision, which they are aggrieved by, is unfair and unreasonable; or the conduct or behaviour of an employee, agent or contractor is unfair and unreasonable; or the conduct or behaviour of an employee, agent or contractor constitutes bullying in the workplace, sexual harassment, racial vilification, religious vilification or vilification on the grounds of gender identity or sexuality; the conduct or behaviour of an employee is a breach of the Code of Conduct; or an act or decision is not compatible with human rights or a decision failed to give proper consideration to a relevant human right under the <i>Human Rights Act 2019</i> (Qld). |
| Overseas student | Student in Australia on visa subclass 500 (schools sector) enrolled in an EQI course. |
| Procedural fairness | Providing any party who may be affected by a complaint or grievance with a fair opportunity to be heard and a reasonable opportunity to respond to any claims. Procedural fairness is also known as natural justice. |
| Public official | In the context of this policy, 'public official' means the chief executive officer of a unit of public administration. This is the Director-General of the Department of Education. |
| Regulatory Authority | In Queensland, the regulatory authority is the Department of Education, which is responsible for administering and enforcing the National Quality Framework and the <i>Education and Care Services Act 2013</i> (Qld). |
| Resolution | A complaint is resolved when the issue raised is dealt with in line with the department's complaint policy and procedures. The resolution may or may not be to the complainant's satisfaction. |
| Unreasonable complainant conduct | Conduct is likely to be unreasonable if it involves actions or behaviours which, because of the nature or frequency, raises substantial health, safety, wellbeing, resource or equity issues for the department, its staff, other service users or the complainant themselves. The department's Managing unreasonable complainant conduct procedure provides more information. |

Legislation

- [*Education Services for Overseas Students Act 2000 \(Cwlth\)*](#)
- [*Human Rights Act 2019 \(Qld\)*](#)
- [*National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(Cwlth\)*](#)
- [*Public Sector Act 2022 \(Qld\)*](#)
- [*Education and Care Services National Law Act 2011 \(Qld\)*](#)
- [*Education and Care Services National Regulations \(NSW\)*](#)
- [*National Quality Framework*](#)
- [*Education and Care Services Act 2013 \(Qld\)*](#)
- [*Education and Care Services Regulations 2013 \(Qld\)*](#)
- [*Education \(General Provisions\) Act 2006 \(Qld\)*](#)
- [*Crime and Corruption Act 2001 \(Qld\)*](#)
- [*Industrial Relations Act 2016 \(Qld\)*](#)
- [*Public Sector Ethics Act 1994 \(Qld\)*](#)
- [*Public Interest Disclosure Act 2010 \(Qld\)*](#)
- [*Individual employee grievances \(Directive 11/20\)*](#)

Delegations/Authorisations

- [*HR Delegations Manual*](#) (DoE employees only)
- [*Delegation of Director-General's powers under Education \(General Provisions\) Act 2006*](#) section 46
- [*Director-General's delegations - Education and Care Services Act 2013 \(Qld\)*](#)
- [*Director-General's delegations - Education and Care Services National Law Act 2011 \(Qld\)*](#)
- [*Director-General's delegations - Education and Care Services National Regulations*](#)
- [*Chief Executive of the Regulatory Authority's nomination - Education and Care Services National Regulations*](#)
- [*Director-General's delegations - Education and Care Services Regulation 2013*](#)
- [*Director-General's delegations - Education and Care Services National Law \(Qld\)*](#)

Policies and procedures in this group

- [*Complaints and appeals – subclass 500 \(schools\) visa procedure*](#)
- [*Complaints involving the 'public official' \(Director-General\) procedure*](#)
- [*Customer complaints management procedure*](#)
- [*Customer complaints management - Internal review procedure*](#)

- [Individual employee grievances procedure](#)
- [Information privacy and right to information procedure](#)
- [Making and managing a public interest disclosure procedure](#)
- [Managing unreasonable complainant conduct procedure](#)
- [Reporting fraud and corruption procedure](#)

Supporting information for this policy

- [Child friendly complaint form](#)

Other resources

Employee grievances

- [Grievance submission form](#)
- [Request for internal review form](#)
- [Preventing workplace bullying and unlawful discrimination policy](#)
- [Preventing and responding to workplace sexual harassment policy](#)
- [Preventing and responding to workplace sexual harassment procedure](#)
- [Queensland Public Sector Commission](#)
- [Human Rights - OnePortal \(DoE employees only\)](#)
- [Public Sector Commission Role of Support Person Fact Sheet](#)

Customer complaints

- AS/NZS ISO 10002:2022– Guidelines for complaint management in organisations
- [Queensland Public Service Customer Complaint Management Framework](#)
- [Queensland Public Service Customer Complaint Management Guideline](#)
- [Guide: Customer complaints management and human rights](#)
- [Customer complaints management](#) (DoE employees only)
- [Making a customer complaint – Information for parents and carers](#)
- [Creating a child-friendly complaints process](#) (DoE employees only)

Complaints involving the Director-General as public official

- [Crime and Corruption Commission](#)

Early Childhood complaints

- [Early Childhood Education and Care](#)
- [The Australian Children's Education and Care Quality Authority](#)
- [Right to information and Information Privacy](#)

Education Queensland International Complaints

- [Client service standards](#)
- [Information management](#)
- [ISP standard terms and conditions](#)
- [PRISMS User Guide](#)
- [Student visa conditions](#)

Corrupt Conduct

- [Integrity Framework](#)

Public Interest Disclosures

- [Public interest disclosures](#)

Other

- [Code of Conduct for the Queensland Public Service](#)
- [Standard of Practice](#)
- [Student protection procedure](#)
- [Department of Education Compliments and complaints webpage](#)

Contact

Please refer to the relevant procedure for contact information.

Review date

22/01/2029

Superseded versions

Previous seven years shown. Minor version updates not included.

Nil

Creative Commons licence

Attribution CC BY

Refer to the [Creative Commons Australia](#) site for further information