



Policy – Feedback and Complaints Management

Policy Statement

1. The Mental Health Review Tribunal (**Tribunal**) is committed to receiving all types of feedback (including complaints) and to effective complaint management.
2. The Tribunal values the benefits of effectively managing feedback. Business enhancement, accountability and accessibility are central to an effective customer complaint management system.
3. Feedback will be treated with respect and, to the extent possible, confidentially.
4. When receiving and responding to complaints or feedback the Tribunal will consider its obligations as a public entity under the *Human Rights Act 2019*.

Scope

5. This policy sets the overall direction for complaint management in the Tribunal and supports compliance with section 264 of the *Public Sector Act 2022*.
6. This policy applies to all workers (members and staff) of the Tribunal and applies to feedback/complaints:
 - a) received from external sources (e.g. the public and other government agencies)
 - b) received about the services or workers of the Tribunal, including whether an action or decision limits human rights
 - c) received by an affected victim as defined in the *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Victims' Act) in relation to rights under the Charter of Victims' Rights
 - d) received anonymously
 - e) received via any means where a response or resolution is reasonably expected.
7. This policy does not apply to:
 - a) complaints about the products, staff or services of entities external to the Tribunal, including Authorised Mental Health Services
 - b) complaints regarding the decision made by a Tribunal member/panel at a specific hearing
 - c) complaints covered by existing statutory or policy obligations, for example: regarding corruption, fraud, right to information/privacy
 - d) worker grievances which are covered by the Tribunal's Policy and Procedure – Individual worker grievances.
8. A complaint is an expression of dissatisfaction made to, or about, an organisation, related to its products, services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.
9. It is the responsibility of the person receiving the feedback/complaint to determine if it constitutes a complaint under this policy. A manager may assist with this determination.



10. It may be impracticable to record a complaint every time someone casually expresses dissatisfaction with an aspect of a service provided. The Executive Officer and/or Senior Policy Officer will be best placed to decide the level of complaints captured.

Authority

- *Public Sector Act 2022*
- *Public Sector Ethics Act 1994*
- *Information Privacy Act 2009*
- *Ombudsman Act 2001*
- *Human Rights Act 2019*
- *Public Records Act 2002*
- *Victims' Commissioner and Sexual Violence Review Board Act 2024*
- Australian/New Zealand Standard 10002:2022- Guidelines for complaint management in organisations

Associated Documents

- Procedure – Feedback and Complaints Management
- Procedure – Difficult Callers
- Information Sheet - Complaints

Principles

11. This policy aims to support and contribute to high performance, engagement and continual improvement. The principles outlined below underpin the Tribunal's approach to customer complaint management. This policy is based on the following principles:

Principle	Tribunal's commitment
People focus	<ul style="list-style-type: none">• Proactively seek and receive feedback and complaints.• Treat people providing feedback with respect.• Where appropriate, involve complainants in the complaints process as far as practicable.• Accept complaints from representatives of consumers when they are acting in support of the person.• Make the feedback and complaints process as accessible to everyone as possible.• Complainants are not adversely affected because of a complaint made by them or on their behalf.
Visibility, transparency and access	<ul style="list-style-type: none">• Provide information about the complaints process on the Tribunal website, including how and where complaints may be made as well as any right of review available.• Take complaints in person, by phone, email and in writing.• A complainant will not be charged a fee to complain.• The Tribunal will provide reasonable and practical help and support to make it easy for all complainants to make a complaint by recognising the particular needs of people, including people with disability, people living in regional and remote areas, the



	aged and people from culturally linguistically diverse backgrounds.
Responsiveness	<ul style="list-style-type: none"> Respond to complaints fairly, reasonably and in a timely manner. Provide clear timeframes to complainants when complaints need to be escalated or investigated. Record and track complaints to monitor timeframes and provide complainants progress reports where necessary. Manage anonymous complaints in the same manner as any other complaint to the extent possible. Adequate resources, including trained staff, are available to manage complaints.
Accountability, learning and prevention	<ul style="list-style-type: none"> Record and review complaints to inform Tribunal practices and identify areas for potential improvement. Ensure staff are appropriately trained and educated to manage complaints effectively and consistently. Publish information about complaints trends and statistics annually.
Objectivity and fairness	<ul style="list-style-type: none"> Assess and respond to complaints fairly, objectively and without bias. Apply the principles of natural justice to all complaints. Take reasonable steps to ensure that a complainant is not adversely affected. Deal with complaints confidentially to the extent possible. Manage personal information in accordance with the <i>Mental Health Act</i> and <i>Information Privacy Act</i> as appropriate. When reviewing a decision, the review will be conducted by a person who was not the original decision maker and is no less senior. When necessary, staff responding to complaints may refuse to investigate a complaint if the complainant is considered abusive, vexatious or unreasonable.
Human rights	<ul style="list-style-type: none"> The Tribunal will respect, protect and promote human rights in our decision-making and actions in relation to complaint management. Staff handling complaints will properly consider human rights that are relevant to an action or decision taken by the Tribunal in response to a complaint.
Feedback	<ul style="list-style-type: none"> Adequate and timely feedback is provided to complainants about the progress of their complaint. Complainants are notified of available review mechanisms.
Remedies	<ul style="list-style-type: none"> Appropriate remedies that are fair to both the complainant and the Tribunal are offered. Complainants are able to request a remedy that is considered. Information resolution and compromise are attempted wherever possible. If a complaint cannot be resolved at the point of contact, it can be referred for further assessment, investigation or review.



Roles and responsibilities

President

12. The President is responsible for the following:
- a) ensuring that a complaint management framework is established and maintained
 - b) ensuring that staff handling complaints are appropriately trained and/or skilled and experienced
 - c) ensuring there are processes in place to review trends and themes in complaints and the effectiveness and efficiency of local processes
 - d) ensuring there is a complaints register for recording complaint data
 - e) cultivating a customer focus throughout the Tribunal
 - f) appointing a senior executive with overall strategic responsibility and authority for complaint management.

Executive Officer

13. The Executive Officer is responsible for the following:
- a) ensuring staff are aware of the complaint management process
 - b) ensuring information about the complaint management process is easily accessible to members of the public and is communicated in an easy to understand manner
 - c) overseeing the process for performance monitoring, evaluation and reporting on complaint management
 - d) publication of the Tribunal's complaints management data per the *Public Sector Act 2022* as required by 30 September each year
 - e) publication of the Tribunal's human rights complaints data as required by the *Human Rights Act 2019*
 - f) provide advice and guidance on the complaint management process
 - g) reporting to senior management on the effectiveness of and compliance with the complaint management process

Staff handling complaints

14. All staff handling complaints should:
- a) ensure complaints are managed according to the Tribunal's complaint management process
 - b) ensure the complaint is promptly acknowledged, assessed and resolved in a timely manner
 - c) participate in training and have knowledge of complaint management processes relevant to their role
 - d) ensure minimum complaint data is captured and recorded
 - e) treat complainants in a respectful and courteous manner
 - f) be able to identify and effectively respond to people's support and communication needs and preferences
 - g) ensuring the timely and appropriate notification to senior management of any significant complaints or systemic issues identified through complaints.

All staff

15. All staff at the Tribunal should:
- a) be aware of the Tribunal's complaint management process



- b) be aware of the value of complaints and feedback generally to the Tribunal
- c) be aware of their roles, responsibilities and authorities with respect to complaints
- d) be aware of the procedures to follow and the information to provide to complainants
- e) know how to recognise a customer complaint and have a general awareness of the various complaint types (e.g. customer, worker, corrupt conduct).

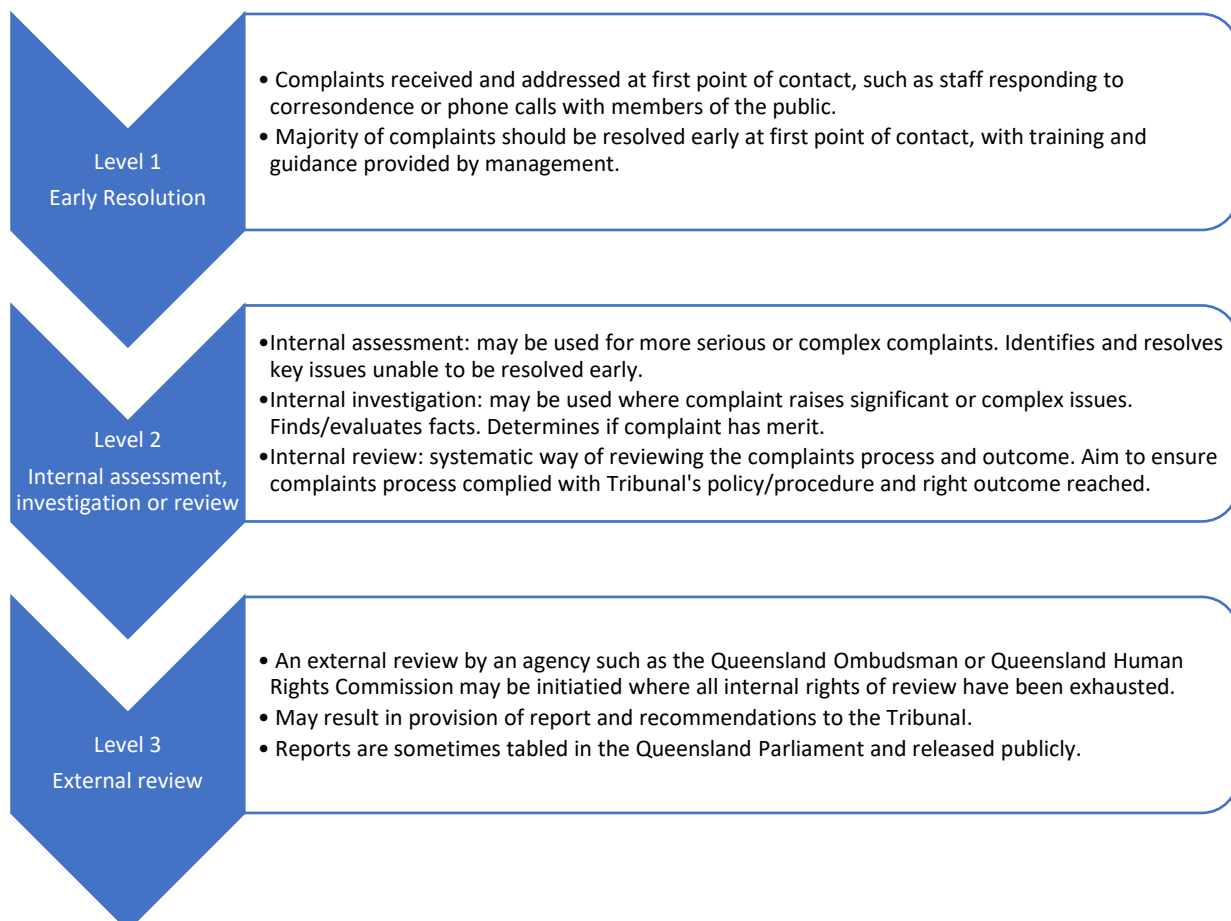
Policy

16. Complaints can be lodged with the Tribunal by:

- a) telephone
- b) email
- c) online form on the Tribunal's website
- d) in writing posted to the Tribunal's office.

17. When a person makes a complaint, the Tribunal staff member who is the first point of contact for the complaint will make an assessment as to whether the complaint is general feedback that requires no response or is a genuine complaint to which a response is either implied or explicitly requested. If in doubt, the staff member will liaise with their manager.

18. The Tribunal adopts a three-level customer complaint management model, which is designed to support the core principle of responsiveness by focussing on early resolution. The severity of the complaint should inform the management approach selected for each complaint.





19. Where possible, a resolution timeframe should be agreed with the complainant as soon as practicable (if it is unable to be resolved immediately).
20. The complexity of the complaint may help determine whether it should be managed initially as a Level 1 or 2 complaint, as per the diagram above.
21. A complaint would only be determined as Level 3 (external review) once all internal review processes had been exhausted.
22. A human rights complaint should be raised to the Tribunal initially before making contact with the Queensland Human Rights Commission.
23. The Tribunal will acknowledge receipt of a complaint within three business days.
24. The table below outlines complaint target resolution timeframes based on their complexity. Rationale for departures from these targets are to be communicated to the complainant and revised resolution timeframes agreed proactively.

Classification	Description	Target resolution timeframe
Simple	A complaint which is able to be resolve early at the point of first contact.	Resolved immediately at point of service
Standard	A complaint which may have more than one simple issue and requires further information and/or consultation to resolve.	Resolved within 10 working days of receipt
Complex	A complaint that has multiple complex issues and/or is serious in nature and usually requires a formal investigation.	Resolved within 30 working days of receipt

Review of a decision (internal or external review)

25. If a complainant is not satisfied with a response to a complaint, they may request an internal review of their complaint. The internal review should:
 - a) be made within a reasonable timeframe
 - b) be conducted by a more senior officer and has authority to overturn the previous decision and apply remedies, if necessary
 - c) assess the reasons why the complainant is dissatisfied with the outcome, identify the relevant information supporting their complaint and the outcome requested
 - d) be a systematic assessment of the process and/or merits of the original decision to ensure that it complied with policy or procedural requirements and the outcome reached was reasonable
 - e) communicate the outcome.



26. A request for an internal review of a decision must be received within 20 business days of the decision being made. Requests received outside of this timeframe may be actioned if the Tribunal considers there are reasonable grounds to do so.
27. The Tribunal prefers requests for internal review to be in writing wherever possible.
28. The request for internal review should include:
 - a) why the complainant is asking for an internal review
 - b) what outcomes the complainant is seeking from the internal review.
29. A complainant may also seek external review of their complaint. There is no external review process for complaints made under the Victims' Act. The appropriate external organisation will depend on the nature of the complaint and may include:

Queensland Ombudsman
(07) 3005 7000
GPO Box 3314, Brisbane, Qld, 4001
www.ombudsman.qld.gov.au

Queensland Human Rights Commission
1300 130 670
PO Box 15565, City East, Qld, 4002
enquiries@qhrc.qld.gov.au
www.qhrc.qld.gov.au

Privacy

30. The Tribunal must comply with the privacy principles in the *Information Privacy Act 2009* and the confidentiality provisions in the *Mental Health Act 2016* in its dealings with personal information. The Tribunal:
 - a) only collects personal information necessary for the administration of the complaint
 - b) informs parties to a complaint about the flow of personal information involved in the administration of the complaint
 - c) stores personal information to prevent unauthorised access, use, modification and disclosure
 - d) takes reasonable steps to ensure the personal information is accurate, complete and up to date before use
 - e) does not use the personal information obtained in the complaints process for secondary purposes
 - f) ensures limited disclosure of personal information obtained in the complaint process to third parties.

Reporting

31. The Tribunal keeps records of complaints received and managed and records the minimum complaint data requirements as outlined in AS/NZS 10002:2022 for each complaint. The Tribunal has processes in place to review and analyse complaint data at least once per year in order to identify trends and themes in complaints to inform improvements.



32. The *Public Sector Act 2022* requires the Tribunal to publish the following information for the financial year by 30 September each year:
- a) the number of customer complaints received
 - b) the number of those complaints resulting in further action
 - c) the number of those complaints resulting in no further action
33. The Tribunal is a government entity for the purposes of the *Victims' Act*. As such, where the Tribunal receives a complaint under that Act it is required to include the following information for the financial year in its annual report in addition to the information in point 32:
- a) the number of complaints received by the Tribunal in the financial year
 - b) the number of complaints made in relation to each general right and right relating to the criminal justice system under the victims charter
 - c) the number of complaints referred to another government entity in the financial year; and
 - d) how each complaint was dealt with by the government entity
 - e) any other information the Tribunal considers appropriate about each complaint.
34. The *Human Rights Act 2019* requires the Tribunal to publish the following information in its annual report:
- a) details of any action taken during the reporting period to further the objects of the Human Rights Act 2019
 - b) details of any human rights complaints received by the Tribunal, including the number of complaints, the outcome of the complaints and other information prescribed by regulation (in addition to the information in point 32)
 - c) details of review of policies, programs, procedures, practices or services undertaken in relation to their compatibility with human rights.