

DEPARTMENT OF JUSTICE

Feedback Policy

August 2016

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# Feedback Policy

## 1. Introduction

### 1.1. Background and Context

The Department of Justice (the Department) is committed to providing professional, courteous and efficient services across our organisation.

Our staff comply with our Service Standards. The Standards require state service employees to:

* treat all users of our services with respect and courtesy;
* listen to what users of our services have to say;
* personalise services to the needs and circumstances of each user of our services where practical;
* always do what they say they are going to do, or update the appropriate people promptly if things change, offering an explanation for the change;
* respond to enquiries promptly and efficiently; and
* consult the public and users of our services about their service needs.

In addition, the Department is committed to having accessible facilities.

The Department welcomes feedback about our service delivery in relation to its Service Standards.

**Policy Statement**

This Policy establishes a process for members of the public to provide feedback about the Department’s services when they believe that we have failed to meet the Service Standards listed above, or that our facilities were not adequate. Such feedback will assist the Department in understanding where it can provide a better service.

In addition to establishing a process for handling complaints, this policy also encourages users of our services to provide positive feedback, as appropriate.

The Department acknowledges that failure to fulfill its Standards impacts our ability to provide a professional, courteous and efficient service.

Examples of matters that this Policy covers include:

* communication by a staff member that does not adhere to the Service Standards;
* behaviour by a staff member that does not comply with the Service Standards;
* unreasonable delay in providing information or services;
* inadequate service, explanation or reasons;
* human error;
* procedural deficiency;
* inadequate knowledge/training of staff;
* poor facilities (such as unclean toilets, inadequate seating).

**Complaints outside the scope of this Policy**

This Policy is not designed to deal with all feedback.

If you have feedback for any of the entities listed in the table at Appendix A, please refer to the relevant body.

### 1.2 Purpose and Aim

The **purpose** of this policy is to:

* document an open, accessible and effective feedback process
* ensure consistency of practice across the Department when responding to complaints.

The **aim** of this policy is to:

* assist in enhancing public confidence in the Department
* recognise the needs and expectations of people who provide feedback
* increase the level of client satisfaction with the delivery of the Department’s services
* highlight avenues to improve the Department’s programs, policies and service delivery.

Through the course of investigating complaints, the Department will ensure procedural fairness. This means that:

* a person whose interests are likely to be affected will be given notice of relevant matters and a reasonable opportunity to present his or her case; and
* the process will be characterised by the objective appearance of impartiality and the absence of prejudgment.

## 2. Scope

This Policy provides information about:

* where and how you can give feedback
* in what situations you can give feedback
* how your feedback will be handled
* what information you should provide
* the Department’s process for handling feedback
* timeframes associated with the feedback process
* your options for review.

To enable the Department to ensure a high standard of service and meet our occupational health and safety obligations, or duty of care obligations to our staff, the following roles and responsibilities apply:

It is the responsibility of the Department to:

* deal with complaints professionally and efficiently
* keep complainants (a person who makes a complaint) informed of the progress and outcome of enquiries
* provide clear reasons for our decisions
* treat complainants with courtesy and respect and ensure that complainants suffer no detriment (such as intimidation, actual or threatened discrimination, disadvantage or adverse treatment) for making a complaint.

It is the responsibility of the complainant to:

* identify the issues of the complaint, and how they believe they do not meet the Service Standards
* give the Department all the available information about the complaint in an organised format at the time of making the complaint
* cooperate with the Department’s enquiries or investigations
* treat the Department’s staff with courtesy and respect.

### 2.1 Unreasonable complainant behaviour

Any abuse, harassment or threats to the safety or welfare of staff will result in the discontinuation of the complaint and all contact with the complainant will stop.

## 3. Lodging Complaints

### 3.1 Prior to lodging a complaint

**Step 1. Try to resolve the issue informally**

If you have a complaint to make, the first step is to discuss your concern/s with the manager of the area responsible for the service. You may find that doing this first will provide you with the quickest possible resolution of your concerns.

If you do not know who the relevant manager is, please contact us at communications@justice.tas.gov.au or 1300 13 55 13 and we will put you in touch with them.

If you are unable to resolve the matter at this level, or if your complaint relates to the manager, then you should proceed to Step 2 – give formal feedback.

**Step 2. Give formal feedback**

If your concern cannot be resolved at the point of service, or you are unhappy with the outcome, you can lodge a formal complaint as set out below.

### 3.2 What information should be provided

In making a complaint about the Department’s services, please provide the following information:

* Complainant’s details (anonymous feedback can be provided, however this limits our ability to contact you to clarify your complaint/compliment, and you will not be provided with an outcome)
* Who should be contacted regarding the complaint (i.e. complainant or representative’s contact details)
* Complainant’s or representative’s preferred contact method
* Details regarding the complaint (e.g. date, time, location, staff member(s) or output involved, incident or issue)
* Any organisation identifier (e.g. reference number, date of correspondence, name of author) relating to the complainant
* Any special assistance required by the complainant to interact with the Department
* Whether the issue has been raised previously, and if so details of this process
* The outcome sought
* Whether you wish the Department to contact you about your feedback

Please be as specific as possible in outlining the details of your feedback. Please call 1300 13 55 13 and ask to speak to the Director of Communications or Human Resources at Department of Justice if you are unable to lodge a complaint in writing.

### 3.3 Complaint Handling Process Overview

**Complaint Received**

* An individual's complaint/compliment is received in the communications@justice.tas.gov.au mailbox or via telephone at 1300 13 55 13.
* The relevant Director may contact the individual to clarify the nature of the feedback.

**Complaint Accepted**

* The Director will undertake a ‘quick assessment’ and determine whether the allegation appears to breach the Service Standards. If this is not the case, then the complaint will not be accepted. The complainant/s will be advised of this and no further action will be taken.
* If the ‘quick assessment’ concludes that there may have been a breach of the Service Standards, then the complaint will be accepted.
* If the ‘quick assessment’ concludes that there may have been a breach of the State Service Code of Conduct, then it will be re-directed to the Secretary, Department of Justice.

**Complaint Assessed**

* Once accepted, a complaint will be assessed across a range of factors, including severity, health and safety implications and complexity of the issues raised, in order to determine the appropriate manager to investigate the complaint.

**Complaint Investigated**

* Following this assessment, the Director will refer the complaint to the staff member’s line manager, output manager, Deputy Secretary, or Secretary where appropriate to investigate.

**Responding to a Complainant**

* Responses will detail the decision or finding and explain any outcomes.

For a detailed explanation of the process, please see **Appendix B**.

## 4. Information Management and Privacy

To assist the Department in identifying trends and/or risks, the Directors of Human Resources and Communications shall maintain a register of complaints. The register will not be made public.

The Department will maintain a central record of complaints data to encourage a consistent approach to complaints management, ensure an appropriate organisational response to problems disclosed by complaints, and ensure complaints handling processes are transparent and able to be readily audited.

There is a need to ensure the privacy of complaints both in respect of the complainant and where the complaint relates to the conduct of a staff member.

Where possible and to the Department’s best efforts, a complaint investigation will maintain confidentiality and privacy.

All Department personnel have an important legal obligation to carefully consider the appropriateness of publicly disclosing personal and privileged information. This obligation is covered in the *Personal Information Protection Act 2004*.  Personal information is collected and used in accordance with the Department’s [Personal Information Protection Policy](http://www.justice.tas.gov.au/justice/home/search?mode=results&queries_name_query=personal+information+protection).

If any person believes personal information has been handled other than in accordance with Tasmanian privacy laws they should direct their complaint in writing to:

Ombudsman

GPO Box 960

HOBART TAS 7000

We will ensure that your personal information will not be used or disclosed to others except if required or allowed by law.

We have implemented technology and security policies, rules and measures to protect the personal information that we have under our control from unauthorised access, improper use, unsanctioned alteration, unlawful or accidental destruction and accidental loss.

We will destroy personal information where it is no longer required (except where required to be kept in compliance with the Archives Act 1983).

## 5. When a complaint cannot be resolved

Whilst every effort will be made to satisfactorily resolve your complaint, in some instances, we may not be able to meet your expectations and you may not be satisfied with the outcome.

If so, you[can contact the Ombudsman who may review the Department’s handling of your complaint.](http://www.ombudsman.tas.gov.au/making_a_complaint/how_to_make_a_complaint)

## 6. Conflicts of interest

The Code of Conduct contained in section 9 of the *State Service Act 2000* states that:

*"An employee must disclose, and take reasonable steps to avoid, any conflict of interest in connection with the employee's State Service employment."*

A conflict of interest occurs when private interests interfere, or are seen to interfere, with public officer's duties. Private interests can be associated with a person’s family, friends or associates.

A conflict of interest can be actual, perceived or potential.

It is the duty of an investigator to report any conflict of interest at the earliest opportunity and to the most appropriate authority.

## 7. FAQs

***Will my complaint be confidential?*** Your personal information will be managed in accordance with the Department’s Personal Information Protection policy. All complaints will be managed confidentially.

***Are there any fees to make a complaint?*** No, making a complaint or giving any feedback is free.

***I am a staff member of the Department of Justice – can I lodge a complaint about other staff members?*** Staff should follow the formal grievance resolution procedures.

***I want to complain about a statutory officer – who do I contact?***

Refer to Appendix A for a list of bodies not covered by this Policy.

***What about complaints that aren’t specifically about an individual?*** Where there is no immediately identifiable officer(s) that is the subject of a complaint, the matter will be referred to the manager of the business area to which the complaint relates.

**Policy History**

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**Accountabilities**

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| --- | --- |
| Implementation | Department of Justice |
| Compliance | Department of Justice |
| Monitoring and Evaluation | Office of the Secretary |
| Development and/or Review | Office of the Secretary |

**Appendix A**

| **Type of Complaint** | **Relevant Body** |
| --- | --- |
| Complaints suggesting a breach of the State Service Code of Conduct:* An employee must behave honestly and with integrity in the course of State Service employment.
* An employee must act with care and diligence in the course of State Service employment.
* An employee, when acting in the course of State Service employment, must treat everyone with respect and without harassment, victimisation or discrimination.
* An employee, when acting in the course of State Service employment, must comply with all applicable Australian law.
* An employee must comply with any standing orders made under section 34(2) and with any lawful and reasonable direction given by a person having authority to give the direction.
* An employee must maintain appropriate confidentiality about dealings of, and information acquired by, the employee in the course of that employee's State Service employment.
* An employee must disclose, and take reasonable steps to avoid, any conflict of interest in connection with the employee's State Service employment.
* An employee must use Tasmanian Government resources in a proper manner.
* An employee must not knowingly provide false or misleading information in connection with the employee's State Service employment.
* An employee must not make improper use of –
* information gained in the course of his or her employment; or
* the employee's duties, status, power or authority –
* in order to gain, or seek to gain, a gift, benefit or advantage for the employee or for any other person.
* An employee who receives a gift in the course of his or her employment or in relation to his or her employment must declare that gift as prescribed by the regulations.
* An employee, when acting in the course of State Service employment, must behave in a way that upholds the State Service Principles.
* An employee must at all times behave in a way that does not adversely affect the integrity and good reputation of the State Service.
* An employee must comply with any other conduct requirement that is prescribed by the regulations.
 | Secretary, Department of Justice  |
| Complaints about statutory office holders  | [Tasmanian Ombudsman](http://www.ombudsman.tas.gov.au/home) |
| Complaints about Magistrates Court staff or Magistrates | [Magistrates Court](http://www.magistratescourt.tas.gov.au/about_us/complaints_and_feedback) |
| Complaints alleging misconduct such as a breach of a code of conduct, dishonesty or impropriety, misuse of public resources.  | [Integrity Commission](http://www.integrity.tas.gov.au/) |
| Complaints alleging serious misconduct such as a crime or an offence of a serious nature or unethical conduct | [Integrity Commission](http://www.integrity.tas.gov.au/) or [Tasmania Police](http://www.police.tas.gov.au/about-us/compliments-and-complaints/) |
| Complaints concerning discrimination such as when someone is treated less favourably or disadvantaged on the basis of any of attribute, in connection with an area of activity, covered by the *Anti-Discrimination Act 1998*. | [Equal Opportunity Tasmania](http://equalopportunity.tas.gov.au/) |
| Complaints about the conduct of external lawyers. | [Legal Profession Board Tasmania](http://www.lpbt.com.au/) |
| Complaints about builders, consumer related matters, and some gas and electrical safety matters. | [Consumer, Building and Occupational Licensing Service](http://www.justice.tas.gov.au/building/disputes/complaints_about_practitioners) |
| Tasmania Prison Service matters | [Tasmania Prison Service](http://www.justice.tas.gov.au/prisonservice/about_us/contact_us/complaints) |

**Appendix B**

### 4.1 Receiving a complaint

All complaints are recorded in a secure electronic environment that can only be accessed by appropriate senior staff.

Those senior staff are:

* Director, Communications and Executive Support; and
* Director, Human Resources.

Having a centralised method for receiving complaints allows:

* monitoring progress of the complaints handling process; and
* maintenance of an appropriate recording mechanism for written complaints (in accordance with this policy and procedures).

The Department is committed to resolving complaints as quickly as possible and will endeavour to keep you informed of the progress of your matter at all times.

If you would like an update on the status of your complaint you can contact us at communications@justice.tas.gov.au or 6165 4940.

All complaints will be handled confidentially, and information relating to complaints will be securely stored in the Department’s electronic records management system with access restricted to those directly involved in handling a complaint.

### 4.2 Accepting and acknowledging a complaint

Following receipt of a complaint, a decision must be made to accept a complaint before it can be investigated.

A complaint will be accepted if it is a new complaint which indicates that the Department’s Service Standards may have been breached. Sometimes, a complaint will not necessarily breach the Service Standards. Where this occurs, we will discuss your expectations about the service or facility with you, to help us understand how we can improve.

Matters which are not deemed to fall into the above category will be dismissed and no further action will be taken. Where a complaint is dismissed, reasons will be provided to the complainant.

Matters may also be dismissed because the Department is not the appropriate body to handle a specific complaint (examples of alternative complaint handling bodies are provided Appendix A.

In this case we will provide advice as to other avenues available for you to lodge your complaint and it is the complainant’s responsibility to lodge their complaint with the appropriate body.

If required, we may contact you to clarify certain aspects of your complaint in order to determine whether to accept your complaint.

### 4.3 Timeframes

We will acknowledge receipt of your complaint within two (2) business days of receipt.

We will a make a determination as to whether to accept a complaint within five (5) business days of receipt, however if we require further information from you in order to make this decision then it may take a longer to complete this part of the process.

Our aim is to complete the complaint handling process within 20 business days, however there may be occasions where this is not possible (e.g. complex complaints, staff members involved being away etc.).

If we will not be able to complete the process within this timeframe then we will let you know prior to that time and also advise you of when we expect to complete the process.

### 4.4 Assessing a complaint

After accepting a complaint, the Department will undertake an assessment based on the following criteria:

* severity
* health and safety implications (for the complainant, the public, or the employee/agency)
* complexity
* potential for the matter to escalate
* whether we have received other complaints about the same issue
* the need for and possibility of immediate action
* the outcomes sought by the applicant
* whether other outputs or areas of the organisation need to be involved.

The assessment process will determine:

* who will deal with the complaint
* the best method to achieve resolution
* the level of investigation required

Depending on the nature of the complaint, the primary focus will be organisational and individual improvement.

In rare cases, if the conduct is a breach of the State Service Code of Conduct, then the matter will be dealt with under that process rather than this Policy.

### 4.5 Investigating a complaint

Following assessment by the Director of Communications and Executive Support or Director of Human Resources on the basis of the criteria listed above, a decision will be made as to the most appropriate manager to investigate a complaint.

Depending on the type of complaint and the outcome of the assessment process, a complaint may be referred for investigation to:

* the direct Manager of the employee or service involved;
* the Output Manager for the relevant business area; or
* the Deputy Secretary, Secretary (or delegate)

Many complaints are best progressed at the immediate manager level. It is better for both the complainant, staff involved and the organisation if the focus is on prompt resolution of complaints, improving behaviour and, if relevant, feeding the information into organisational improvement processes.

Managers shall:

* provide sufficient resources within their area of control to ensure the efficient and effective management of complaints;
* ensure all complaints are dealt with in an appropriate, acceptable and timely manner;

### 4.6 Responding to a complainant

Once we have finished an investigation and made a decision or finding, we will let you know what the outcome is and explain how it came about.

The outcome may include:

* an apology
* amending or retracting documentation (e.g., publications, media statements, web pages)
* changed policies or practices to prevent a repeat of the incident or matter you complained about
* action to modify the behaviour of the staff member who the complaint was about, if applicable (e.g. further training, mentoring etc.).

### 4.7 Improvement

If we receive a complaint that highlights a systemic problem with our processes or services, or we receive repeated complaints about specific business areas or issues, we will use the feedback we receive to review our policies and procedures.

From this information we will seek to identify any changes we need to make in order to improve our performance.

Improvement will be achieved by:

* identifying repeated complaints;
* evaluating data, determining the causes of complaints and whether remedial action is required;
* developing and implementing continuous improvements to services and products that are the cause of complaints.