

Customer complaints – Internal review procedure

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Audience

Whole of OIR.

Purpose

This procedure outlines the responsibilities and process for internally reviewing a customer complaint.

Overview

An internal review is an impartial review of a customer complaint outcome or management process by an employee of the Office of Industrial Relations (OIR) who was not the original complaint officer. A complainant may request an internal review if they are dissatisfied with the way their customer complaint was handled by OIR and/or they believe the outcome was unreasonable.

In requesting an internal review, complainants must explain why an internal review is appropriate and what action the complainant would like taken to resolve the issue. If insufficient information is provided, the request may be declined.

An internal review is only available after the original customer complaint process has been finalised and can only be requested once. It is not a reinvestigation of the original complaint but establishes if the customer complaint management process for the original complaint was appropriate and/or whether the outcome reached was reasonable.

This procedure should be read in conjunction with the:

- [OIR Customer complaints and grievance management policy](#)
- [OIR Customer complaints management procedure](#)
- [OIR Managing unreasonable complainant conduct procedure](#)

The following processes do not apply:

- to customer complaints managed outside OIR through an external review (for example, a complaint to the Queensland Ombudsman, Queensland Human Rights Commission or Queensland Civil and Administrative Tribunal)
- if the complainant is simply seeking clarification or explanation about the original decision or process. In these cases, the complainant should be referred back to the original complaints officer so clarification can be provided where that information is not restricted by legislative obligations.

Responsibilities

Complainant

- Cooperate in an honest, respectful way and timely manner with OIR staff.
- Refrain from unreasonable conduct, noting that OIR will not tolerate unreasonable conduct including abusive, threatening, aggressive or disrespectful behaviour.
- Request an internal review within 20 working days of receiving the complaint outcome, either by phone or by submitting an OIR Request an internal review form.
- Provide a clear idea of the problem with the complaint process and the desired solution, and understand that the internal review request may not be examined if this does not occur
- Understand that an internal review is not a re-investigation of the original customer complaint
- Provide only relevant information in an organised and timely manner when requesting the internal review
- Understand that complex internal reviews can take time to assess, manage and resolve
- Understand that some decisions, actions or inactions cannot be overturned or changed as a result of the internal review.
- Inform OIR of changes affecting the internal review.
- Have their internal review managed confidentially to the greatest possible extent, including in response to reasonable requests for anonymity.
- Understanding that internal reviews made on an anonymous basis may limit how OIR can process and respond.
- Have the right to withdraw the internal review at any time. Nothing that if the internal review is withdrawn OIR may decide to discontinue or continue the review process or any other process as a consequence of the internal review.

Original complaints officer

- Cooperate with the internal review, including providing any relevant material to the internal review officer .
- Maintain independence by ensuring they do not conduct the internal review if involved in the original customer complaint.

Internal review officer

- Ensure they were not involved in managing the original customer complaint.
- Ensure they are in a position equal to, or higher than, the original decision maker and are authorised to make internal review decisions (including recommendations) or are nominated by such a person.
- Ensure they have completed the required internal review training as arranged by OIR.
- Follow the required policy, procedures and use supporting information.
- Provide procedural fairness to complainants and persons who are the subject of the internal review .
- Provide reasonable assistance to complainants to make an internal review request if assistance is required including any support services available (Workers Compensation Regulator Services (WCRS) Workers' Psychological Support Service).
- Consider human rights when undertaking an internal review, including whether any human rights are impacted by the review and whether human rights were adequately considered during the management of the customer complaint.
- Advise the complainant and original complaints officer of the outcome of the internal review process .
- Advise the complainant that they can seek an external review if they remain dissatisfied after the internal review is conducted.

- Use a register to maintain appropriate records to support each step in the internal review process and enable departmental reporting.

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- Be the central point within OIR for the allocation of internal reviews to internal review officers independent for the original complaint.

Process

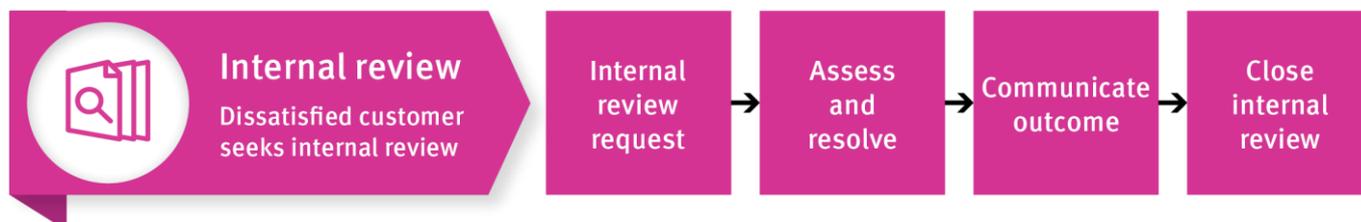


Image 1: Internal review process flowchart

1. Internal review request

Complainants

- A complainant who is dissatisfied with the way their customer complaint was processed or believes the outcome was unreasonable can request an internal review by submitting the OIR Request an internal review form or lodging the request over the phone.
 - The complainant's request must explain why an internal review is appropriate (i.e., why the original decision was unreasonable, or the complaint handling process was procedurally unfair or deficient) and what action the complainant would like taken to resolve the issue. The complainant should respond to any requests for further information, or to confirm information provided by phone. If insufficient information is provided, the internal review request may be declined.
- The complainant must lodge the request within 20 working days of receiving the original complaint outcome.
 - The internal review officer will consider requests lodged after this period on a case-by-case basis. These requests may be actioned if:
 - the complainant can provide a reasonable explanation for lodging a late request; or
 - the internal review officer considers the request can be productively resolved despite the delay.
- The complainant must refrain from unreasonable conduct, noting that OIR will not tolerate conduct that is abusive, threatening, unreasonable, vexatious, or makes inappropriate demands on the OIR's time, resources or staff. OIR may terminate contact if conduct is too unreasonable to manage, but the complaint will still be dealt with, unless it is frivolous or vexatious.

Receiving officers and complaints officers

- When a request for internal review is received, the receiving officer is to forward the request to the relevant directorate complaint manager.
- Once received, the complaints manager is to populate the centralised OIR customer complaints register and then notify BIPU of the request.

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- Once notified of an internal review request, allocate the review to an independent internal review officer within another directorate.

Internal review officers

- Are to assess the complainant's request to ensure sufficient information has been provided to enable the internal review to be undertaken (for example, why the original decision was unreasonable, or the complaint handling process was unfair or deficient). Internal review officers can reference the [OIR Guide – Customer complaints – Internal reviews](#) (OIR employees only) to ensure all appropriate steps are taken.
 - If the complainant requires assistance to request an internal review, the internal review officer should provide reasonable assistance, such as providing information about how to request a review, translation or text telephone services and allowing a support person if requested.
 - If the request is taken over the phone, the internal review officer should ask the complainant to confirm the information captured by the department in writing before the internal review commences.
 - The internal review officer should contact the complainant if additional information is required or to provide information about the internal review process. Once the review officer has a complete review they should aim to finalise the review within the stipulated timeframe.
 - If the complainant does not outline the grounds for the review or provides insufficient information, the internal review officer may advise the complainant that the internal review request will not be examined unless this information is provided. If the complainant does not cooperate and provide the information within 20 working days, the remainder of this procedure does not need to be followed and the internal review is closed.
 - If the internal review request is frivolous or vexatious, the internal review officer should advise the complainant that the internal review will not be conducted. The remainder of this procedure does not need to be followed and the internal review is closed.
 - Any decision not to proceed with an internal review request must be recorded in the register or the department's records management system. The record should include the decision not to proceed, the evidence considered as part of that decision, the reason why it was decided not to proceed with the review, and any other relevant information.
 - If the complainant's request raises new customer complaint issue(s) that weren't considered as part of the original complaint, the internal review officer must tell the complainant the issue is out of scope for the internal review but can be lodged by the complainant as a new customer complaint.
- Will open the original complaint in the register and record the internal review request. Protected information must not be entered into the register. Refer to the OIR Information security procedure (OIR employees only) for information security classifications.
- Must provide an acknowledgement to the complainant that the request has been received. This can be provided in writing or verbally, but a record should be kept of the acknowledgement in either the register or the department's records management system. The letter should detail the policy, procedure that will be followed in response to the correspondence and provide information about the process, such as timeframes and complainant responsibilities (if applicable) and identify any issues that will not be included in the complaint and provide details of business units or external bodies where the complainant can have these issues addressed (if known).
- Should consider if any health, safety or resourcing issues are raised by the internal review request or the complainant's conduct, and if they are concerned refer to the OIR Managing unreasonable complainant conduct procedure for the process for dealing with unreasonable conduct.
- Should consider if human rights are engaged by the internal review process and whether they were adequately considered during the management of the original complaint. These considerations must be appropriately documented. The OIR Guide: Human rights complaints (OIR employees only) offers more information about considering human rights.

2. Assess and resolve

- The internal review officer must analyse the original customer complaint to determine if the customer complaints management process and/or the outcome reached was appropriate by considering and assessing:

- information provided with the internal review request.
- material considered as part of managing the original customer complaint.
- if the OIR Customer complaints and grievance management policy and OIR Customer complaints management procedure were followed.
- whether human rights were engaged by the complaint, and if so, whether they were properly considered during the management of the complaint.
- other information provided by relevant parties, (for example, the original complaints officer or complainant).
- The internal review officer must also consider whether any human rights are engaged or limited by the internal review process itself. The OIR Guide: Human rights complaints_(OIR employees only) offers more information about considering human rights.
- Subject to the complexity of the request, the internal review officer must aim to resolve the internal review within 20 working days of receiving a complete internal review request.
 - The internal review officer should keep the complainant informed of any changes or emergent issues that will impact the resolution of the internal review, including a revised finalisation date if more time is required.
- Procedural fairness must be afforded to any person who is the subject of the internal review and the complainant. This includes providing the subject of the complaint (OIR employees) a list of available support options such as [Employee Assistance Program](#) (EAP), WCRS support services and the right to have a support person present.
- Based on the assessment undertaken, the internal review officer should identify a suitable internal review outcome. This may include, but is not limited to:
 - finding the original decision was appropriate and the complaint does not merit further investigation
 - finding the original decision was unreasonable and should be amended
 - re-opening the original complaint
 - providing a clearer explanation of the original decision to the complainant
 - amending a policy, procedure or practice, or recommending such documents be amended
 - offering an apology or some other remedy, or
 - providing further assistance to address a service delivery complaint.
- The internal review officer must prepare an OIR Customer complaint – Internal review outcome report (OIR employees only) and return this to the complaints manager to be recorded in the register and saved as a record.
- The internal review officer must record appropriate notes in the OIR customer complaints register throughout the internal review.

3. Communicate outcome

- Unless the complainant has requested some other form of communication, the internal review officer must advise the complainant in writing about the outcome of the internal review process. This should include:
 - a clear explanation of the final decision, which addresses each issue raised and provides reasons;
 - any recommendations or outcomes; and
 - any external review mechanisms available to the complainant.
- The internal review officer must also inform the original complaints officer about the outcome of the internal review.
- The internal review officer must advise the subject of the complaint via their director, of the outcome, any recommendations, and the support options available.

- The internal review officer must ensure they keep appropriate records about the information provided to the complainant and original complaints officer. This should be stored in secure location and recorded in the centralised OIR Customer complaints register.

4. Close internal review

- The internal review officer will close the internal review and record information in the register about the outcome and any further activities that need to occur.
- The internal review officer is responsible for implementing and monitoring any further action recommended or referring the matter to the responsible area to action.

Definitions

Term	Definitions
Complainant	A person, organisation or their representative/advocate making a customer complaint. A complainant is a 'customer' for the purposes of the OIR customer complaints management process if they are directly affected by the issue they are complaining about, or they are authorised representative of someone who has been directly affected.
Complaints officer	A complaints officer is an OIR officer delegated responsibility to assess and manage customer complaints for their directorate. Their functions may include, but are not limited to assessment, referral, correspondence, management, resolution, and escalation.
Complaints manager	A complaints manager is an OIR officer delegated responsibility to coordinate customer complaints for their directorate. Their functions may include, but are not limited to, receipt of complaints, determining if it is a customer complaint, information gathering, allocation to a complaints manager, correspondence, maintaining their directorates complaints register, and reporting. The coordination of a customer complaint may involve one or more complaints officers.
Complete internal review request	A complete internal review request is when the internal review officer has all the required and necessary information to allow the assessment of the requested review.
Customer complaint	A customer complaint is defined in section 264 of the Public Sector Act 2022 (Qld) as a complaint about the service or action of a department, or its staff, by a person who is directly affected by the service or action. Examples may include complaints about: <ul style="list-style-type: none"> • a decision made, or failure to make a decision, by a departmental employee • an act, or failure to act, by the department • the formulation of a proposal or intention by the department • the making of a recommendation by the department • the customer service provided by a departmental employee.
External review	A process conducted by an external review body (for example, Queensland Ombudsman , Queensland Human Rights Commission , or Queensland Civil and Administrative Tribunal) to ensure departmental decision-making is fair, reasonable and proper.
Frivolous complaint	A frivolous complaint is one that is trivial or meritless in nature and does not justify the resources that would be required to action it.
Internal review	A process conducted by appropriately trained departmental staff on request from the complainant which examines if the complaint management process for the original customer complaint was appropriate and/or if the outcome reached was reasonable. An internal review is not a re-investigation of the original customer complaint.

Term	Definitions
Internal review officer	<p>An internal review officer is an OIR employee who conducts an internal review. The officer must be:</p> <ul style="list-style-type: none"> • independent from the original customer complaint; and • in a position equal to, or higher than, the original decision-maker, or nominated by such a person. <p>Internal review officers will be regional or divisional staff. An internal review may involve more than one internal review officer.</p>
Internal review training	<p>An internal review course offered by the Queensland Ombudsman, the department and OIR or self-directed learning using the internal review guide resources on OIR Customer complaints management page (OIR employees only) and on-the-job training.</p>
OIR Customer complaints register	<p>A centralised tool used to capture and record complaints data, including information about the complainant, their complaint, how OIR has resolved the matter, and any reviews undertaken.</p>
Procedural fairness	<p>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.</p>
Protected information	<p>Very sensitive and confidential information, where unauthorised and/or premature disclosure might cause damage to one or more parties. Refer to the OIR Information Classification Procedure (OIR employees only) for more information or contact the OIR Right to Information (RTI) Team.</p>
Unreasonable complainant conduct	<p>Conduct is likely to be unreasonable where it involves actions or behaviours which because of the nature or frequency, raise substantial health, safety, wellbeing, resource or equity issues for OIR, its staff, other service users or the complainant themselves. Examples include:</p> <ul style="list-style-type: none"> • unrelenting contact (e.g., excessive, and unnecessary phone calls or emails) • demanding conduct (e.g., demanding more reviews than departmental procedures allow, or demanding a different outcome without showing the original decision was incorrect) • unreasonable lack of cooperation (e.g., refusing to identify the issue of complaint or providing disorganised information) • unreasonable arguments (e.g., making irrational claims) • unreasonable behaviour (e.g., aggression or violence to staff, or threatening harm to self and others). <p>The OIR Managing unreasonable complainant conduct procedure provides more information.</p> <p>Please also refer to the OIR Information sheet - Excluded complaints.</p>
Vexatious complaint	<p>A vexatious complaint is a complaint that is not brought in good faith, and is instead designed to harass, annoy, or create a resource burden for OIR.</p>
Working days	<p>Internal reviews will be managed within working days (i.e., business days – Monday to Friday, excluding public holidays).</p>

Legislation

- [Public Sector Act 2022 \(Qld\)](#) section 264
- [Human Rights Act 2019 \(Qld\)](#) part 2 and sections 58(1), 63, 97
- [Industrial Relations Act 2016 \(Qld\)](#)
- [Work Health and Safety Act 2011 \(Qld\)](#)
- [Electrical Safety Act 2002 \(Qld\)](#)
- [Safety in Recreational Water Activities Act \(Qld\)](#)
- [Workers' Compensation and Rehabilitation Act 2003 \(Qld\)](#)

Delegations/Authorisations

- [HR Delegations](#) (OIR employees only)

Policies and procedures in this group

- [OIR Customer complaints and grievance management policy](#)
- [OIR Customer complaints management procedure](#)
- [OIR Managing unreasonable complainant conduct procedure](#)
- [OIR Information Classification Procedure](#) (OIR employees only)
- [OIR Privacy policy](#) (OIR employees only)

Supporting information/websites

- [OIR Guide – Customer complaints – Internal reviews \(OIR employees only\)](#)
- [OIR Guide – Unreasonable conduct good practice guide \(OIR employees only\)](#)
- [OIR Guide – Human rights complaints \(OIR employees only\)](#)
- [OIR Information sheet – Internal reviews](#)
- [OIR Request an internal review](#)
- [Human Rights information](#) (OIR employees only)
- [OIR Customer complaints management and templates](#) (OIR employees only)
- [OIR Privacy complaints information sheet](#) (OIR employees only)

Other resources

- [AS 10002:2022 – Guidelines for complaint management in organisations](#)
- [Employee Assistance Program](#) (OIR employees only)
- [Concerns, complaints, or feedback](#) (WorkSafe website)
- [Queensland Government Human rights resources](#)
- [Queensland's Human Rights Act 2019: A guide for public entities](#)

Contact

For customers who wish to make a customer complaint, please:

Complete the form on the [Queensland Government – complaints and compliments webpage](#), or [Compliment or complain about our services | WorkSafe.qld.gov.au](#)

Call 1300 362 128 (WorkSafe)

For staff who would like more information about the framework, policy, or procedures, please see the [Customer complaints management](#) page on the OIR intranet, the related and supporting document links above or contact the Business and Innovation Planning Unit, Office of the Deputy Director-General, OIR.

Review date

1 July 2024