



Policy – Feedback and Complaints Management

1.0 Policy Statement

The Mental Health Review Tribunal (**Tribunal**) is committed to operating at a high standard. The Tribunal values the role that feedback plays in continually improving so that these high standards are maintained. Feedback will be treated with respect and confidentially to the extent possible.

When receiving and responding to complaints or feedback the Tribunal will consider its obligations as a public entity under the *Human Rights Act 2019* (Qld).

2.0 Scope

1. This policy applies to all members and employees of the Tribunal and applies to feedback/complaints in relation to functions and processes of the Tribunal, staff of the Tribunal and members of the Tribunal. It applies to:
 - the receipt of, and response to, any feedback given/complaint made
 - the review of any responses to complaints
 - complaints received anonymously
 - the conduct of hearings (but not to the decision reached by the Tribunal at a hearing).
2. This policy does not apply to:
 - complaints about the products, staff or services of Authorised Mental Health Services
 - complaints regarding the decision made by a Tribunal at a specific hearing
 - complaints relating to corrupt conduct by the President of the Tribunal
 - Public Interest Disclosures
 - complaints relating to the actions of legal representatives appointed
 - worker complaints made about other workers of the Tribunal.
3. 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.
4. 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.
5. 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 and Project Officer will be best placed to decide the level of complaints captured.



3.0 Legislation

1. *Public Service Act 2008* (Qld)
2. *Public Sector Ethics Act 1994* (Qld)
3. *Information Privacy Act 2009* (Qld)
4. *Ombudsman Act 2001* (Qld)
5. *Human Rights Act 2019* (Qld)
6. Australian/New Zealand Standard 10002:2014 - Guidelines for complaint management in organisations

4.0 Associated Documents

1. Operational Procedure – Feedback and Complaints Management
2. Operational Procedure – Difficult Callers
3. Information Sheet - Complaints

5.0 Principles

1. This policy is based on the following principles:

| Principle | What the Tribunal will do |
|--|---|
| 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. |
| 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. |
| 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. |
| 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. |



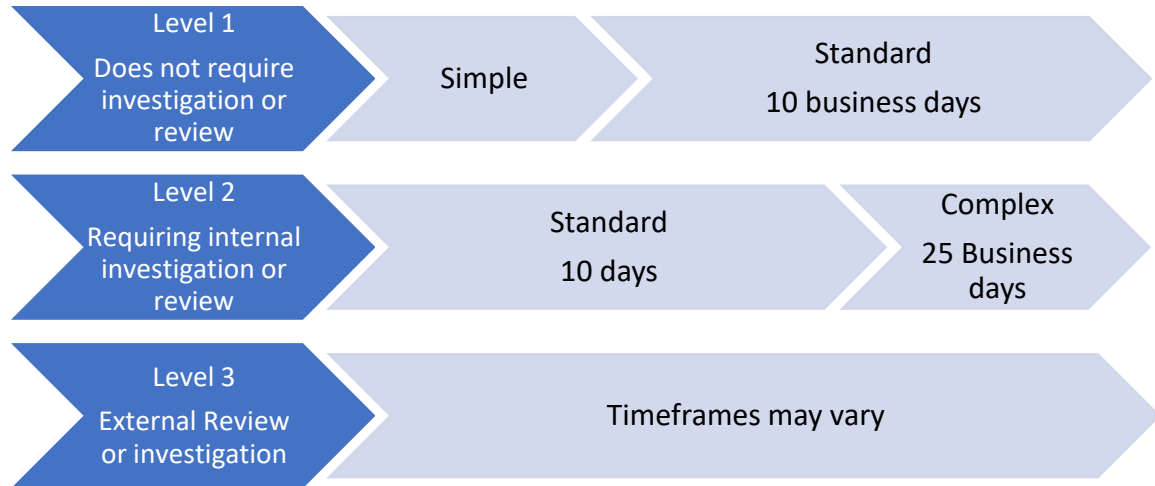
- Take reasonable steps to ensure that a complainant is not adversely affected.
- Deal with complaints confidentially to the extent possible.
- Manage personal information in accordance with the *Mental Health Act* and *Information Privacy Act* as appropriate.
- When reviewing a decision, the review will be conducted by a person who was not the original decision maker.
- When necessary, staff responding to complaints may refuse to investigate a complaint if the complainant is considered abusive, vexatious or unreasonable.

6.0 Policy

1. 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 line manager.
2. For recording purposes complaints will be classified in relation to complexity to provide complainants with expected response times. For the avoidance of doubt, general feedback referenced in 6.1 above is not recorded in the complaints register.
3. Complaints requiring no further investigation or review or where the response can be provided on the same day will be level 1. These complaints may be resolved at point of first contact, but response times may be up to 10 business days depending on the response requested.
4. Complaints requiring some internal investigation or review will be level 2. These complaints will have a response time of up to 25 business days depending on the requested response.
5. Where a complaint regarding the Tribunal is made to an external organisation for investigation or review, this will be classified as a level 3 complaint. These complaints are outside the scope of this policy and response times will be in line with the relevant organisation's policy.



Complaint Response Times



Complaint Complexity

Simple: a complaint that is resolved at the point of service or contact.

Standard: a complaint that usually has only one single issue or concern.

Complex: a complaint that has multiple issues and/or is serious in nature and usually requires an extensive investigation.

Review of a decision

6. Where a complainant is not satisfied with a response to a complaint, they may request a review of their complaint.
7. A complainant may seek an internal review from the Tribunal or an external review from an external body such as the Queensland Ombudsman. Where an internal review is conducted it will be conducted by an officer who is no less senior than the person who responded to the complaint at first instance.
8. A request for an internal review of a decision must be received within 10 business days of the decision being made.

7.0 Custodian of Procedure

Executive Officer, Mental Health Review Tribunal

8.0 Review Date

Date of Procedure: December 2019

Review Date: December 2021