

External Complaint Management Policy

Accountabilities	
Approving Authority	Executive Leadership Team (ELT)
Policy Owner	Director, Transformation & Operations (DTO)
Policy Advisor	Visitor Services Manager (VEM)
Version and Date	V 4.0 (28 March 2024)
Next Review Date	September 2025

1. PURPOSE

- 1.1. HOTA is committed to responding to external feedback and complaints fairly, efficiently and effectively. This document outlines the policy and procedures used by HOTA in managing external complaints and feedback.

2. POLICY STATEMENT

- 2.1. HOTA acknowledges the right of customers, members of the public and artists to provide feedback, both positive and negative, about its services.
- 2.2. HOTA is committed to addressing complaints fairly, promptly and professionally and ensuring complainants are treated equally. This policy ensures:
- 2.2.1. accessible, comprehensive and clear complaints procedures are in place;
 - 2.2.2. complaints are managed in a clear and transparent way;
 - 2.2.3. natural justice and procedural fairness are followed at all times;
 - 2.2.4. employees are empowered to resolve complaints at the local level;
 - 2.2.5. specific complaints are resolved in accordance with legislative requirements.

3. SCOPE

- 3.1. This policy applies to external complaints received in relation to HOTA service delivery, including in respect of visitor services, programming and exhibitions, ticketing, culinary arts, facilities management, venue hire, functions and events.
- 3.2. It does not replace or interfere with legislation or policy dealing with complaints about privacy, grievances by HOTA employees or volunteers, right to information, fraud and corruption, criminal conduct or illegality, or matters specifically dealt with through other legislative and/or appeal processes.

4. RECEIVING COMPLAINTS

- 4.1. HOTA accepts complaints in person, by telephone, in writing, by email and by our social media channels. The complaint will be recorded in the Complaints Register by the Visitor Services Officer on duty.
- 4.2. We accept anonymous complaints if there is a compelling reason and sufficient information is provided to address the issue.

- 4.3. We will take all reasonable steps to ensure that complainants are not adversely affected as a result of making a complaint.
- 4.4. We will communicate with a complainant's representative where appropriate (e.g., family member, legal representative, elected member etc).
- 4.5. Complaints will be managed in a fair and objective manner with an absence of bias. Decisions will be made based on evidence and a proper examination of issues.
- 4.6. Access to and use of complaint information will be restricted to staff with direct involvement in the process to investigate and resolve the matter. HOTA will not disclose to third parties the personal information of complainants except where the complainant has given their consent, or it is required to do so by law.

5. ACKNOWLEDGEMENT

- 5.1. We endeavour to resolve verbal complaints at the point of first contact, where this is within the scope of the employee's role. Our staff are empowered to resolve complaints promptly, flexibly and with as little formality as possible.
- 5.2. Complaints made in writing, by email and via our social media channels will be acknowledged by the person receiving the complaint within two Business Days of receiving the complaint.
- 5.3. We will manage the expectations of the complainant by advising them of:
 - 5.3.1. the process and expected time frames
 - 5.3.2. the progress of the matter
- 5.4. We endeavour to resolve all complaints within 20 Business Days of receipt.
- 5.5. Complaints may not be investigated and the complainant advised if:
 - 5.5.1. it is made frivolously, without grounds, lacks substance or the complainant intends to harass;
 - 5.5.2. the complainant seeks to revisit an issue which has already been investigated, without new material;
 - 5.5.3. the complainant displays aggressive or abusive behaviour or threatens or uses physical violence.

6. ASSESSMENT, INVESTIGATION AND RESOLUTION

- 6.1. Verbal complaints not resolved at first point of contact and all other complaints will be provided by close of the following Business Day to Visitor Services Officer rostered to the Hello Desk by the person in receipt of the complaint.
- 6.2. Each complaint should be considered on a case-by-case basis with regard to the subject matter of the complaint, level of severity and risk(s).
- 6.3. When a complaint is received that may be considered to be vexatious, trivial or not material, the complainant will be respectfully acknowledged and no further action will be taken.
- 6.4. Complaints will be referred to the relevant Manager responsible for the product, service or person, or the relevant external agency, for assessment, investigation and resolution.

- 6.5. If the complaint is made about a person, that person will be provided with the details of the complaint and will be given the opportunity to make a statement of reply. All people involved in the process have the right to be supported by an appropriate third party.
- 6.6. If the complaint alleges a breach of a human right under the *Human Rights Act 2019* (Qld) or an act or omission that is not compatible with the Human Rights Act, the person managing the complaint will consult with the Manager, Corporate Governance to determine if any further action is required.
- 6.7. The Manager will provide an investigation report to the Visitor Services Officer, including a draft written response, which will be recorded to the Complaints Register.
- 6.8. In general, written advice will be provided to the complainant on the outcome of their complaint by the Visitor Services Officer. Where only a telephone number is provided, the relevant Manager will telephone the complainant to advise the outcome. Modes of redress offered may include:
 - 6.8.1. communication with the complainant;
 - 6.8.2. rectification of the problem raised;
 - 6.8.3. mitigation of the adverse consequences experienced;
 - 6.8.4. satisfaction of the reasonable concerns raised by the complainant who has suffered detriment, whether by non-material means or by compensation.
 - 6.8.5. advice regarding alternative avenues for making a complaint, such as any relevant Ombudsman, the Australian Charities and Not for profits Commission, City of Gold Coast or other relevant agency.

7. MONITORING AND EVALUATION

- 7.1. The Visitor Experiences Manager will monitor and identify complaint trends, providing feedback to the relevant Manager or Director where potential improvements may be made.
- 7.2. The Visitor Experiences Manager will prepare an annual report of complaints made, including the subject matter, response, feedback of potential improvements and changes made, and provide it to the Executive Management Team for information and action as appropriate.

8. CLAIMS RELATED TO OBJECTS ON LOAN UNDER THE PROTECTION OF CULTURAL OBJECTS ON LOAN SCHEME

- 8.1. HOTA Gallery is committed to exhibiting artworks in accordance with the highest standards of due diligence (including ethical and professional practice, and in accordance with applicable law).
- 8.2. HOTA invites people to contact it if they have a concern about an artwork that HOTA Gallery has borrowed or is about to borrow from overseas. For example, if:
 - a person wishes to make a claim (such as an ownership claim) over such a work;
 - a person has any questions about such a work; or
 - a person wants further information about such a work's ownership or provenance.
- 8.3. HOTA will accept requests for additional information on loaned artwork through writing.

- 8.4. Claims and enquiries relating to artworks on loan will be escalated to the Registration Coordinator, HOTA Gallery.
- 8.5. HOTA will give serious consideration to each enquiry and claim it receives in relation to an artwork borrowed from overseas, based on the nature and circumstances of each enquiry or claim.
- 8.6. In determining whether an enquiry or claim in relation to an artwork borrowed from overseas and subject to the Act is justified, HOTA may consider (without limitation):
- 8.6.1. the documentation and evidence provided;
 - 8.6.2. if the person is known to HOTA and whether the person has already made the same or a similar claim in another country; and
 - 8.6.3. in the case of Australian cultural material (including Aboriginal and Torres Strait Islander material), a close examination of the work's known provenance and history, including how the work left the custody of any relevant individual or community and the circumstances in which it was exported from Australia.
- 8.7. If HOTA is satisfied about the nature and circumstances of the request for information or the claim, HOTA will provide information on the provenance and due diligence procedures it followed. Such research will have been in accordance with the policies and procedures of HOTA Gallery and is required under the Act.
- 8.8. Where the additional information is information that has already been published on HOTA's website, HOTA will direct people to the exact website address for that information.
- 8.9. HOTA retains the right not to disclose any of the above if HOTA determines that it is not, in all the circumstances, appropriate for it to do so.
- 8.10. If HOTA determines that a person has a legitimate claim in relation to a work before that work is imported into Australia, HOTA will assess whether or not it is appropriate, in all the circumstances, to continue with the loan. In making that assessment, HOTA will have full regard to its due diligence and provenance standards, as set out in the HOTA Gallery Inward Loans Policy.
- 8.11. Once a work has been imported into Australia on loan from overseas, a person's ability to take legal action in relation to that work in Australia may be limited by the provisions of the Act. For information on the Act, see <https://www.arts.gov.au/funding-and-support/protection-cultural-objects-loan-scheme>.

9.

9.1. HOTA will endeavour to respond within 20 days of receiving an enquiry or claim regarding an artwork on loan.

Supporting Information			
Legislative Compliance	<i>Human Rights Act 2019 (Qld)</i> <i>Protection of Cultural Objects on Loan Act 2013 (Cth)</i>		
Supporting Documents	NA		
Related Documents	Code of Conduct Whistleblower Policy Privacy Policy Child Safe Policy		
External Authorities and Guidelines	<ul style="list-style-type: none"> • The Live Performance Australia (LPA) Ticketing Code of Practice: Consumer Code • Australian and New Zealand Standard Guidelines for complaint handling in organizations AS/NZS 10002:2014 • Queensland Ombudsman Complaints Management Policy and Procedure Guide • Australian Charities and Not for Profit Commission publications on complaints handling 		
Definitions and Acronyms			
Business Days	Means 8.30am – 5.00pm from Monday to Friday and excludes public holidays for City of Gold Coast.		
Complaint	means an expression of dissatisfaction made to or about HOTA, its services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. (AS/NZ 10002:2014)		
Dispute	means an unresolved complaint escalated either within or outside of HOTA.		
Feedback	means all opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about HOTA, about its services or its staff where a response is not explicitly or implicitly expected or legally required		
Grievance	means a clear, formal written statement by an individual staff member about another staff member or a work-related problem.		
Revision			
Version	Approved By	Approval Date	Modification
4.0	ELT	28 March 2024	Added claims related to objects on loan
3.0	ELT	15 Sept 2022	Routine review and updates
2.0	Board	27 April 2021	Administrative review and simplification
1.0	Board	27 Aug 2020	New Policy