

Complaints handling policy

<i>Item</i>	<i>Description</i>
Policy description	<i>Complaint handling</i>
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Revision History

<i>Date</i>	<i>Version</i>	<i>Reviewed by</i>	<i>Changes made</i>
Date of first revision	September 2017	Frances Smyth	CEO message added Statements about respectful treatment and no detrimental action. Updated information about state govt initiatives. Changes to timeframes for external parties.
Date of second revision	June 2018	Frances Smyth	Updated to include suggested changes from Deloitte and NSW Ombudsman audits of complaint handling.
Date of third revision	August 2020	Jessica Braude	Updated the links in the policy and information on recording complaints.
Date of fourth revision	October 2021	Megan Everingham	Updated to include PLQS and Grants
Date of fifth revision	June 2022	Jessica Braude	Updated website links

Date of sixth revision	November 2022	Jessica Braude	Updated scope and purpose of the policy and CEO message
Date of seventh revision	July 2023	Jessica Braude	Updated website links

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Policy overview

Scope and purpose of this policy

This complaints policy is intended to clarify Legal Aid NSW key messages about complaint handling. Complaint handling procedures are documented separately.

Applicability and target groups

All staff must comply with this policy. Managers should ensure that all relevant staff members know about this policy and how to apply it.

If anything in this policy is unclear, or you are unsure about how to apply the policy, contact the person listed on the cover page of this policy.

Legislative environment

[Legal Aid Commission Act 1979](#)

[Privacy and Personal Information Protection Act 1998 \(NSW\)](#)

(PIIP Act) [Government Information \(Public Access\) Act 2009](#)

(GIPA Act) [State Records Act 1998](#)

Monitoring, evaluation and review

The last review was conducted in July 2020. See cover page of this policy for more information about changes to the policy since its release.

Further information, additional resources & associated documents

NSW Ombudsman's [Effective Complaint Handling Guidelines](#) 3rd edition Feb 2017

[NSW Ombudsman's Managing unreasonable conduct by a complainant – A manual for frontline staff, supervisors and senior managers 2021](#)

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CEO Message

Legal Aid NSW has a significant impact on the lives of the people we work with. We value the experiences of people who use our services as their voice provides us with information about the quality of our services and how we can improve. By receiving complaints we can pause and reflect on the services we provide, to identify ways we can improve, as well as recognise what is working well.

I appreciate the time and effort it can take to compile a complaint and as an organisation we aim to ensure that the complaints process is accessible and flexible, especially for clients who face barriers. The complaints management system is part of our quality framework which views complaints as an opportunity for continual learning and improvement.

Our aim is to foster a culture where staff view complaints as an important part of their job. This is achieved through regular training for staff, internal communication reinforcing the value of complaints, strong support for senior management handling complaints and by emphasising complaint processes during the induction of new staff. A continual learning environment is achieved by focusing on the outcome, not on laying blame or fault, but on how to best address the problem or concern as perceived by the complainant. We use the complainant's perspective as the starting point to ensure that our complaints management process will lead to a higher degree of resolution for our clients.

Where possible our policy is that complaints are best handled by staff at the point of service delivery. Staff aim to resolve complaints at first contact and more serious complaints, or complaints that cannot be resolved by front-line staff, are referred to a designated Complaint Handling Officer for investigation, resolution and any other appropriate action. Staff involved in a complaint are given a fair opportunity to respond to issues raised and to present their views.



Monique Hitter
Chief Executive Officer

1. Scope and purpose of this policy

This complaints policy is intended to clarify Legal Aid NSW's key messages about complaint handling.

Complaint handling procedures are documented separately.

1.1 Objectives

Legal Aid NSW provides a range of legal services to socially and economically disadvantaged people. We are committed to continuous improvement in achieving our goal of excellence in legal services. An effective complaints handling system is key to providing a quality service. A complaint can be a measurement of client/stakeholder satisfaction which provides information on the quality of our services. Legal Aid NSW uses information from complaints to identify risks and find ways to improve services.

It is important that staff understand what is expected of them when responding to people who are dissatisfied with the services of Legal Aid NSW. Clear organisational expectations and processes will support staff in responding appropriately and making decisions that are in line with Legal Aid NSW's overall objectives. As part of our overall service delivery Legal Aid NSW expects staff to handle complaints:

- fairly
- efficiently
- responsively
- respectfully, and
- in a timely manner.

Legal Aid NSW promotes a positive and responsive culture towards handling complaints. In order to promote good practice we recognise and reward good complaint handling by staff.

1.2 General principles

Legal Aid NSW's complaint handling process is based on the following principles:

- it is free to make a complaint to us - people will not be charged if they complain
- the system for accepting feedback is user friendly
- complainants will be treated with respect
- there will be no detrimental action to complainants as a result of making a complaint
- there are clear delegations and procedures for staff to deal with complaints and provide remedies
- there are clear internal and external referral procedures if a complaint is not resolved at the frontline
- we use a recording system to capture complaint feedback/data
- we have performance standards including timeframes for a response and for the quality of a response
- we systematically review complaint data to identify problem areas and analyse trends
- we act to improve service delivery in identified areas.

1.3 Complaint handling in context

The NSW Premier has made a commitment to enhancing the quality of life of the people of NSW and a key policy priority is creating better customer service by *putting the customer at the centre of everything we do*. The documentation and reporting of complaints and feedback, is aimed to assist Legal Aid NSW to improve services and increase greater customer satisfaction. This policy is also consistent with the NSW Ombudsman's *Managing unreasonable conduct by a complainant – A manual for frontline staff, supervisors and senior managers 2020*.

1.4 Cultural safety

Legal Aid NSW recognises the unique experiences of First Nations peoples, including the impact of colonialism, historical laws and policies, discrimination and intergenerational trauma. Legal Aid NSW is committed to working in partnership with community and providing culturally safe services to Aboriginal and Torres Strait Islander people.

The cultural safety of all of our complainants is important to us. We will listen and make cultural adaptations as required. We are flexible in our approach and complaints can be made in a variety of ways, including anonymously, verbally and through a support person.

2. Complaint handling process

2.1 Three step approach to complaint handling

Legal Aid NSW has a three level approach to complaint handling.

Level 1 - Frontline complaint

Complaints that are resolved by frontline staff at the most informal level, wherever possible.

Level 2 – Escalated complaint

Complaints that are more serious and are unable to be resolved at the lowest level. Level 2 complaints often require an internal investigation, review or alternate dispute resolution.

Level 3 - External Independent Review

After an internal review if a person remains dissatisfied, they should be referred to alternate dispute resolution or the following external bodies to seek an independent review.

- The [NSW Ombudsman](#) can review administrative issues.
- The [Office of the Legal Services Commissioner](#) can review legal conduct issues.

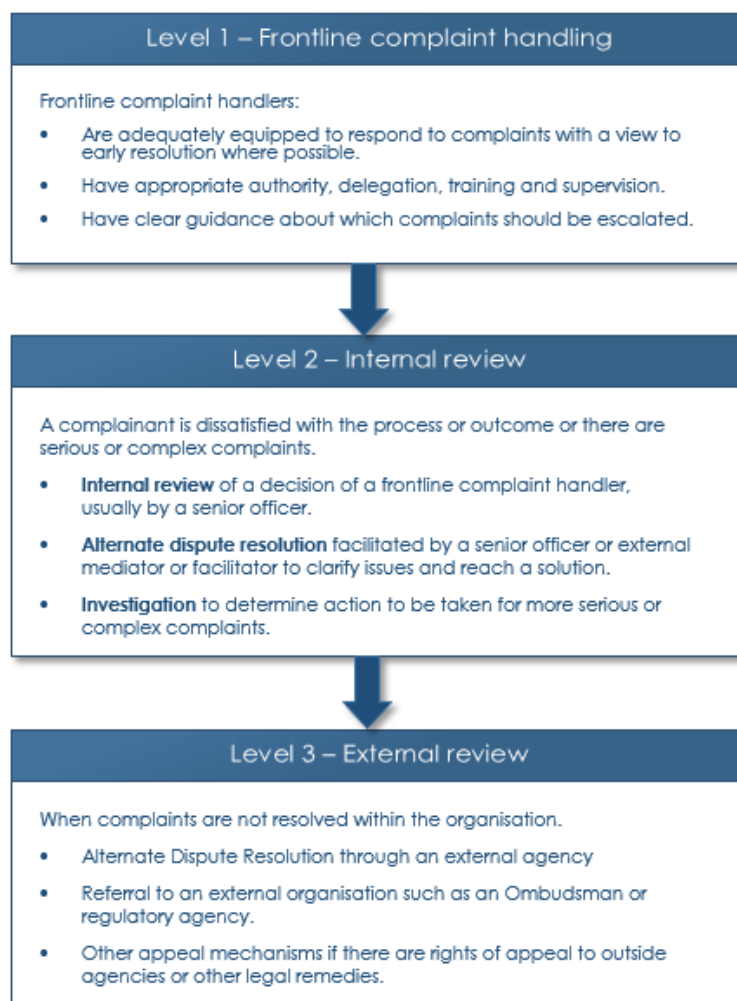


Diagram 1. Legal Aid NSW's complaint handling process (based on the NSW Ombudsman's [Effective Complaint Handling Guidelines 3rd edition](#) 2017).

2.2. What is a complaint?

A complaint is an expression of dissatisfaction, protest or grievance about the service provided by Legal Aid NSW where a response or resolution is explicitly or implicitly expected or legally required¹. Legal Aid NSW services may include those provided by parties engaged on behalf of Legal Aid NSW such as contractors, private legal practitioners and Family Dispute Resolution Practitioners.

2.3 What is not covered by this policy?

The following areas are not covered by this policy.

- Complaints about the merits of a grant application
- Decisions made by the Legal Aid Review Committee
- Outcomes of legal proceedings
- Government Information (Public Access) Act (GIPA) requests
- Privacy issues
- Protected disclosures
- Staff grievances
- Allegations about serious misconduct
- Complaints about other agencies or bodies

2.4 Recording complaints

Recording complaints is good business practice. It is not possible to identify issues and/or risks or use complaints to improve services without data that is routinely kept for analysis.

All level 1, 2 and 3 complaints should be recorded in the Complaints Management System (CMS). All staff are responsible for recording level 1 complaints in the CMS. Level 2 and 3 complaints can only be recorded by delegated staff members including the Complaints and Client Services Officer.

A common sense approach to recording complaints should be taken. Minor complaints which are dealt with quickly and informally do not need to be recorded. However, in cases of more substantial complaints or where complainants are not satisfied with an initial response and express this (either in writing or verbally), a record should be kept.

¹ AS/NZ 10002:2014 Guidelines for complaint management in organizations

3. Making a complaint

3.1 How to make a complaint

The Legal Aid NSW complaint process should be visible and easily accessible for clients and stakeholders. There are many barriers preventing people from communicating a complaint. These include but are not limited to low literacy, disability, language proficiency and age.

Staff are expected to be aware of, and inform other parties about, the tools available to reduce the barriers people may face when making a complaint. This might include taking a complaint by phone, internal interpreters, Auslan information, text-to-speech function on our website and the Translator and Interpreter Service (TIS).

This approach is consistent with Legal Aid NSW diversity and inclusion initiatives including Diversity Action Plans.

Complaints can be made in the following ways:

- verbally by telephone
- verbally in person
- by email to complaints@legalaid.nsw.gov.au
- by completing the [online form on our website](#)
- print and complete the [feedback form](#)
- by letter addressed to:
Complaints Legal Aid
NSW PO Box K847
Haymarket NSW 1238

3.2 Processing a complaint

Staff will follow the procedures outlined in this policy. Depending on the nature of the complaint and its level, as well as the permissions we have, we may investigate a complaint by speaking with the relevant staff, checking a client's file or completing an investigation.

3.3 Outcome of a complaint

Staff may provide reasons or explain Legal Aid NSW's policies, procedures and the law. We may also

take steps to fix the problem, which may include providing the service or information you asked for or reviewing a decision or action we made. Staff will endeavor to handle all complaints fairly, professionally, respectfully and in a timely manner.

3.4 Privacy

Staff will not disclose a complainant's details or information received in a complaint to another person or agency unless Legal Aid NSW has the complainant's permission, has authority or is required to by law, or it would be reasonably expected.

4. Timeframes (Service Level Agreements)

All complaints should be recorded and acknowledged in writing within **three** working days of receipt and finalised within **15 business days**. Where a complaint involves a panel lawyer or other external party the complaint timeframe to finalise the complaint will be within **30 business days**. If it is not possible to finalise a complaint within that timeframe the complainant must be contacted and advised of any delay and when a response is likely.

Regular progress updates should be given to complainants where we are unable to finalise a complaint within the relevant timeframe.

5. Delegations for complaint handling

The Client Service Unit is responsible for the organisational complaint handling strategy and reports directly to the Chief Executive Officer.

All Staff

All staff are responsible for responding to complaints at the lowest (level 1 - see 'Complaint Handling Process') level.

Directors

Directors are responsible for reviewing, allocating and approving responses to complaints (level 2 – see 'Complaint Handling Process'). Directors with responsibility for [regional offices](#) are responsible for reviewing complaints and approving responses about operational issues for those offices.

Complaints and Client Service Officer

The Complaints and Client Service Officer is responsible for:

- identifying issues for the CEO's consideration
- coordinating complaints
- referring allegations of misconduct to Senior Consultant Workplace Standards
- compiling complaint data reports for the Executive and the Board
- analysing complaint data and identifying systemic issues for service improvement
- keeping complaint information up to date
- providing general advice on complaint handling
- training on complaint handling
- creating and updating complaint handling policies and procedures.

Grants Complaints Officer

The Grants Complaints Officer is responsible for actioning:

- complaints about a person's eligibility for legal aid
- complaints regarding reassignments of matters (transfer requests)
- complaints regarding Grants: refusals, terminations, costs, and customer service.

Private Lawyer Quality Standards Unit

The Private Lawyer Quality Standards Unit is responsible for managing complaints relating to panel member law practices and their associates.

Chief Executive Officer

The Chief Executive Officer may conduct a final internal review of complaints previously responded to by a Director on a case by case basis.

All responses to Ministerial inquiries and Members of Parliament are signed off by the Chief Executive Officer. The Chief Executive Officer may choose to respond to individual complaints directly or delegate matters to a Director for a response.

6. Reporting and Quality Control

The following reports are prepared by the Complaints and Client Services Officer to monitor complaints:

- a monthly report on complaints to the Executive
- a quarterly complaints reports to the Legal Aid NSW Board
- complaint data is made available in the Legal Aid NSW annual report

With the introduction of the Complaints Management System (CMS) at the end of 2019, Directors are now able to run reports on current and outstanding complaints in their division.

7. Risks and benefits

The following risks and benefits for Legal Aid NSW are identified in relation to complaint handling.

7.1 Risks

- Client dissatisfaction
- Increased and ongoing complaints
- No improvement to services
- Lack of transparency
- Damage to Legal Aid NSW reputation

7.2 Benefits

- Increased client satisfaction
- Early resolution of complaints
- Improved quality of Legal Aid NSW services
- Identifying and managing risks
- Improved staff complaint handling skills