

## **Complaints Policy**

### **POLICY**

1. The standard to be achieved is the successful management of written or oral complaints.
2. This policy applies to complaints associated with the management of Legal Aid (LAWA) clients and the conduct of LAWA employees/contractors. However, if a complaint concerns a minor administrative or policy matter and may be readily resolved at the initial point at which it was raised, then it shall be dealt with informally.
3. Principal responsibility for the management of complaints rests with the Director of the relevant section.
4. A person who is the subject of a complaint will not have the main responsibility for responding to the complainant.
5. Where a complaint is made about a Director of a division, the complaint will be dealt with by the Director of Legal Aid.

### **Receiving a Written Complaint**

1. All written complaints received by LAWA, either through Australia Post, MailWest, Email, Courier, Personally (by hand) or Facsimile shall be forwarded to the Information and Records Services Unit upon receipt.
2. The Information and Records Services Unit shall:
  - 2.1. log the complaint into the “Complaints Register”;
  - 2.2. complete a “Complaints Management Form” ;
  - 2.3. scan all documents and save into the Document Management System;
  - 2.4. e-mail the document reference link to the complaint document to the Complaints Coordinator; and
  - 2.5. forward the hard copy complaint documentation to the Complaints Coordinator.

### **Receiving an Oral Complaint**

1. All oral complaints received by LAWA employees must be recorded (including the outcome) in the form of either a file note or email, which shall be forwarded to the Complaints Coordinator to place on the relevant client file.
2. Telephone complaints to the Director shall be referred to the Complaints Coordinator, who will record the complaint and refer to the appropriate person for resolution.

## **Complaints Coordinator Responsibilities**

1. LAWA's Complaints Coordinator is the Director's Secretary. The Complaints Coordinator is responsible for administering the complaints process in accordance with this policy.
2. **Oral Complaints**
  - 2.1. Upon receipt of an oral complaint, the Complaints Coordinator shall:
    - 2.1.1. listen to the complaint, note the relevant details;
    - 2.1.2. if necessary forward to an appropriate person for resolution;
    - 2.1.3. record the complaint in the "Complaints Register"; and
    - 2.1.4. follow up with the appropriate person that the complaint has been resolved (where relevant).
3. **Written Complaints**
  - 3.1. Upon receipt of a written complaint, the Complaints Coordinator shall:
    - 3.1.1. record the complaint in the "Complaints Register" and assign for action to the relevant Director;
    - 3.1.2. note follow up action for the complaint within 21 working days of receipt of the complaint;
    - 3.1.3. acknowledge the complaint in writing within 5 working days;
    - 3.1.4. record action on the "Complaint Management Form"; and
    - 3.1.5. forward to the relevant Director.
  - 3.2. Upon return of the complaint documentation (including the letter of response), the Complaints Coordinator shall:
    - 3.2.1. forward to the Director for analysis and a determination as to whether any remedial action is warranted; and
    - 3.2.2. arrange any further action required by the Director.
  - 3.3. On final resolution of the complaint:
    - 3.3.1. place on the "Complaints File"; and
  - 3.4. The Complaints Coordinator is responsible for ensuring all deadlines are met.

## **Complaints Handling**

### **1. Grants of Aid Decisions**

- 1.1. A complaint received regarding a decision to grant/refuse or terminate aid shall be referred to the Director, Client Services.
- 1.2. The Director, Client Services may delegate investigation/drafting of the response to the appropriate person.
- 1.3. Responses shall be signed by the Director, Client Services for quality assurance of the reply.

### **2. Solicitor's Conduct**

- 2.1. A complaint received regarding a solicitor's conduct during the course of representation shall be referred to the Director of the division responsible for that solicitor.
- 2.2. The Director, Regions may delegate investigation/drafting of the response through the relevant Solicitor in Charge of the regional office under the complaint.
- 2.3. If a complaint is received about representation by an outside practitioner acting on behalf of a LAWA client, then permission should be sought from the complainant for LAWA to forward their letter to the practitioner concerned for their input. Once a response has been received from the practitioner a response may then be drafted to the complainant.
- 2.4. Responses shall be signed by the Director of the relevant division, or a delegated officer for quality assurance of the reply.

### **3. Solicitor's Not Acting for a LAWA Client**

- 3.1. If a complaint is received about representation by an outside practitioner acting for someone who is NOT a LAWA client it cannot be dealt with by LAWA. The Complainant will be referred to the Legal Practitioners' Complaints Committee.

### **4. Non Legal Service**

- 4.1. A complaint received regarding the conduct of a LAWA employee (other than a solicitor) shall be referred to the relevant Director/Manager of the division under the complaint.
- 4.2. The Director may delegate investigation/drafting of the response through the relevant division Manager.
- 4.3. Responses shall be signed by the relevant Director for quality assurance of the reply.

## **Division Director/Manager/Solicitor in Charge Responsibilities**

1. Upon receipt of a written complaint (from the Complaints Coordinator), the relevant division Director/Manager/Solicitor in Charge shall:
  - 1.1. investigate the complaint (if necessary);
  - 1.2. write to the complainant within 21 days of (LAWA's receipt of the complaint) including details of:
    - 1.2.1. the issues and what action has been taken or will be taken; and
    - 1.2.2. their right to seek redress under the Legal Practitioners' Act, if appropriate.
  - 1.3. send under the relevant Director/Managers' signature (or if it is considered necessary by either themselves or the Complaints Coordinator, the signature of the Director); and
  - 1.4. send a copy of the letter and all original documentation to the Complaints Coordinator.