

D2_001	<b>Complaints Management</b>
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The Northern Community Legal Centre (NCLC) is committed to ensuring that any person or organisation using NCLC services or affected by its operations has the right to lodge a complaint or to appeal a decision of the organisation. All concerns that are raised will be addressed in ways that ensure access and equity, fairness, accountability and transparency.

The organisation will provide a complaints and appeals management procedure that:

- allows any person to make a complaint or provide feedback
- facilitates complaints by cultivating a supportive environment in which they can be made
- is simple, accessible and easy to use
- is effectively communicated and promoted to all clients and stakeholders
- is proportionate to the size of the organisation and the services it provides
- ensures complaints or appeals are fairly assessed and responded to promptly
- is procedurally fair and follows principles of natural justice
- complies with legislative requirements.

Record of policy development		
Version	Date approved	Date for review
2019/1		

**Responsibilities and delegations**

This policy applies to	NCLC staff and clients
Specific responsibilities	Senior Managers, the CEO and the Board.
Policy approval	The Board or Management

Policy context – this policy relates to:	
Standards	D2 Assessing Client Satisfaction and Managing Complaints (NAS CLC Phase 2)
Legislation	
Contractual obligations	
Organisation policies	
Forms, record keeping, other documents	Feedback and Complaints Form Complaints register

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## Definitions

**Complaint:** is an expression of dissatisfaction made to or about an organisation regarding its staff, services or products that warrants response or resolution.

**Complainant:** is an employee, client, advocate, entity or member of the public who expresses their dissatisfaction about an organisation to either the organisation itself or an external body.

**Escalation:** is the process of reporting complaints to the Legal Services Board and Commissioner if the complainant is not satisfied with the outcome of their complaint.

## Principles

The NCLC will:

- ensure that all clients, and their families, carers and advocates are encouraged and supported to raise any concerns they have about the service or organisation
- consider all complaints it receives regardless of whether or not the complainant is a client of the organisation
- treat all complainants with respect, recognising that the issue of complaint is important to the complainant
- maintain confidentiality of parties involved, keeping any information private to those directly involved in the complaint and its resolution. Information will only be disclosed if required by law, or if otherwise necessary
- ensure support and advocacy is available to clients who make a complaint and require support
- resolve complaints, where possible, to the satisfaction of the complainant
- clients, families and advocates have access to the organisation's complaints management policy
- deal with all complaints in a timely manner, and aim to provide a formal response to the complainant within 14 days of the complaint being received
- keep parties to the complaint appropriately involved and informed of progress of the complaint
- ensure that Board of Management members, staff and volunteers are given information about the complaints procedure as part of their induction and are aware of procedures for managing client feedback and complaints
- ensure all service users, stakeholders and members are aware of the complaints policy and procedures
- ensure that all complainants are aware of and understand how to escalate their complaint to the Legal Services Board and Commissioner
- ensure that a complainant is not penalised in any way or prevented from use of services during the progress of an issue
- ensure that feedback data (both positive and negative) is considered in organisational reviews and in planning service improvements
- review and evaluate the accessibility and effectiveness of the complaints management system and continually improve its processes

## Procedures

### Information for clients and stakeholders

The NCLC complaints and appeals procedure will be documented for clients and stakeholders in the Client Charter which is made available to all new clients at the commencement of their legal matter.

All clients will be informed of their rights and responsibilities with regards to complaints and appeals at the earliest possible stage of their involvement with the organisation.

The NCLC Client Charter will contain information on the following:

- how to make a complaint or lodge an appeal, including an anonymous complaint
- contact person for lodging a complaint or appeal
- how the organisation will deal with the complaint or appeal, the steps involved and the timelines
- the rights of the complainant to an advocate, support person or interpreter
- how the person will be informed about the outcome of their complaint or appeal
- how to make a complaint to an external body including contact details.

### Training procedures

Staff will be trained on the complaints management procedures during their induction, and as part of ongoing refresher training.

Managers and relevant staff will undergo training for complaints management and resolution to support clients throughout the complaint process and appropriately respond to complaints in an empathetic manner. This will include open communication strategies such as acknowledging the grievance without being defensive and making apologies while accepting responsibility for what occurred.

### Making a complaint

A person wishing to make a complaint may do so in writing or verbally to:

- the staff member they were dealing with at the time
- the manager of that staff member
- the CEO
- the Board of Management, or
- The Legal Services Board and Commissioner.

Complaints may be made by:

- submitting a completed Feedback and Complaints form located at Reception. The Feedback and Complaints form is provided at Appendix A and can also be access from the w drive.
- Written complaints may be sent to:
  - NCLC, Level 3, Building 2, 1100 Pascoe Vale Road, Broadmeadows, Vic., 3047; or
  - Email: [admin@northernclc.org.au](mailto:admin@northernclc.org.au) [postal and/ or email address].

The reception worker will be responsible for receiving this correspondence and directing it to

the appropriate person.

- Feedback and complaints via telephone may be made on (03) 9310 4376

If the complaint is about:

- a staff member, the complaint will normally be dealt with by the manager of the staff member
- a manager, the complaint will normally be dealt with by the CEO
- the CEO, the complaint will normally be dealt with by the Board of Management.

### **Procedure for complaints management**

Any staff member may be a recipient of a complaint, and is responsible for:

#### 1. Receiving the complaint:

- listening to the complainant, acknowledging the concern raised, and explaining the next steps to the complainant
- Depending on the type and severity of the complaint, either discussing with the complainant an agreed upon resolution (for smaller matters), or referring the complaint on to their manager for further investigation and action.

The person managing the complaint will be responsible for:

#### 2. Processing the complaint or appeal:

- registering the complaint or appeal in the complaints folder
- informing the complainant that their complaint has been received and providing them with information about the process and time frame.

#### 3. Investigating the complaint or appeal:

- examining the complaint within 14 days of the complaint being received
- investigating the complaint and deciding how to respond
- informing the complainant by letter within 14 days of the complaint being received of what is being done to investigate and resolve it, and the expected time frame for resolution

As far as possible, complaints or appeals will be investigated and resolved within 28 days of being received. If this time frame cannot be met, the complainant will be informed of the reasons why and of the alternative time frame for resolution.

#### 4. Responding to and resolving the complaint:

- making a decision or referring to the appropriate people for a decision within 7 days of the complaint being received
  - informing the complainant of the outcome and the reasons for any decisions made
  - upheld (and if so what will be done to resolve it)

- resolved (and how this has been achieved); or
- if no further action can be taken, the reasons for this
- informing the complainant of any options for further action if required
- if an apology is in order, ensuring that the appropriate person makes the apology and informs the complainant what the organisation intends to do to avoid further grievance and is in accordance with professional indemnity insurance requirements.

#### 5. Referral to external procedure:

A formal external complaints procedure may follow Step 4 if the complainant is still not satisfied with the outcome. The complainant will be referred to Legal Services Board and Commissioner and provided information and support to make the complaint externally if necessary.

#### **Complaints involving specific staff members:**

The Legal Practice Manager has delegated responsibility for resolving complaints or disputes involving lawyers.

Internal complaints, where a staff member or volunteer makes a complaint concerning another staff member or volunteer, will be dealt with in accordance with the NCLC Grievance Policy.

External complaints by clients or stakeholders made against a staff member will be managed by the manager and/or CEO who will:

- notify the staff member of the complaint and its nature
- investigate the complaint and provide the staff member with an opportunity to respond to any issues raised
- attempt to mediate the dispute (if appropriate) and/or attempt to resolve the matter to the satisfaction of the outside party
- take any other action necessary to resolve the issue.

Any disciplinary action against a staff member arising from a complaint will be taken in accordance with the procedures contained in NCLC Disciplinary Policy.

Complaints involving the CEO will be managed by the Board Chairperson.

#### **Complaints involving organisation members or Board of Management members**

Complaints made against a member or NCLC Board will be referred to the Board Chairperson. The Board Chairperson, or their delegate, will:

- notify the person about whom a complaint is being made of the complaint and its nature
- investigate the complaint and provide the member with an opportunity to respond to any issues raised
- attempt to mediate the dispute (if appropriate) and/or attempt to resolve the matter to the satisfaction of the outside party

Where the Board Chairperson is the subject of a complaint, the complaint should be referred to an alternative Board member.

If the matter remains unresolved, the Board Chairperson will raise the matter at the next Board of Management meeting. Depending on the seriousness of the complaint, the Board of Management may:

- deal with the matter at its meeting
- or
- refer the matter to Victoria Legal Aid.

### **Cooperation in external investigations**

If any person makes a complaint about NCLC to an external body (including police, Ombudsman) the CEO will be responsible for liaising with the body responsible for investigating the issue. NCLC will fully cooperate in any investigation which may take place, This includes participating in early resolution, conciliation, and/or reporting to the body about resolution and corrective actions if required .

### **Record keeping**

A register of complaints and appeals will be kept in the complaints folder for a minimum of seven years after the complaint has been made. The register will be maintained by the Legal Practice Manager and will record the following for each complaint or appeal:

- Details of the complainant and the nature of the complaint
- Date lodged
- Action taken
- Date of resolution and reason for decision
- Indication of complainant being notified of outcome
- Complainant response and any further action

Copies of all correspondence will be kept in the complaints folder.

The complaints folder and files will be confidential and access is restricted to the CEO and relevant manager.

Results from all complaints will be reviewed by the CEO and used to:

- inform service planning by including a review of complaints and appeals in all service planning, monitoring and evaluation activities
- inform decision making by including a report on complaints and appeals as a standard item on staff and management meeting agendas.

### **Continuous improvement of the complaints management system**

The complaints management system will be reviewed and evaluated every 12 months. This will include:

- review of all complaint and feedback policies and procedures

- client and staff feedback about the accessibility and effectiveness of the complaints management system
- implementation of a continuous improvement plan based on the review and feedback received

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*End of document*

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