

Avoiding complaints

This factsheet assists lawyers to understand how they can safeguard their business from complaints by adopting best practice to improve their business processes.

Our role

The *Legal Profession Act 2004* (the Act) established the Legal Services Commission as the sole body responsible for receiving and investigating complaints about the conduct of lawyers and law practice employees. The Commission seeks to share its experience with the legal profession so they can improve client service and minimise the number of complaints received.

Addressing client concerns

Every organisation requires robust processes for handling feedback, whether positive or negative. When addressing client concerns it is important to ensure your process is sound and the staff who execute the process remain calm and detached from the information they are dealing with.

✓ Do	✗ Do not
Be positive and show a willingness to hear the complaint.	Get emotional or defensive.
If you receive information about a complaint through a third party or email, contact the client by phone or in person as soon as possible.	Reject the complaint without considering it in context.
Tell the client the steps you will take to investigate and seek to resolve the complaint.	Promise to correct a complaint until you have had time to investigate it fully.
Get a neutral member of staff to assist you with the investigation and in communication with the client.	Be condescending or critical of the client.

✓ Do	✗ Do not
Try to see the situation from the client's point of view.	Let client service issues escalate to complaints.
Document the process you take, the path to resolution and what changes you may need to implement to prevent it happening again.	

Best practice

Best practice is adopting work or business practices tailored to your organisation to achieve quality services for your clients. All lawyers should review their business, legal and administration practices on a regular basis to ensure currency, compliance and client satisfaction. Processes need to be tailored to the way you like working, to your clients' needs and to suit your staff and culture. Strive for best practices that will suit your needs.

Before undertaking any sort of process changes identify:

- what state your business is currently in
- where you want to be AND
- what you are prepared to do to get there.

Document all your changes and formulate measures for your new processes so you can gauge the success of the changes.

Undertake a quality assessment of your legal and administrative practices. If you are unable to find the time and experience required, consider contracting an expert to assist you.

Reliance on technology

Legal practices are increasingly reliant on technology to assist with case management, information management and other administrative activities. You should aim to utilise technology to improve

practices such as administration, communication and recordkeeping.

All technology practices need to be underpinned by robust business practices. However, technology should never get in the way nor become an excuse for poor client service. If a system goes down, its failure cannot be used as an excuse for compromising client service.

Ensure you have an appropriate recordkeeping system and supporting procedures to deal with information and transactions when offline.

Common questions

How do I safeguard my business from complaint?

Learn from others, keep up to date and be prepared to incorporate change into your business processes to ensure you minimise the likelihood of complaint. Common areas to target include those listed in the following checklist.

Improving legal service quality

- ✓ Identify weaknesses in practice management, real or perceived.
- ✓ Review your client management business processes.
- ✓ Look at how you maintain your clients' confidence and loyalty.
- ✓ Include client service as a quality measure for your business and your staff.
- ✓ Ensure all calls to your firm are responded to politely and professionally.
- ✓ Ensure internal communications provide feedback and status updates to clients.
- ✓ Check that file tracking systems provide timely file progress information.
- ✓ Manage clients' expectations through communication—explain any delays, changes to processes or increases in costs.
- ✓ Respond promptly to client queries and concerns.
- ✓ Work out how your firm will react if you receive a complaint.
- ✓ Respond to client feedback.

Where can you get more information?

If you have any questions regarding this information or wish to enquire about the role of the Legal Services Commission, please visit the LSC website or contact the Commission on:

Telephone: **07 3406 7737** (Brisbane)
1300 655 754 (outside Brisbane)
133 677 (if you require the use of the National Relay Service)
131 450 (if you require a translator/interpreter)

For more information visit the Legal Services Commission website <www.lsc.qld.gov.au>.