

Complaints about us

Procedure

December 2011

Version 2

Acknowledgements

These procedures have been adopted from the Department of Justice and Attorney-General Complainant Management Procedure 2009 and the Office of the Information Commissioner's Privacy Complaint Handling Policy

Information about this procedure

Purpose	<p>This document sets out the procedures we use to deal with complaints about us. A complaint about us for the purpose of this procedure means a privacy complaint or an expression of dissatisfaction about service, procedure, practice or Commission policy that is NOT resolved informally or at the point of service. A complaint must be in writing</p> <p>Before a formal complaint is lodged, every effort will be made to resolve an issue or concern informally .</p>
Who does it apply to?	All staff
Direct queries to?	Director of Investigations Manager-Compliance
Date Issued	2 December 2011
Review Date	1 December 2012

1. Background

The Legal Services Commission (“**Commission**”) is committed to complaint management and to ensuring a high standard of service and decision making. To avoid any confusion between complaints received under the *Legal Profession Act 2007* this document solely relates to complaints about us.

Complaints are a valuable source of feedback and an important tool for both Commission and staff development. Diligent and prompt attention to complaints can help us identify the needs of our stakeholders, understand our shortcomings, increase stakeholder satisfaction and improve overall performance. To this end, the Commission has developed this complaint management procedure. It aims to ensure compliance with the Office of the Public Service Commissioner, Directive 13/06 – ‘*Complaints Management Systems*’.

This document should also be read with the Commission’s “Complaints about us” policy.

The objectives of the Commission’s complaint management framework are to:

- improve the capacity of staff to manage and resolve complaints in a fair, efficient and consistent manner
- promote confidence in the Commission’s commitment to service delivery, effective complaint handling and good administrative decision making
- identify opportunities to improve performance through the collection and analysis of complaint information. Complaints which are covered by this procedure will be reported in the Commissioner’s monthly report. The complaint database does not capture names of staff who are subject of complaint and no report can be generated in respect of individual staff members.

2. Responsibilities

All staff of the Commission are required to adhere to the values of the Commission and undertake their duties with professionalism, respect for diversity and courtesy. Commission staff employed under the **Public Service Act 2008** must comply with the following five ethics principles and related obligations under the **Public Service Ethics Act 2004**:

- respect for law and the system of Government
- respect for persons
- integrity
- diligence; and
- economy and efficiency.

For more information regarding the Department of Justice and Attorney-General code of conduct, see the Commission’s intranet under Policies and Procedures/Ethical Standards.

Staff are also reminded that in addition to obligations outlined above, they are also subject to complaints about official misconduct. These must be referred to the Crime and Misconduct Commission.

3. Key terms

A *Complaint* for the purpose of this procedure means a privacy complaint or an expression of dissatisfaction about service, procedure, practice or Commission policy that is NOT resolved informally or at the point of service. A complaint must be in writing.

In other words, a complaint can be about any one of the following:

- A *privacy complaint*. A privacy complaint is a complaint by an individual in relation to that individual's personal information that an act or practice of the Commission is a breach of an obligation under the **Information Privacy Act**.
- *Service*. Service refers to the way in which staff members interact with people or perform their duties. Service includes showing courtesy, responding to communication and acting diligently.
- *Procedure, practice or policy of the Commission*. This simply refers to dissatisfaction with a practice, policy or procedure adopted by the Commission.

4. Resolving issues and concerns

The single most effective way to resolve an issue or concern is to discuss it with the person concerned. Often, a simple explanation or apology can go a long way to resolving an issue. Not only is this the most efficient way to resolve a problem but it is also the most service-focused.

In our policy document and other material about our system for handling complaints about the Commission we advise people who are dissatisfied with our service to contact the staff member they have been dealing with throughout their matter. That person will have a good understanding of the complainant's situation and can discuss concerns with them. If the staff member cannot resolve the issue, they should refer the complainant to the Director of Investigations who will discuss the complainant's issues and options with them.

Only when this process is unsuccessful in resolving an issue or concern to the satisfaction of the complainant should a formal complaint be considered. The complainant must be advised to send a formal written complaint so that it can be considered. We will provide a form to collect the details of the complaint. It can be downloaded from our website or mailed to the complainant if they have no access to the internet.

5. Complaints

5.1 Who can complain

Any person or organisation which has dealt with the Commission is able to make a formal complaint provided that it is about an act or practice which occurred within 12 months from the date of the complaint.

5.2 What can a complaint be about

A complaint can be about any one of the following:

- a privacy complaint
- service
- a procedure
- a practice; or
- policy of the Commission.

A request to reconsider a decision is not covered by this procedure. Officers should refer to the Complaint Handling and Investigations Manual chapter dealing with reconsiderations or to the Reconsideration factsheet which is located on the intranet under Policies and Procedures/Factsheets.

Complaints about suspected misconduct, including official misconduct are not covered by this part of the procedure and should be immediately referred to the Crime and Misconduct Commission. However, if a complaint of this type is referred back to the Commission for resolution, the Commissioner or the Director of Investigations (or other delegate) will be responsible for dealing with the referred matter. The matter will then be dealt with in accordance with the “Facing the Facts” guide published by the CMC.

5.3 Steps to follow when a complaint has been received

Once a complaint has been received it will be dealt with in 6 stages.

STEP 1 Register the complaint

All complaints – as defined in this procedure - **must** be in writing and recorded in the Case Management System (CMS). In order to comply with the PSM directive the CMS records the following information:

- date complaint received
- the issue
- outcome of complaint
- timeliness of investigation
- date complainant notified of outcome.

Only the Director of Investigations and the Commissioner (or other delegate) will have access to matters involving complaints about us. The DOI (or Commissioner) will need to create an electronic file within LPCentral. Once the electronic version has been created an email must be sent to Administration requesting that a physical complaint about us file is opened.

STEP 2 Acknowledge the complaint

Once the complaint has been registered by an Administration Officer and a “complaint about us” file generated, the matter will be referred to the Director of Investigations (or the Commissioner if the complaint is about the Director of Investigations). The Director of Investigations (or Commissioner) must acknowledge receipt of the complaint in writing or by telephone within 14 business days. This may include:

- reassuring the complainant that their feedback/complaint is valued
- requesting any further information considered necessary to action the complaint
- outlining how the complaint will be managed, including a timeframe for resolution

- establishing how progress reports will be provided, and
- providing contact details.

STEP 3 Assessing the complaint/Requesting further information

Step three should be completed within **14 business days** of acknowledging the complaint.

The Commission may refuse to investigate a complaint if it is considered to be trivial, frivolous or vexatious.

This decision is at the discretion of the Director of Investigations (or Commissioner).

A complaint may be considered vexatious when the purpose of the complaint is to harass, annoy, delay or cause detriment. A complainant may lack reasonable grounds for lodging the complaint or possess insufficient direct interest in the issue complained about.

If a complaint is considered vexatious, the Director of Investigations(or Commissioner) may choose to limit or cease correspondence to the complainant. Once this decision is made, it will be communicated to the complainant in writing. The Director of Investigations(or Commissioner) will only choose this course of action after careful consideration.

Otherwise, the Director of Investigations(or Commissioner) may request additional information from a complainant if it is necessary to action the complaint. The Commission may refuse to investigate a complaint until this information is received.

If the Commission is unable to action the complaint, the Director of Investigations (or Commissioner) should explain why and if possible, refer the complainant to the appropriate external agency (such as the Queensland Ombudsman).

STEP 4 Investigate the complaint

The exact period required to investigate the complaint will depend upon the complexity of the issue/s involved but should be completed, in most cases, within 90 days of receipt of the complaint.

Complaints can be investigated in many ways. Investigating a complaint may include:

- clarifying the details provided in a complaint
- identifying actions taken to resolve the issue before the complaint was lodged
- gathering and analysing information from relevant file notes, correspondence and/or other sources
- reviewing documentation submitted by the complainant
- reviewing previous administrative decisions or actions
- interviewing complainants, employees and/or other individuals involved in the complaint
- reviewing relevant policies, procedures and/or legislation, or
- reviewing previous complaints about the same issue.

Outcomes that may result from the investigation of a complaint include but are not limited to:

- a written or oral apology
- an explanation of how and why the problem occurred
- review/change of policies or procedures
- correction of incorrect records or

- staff training.

When dealing with complaints, the Commission must demonstrate fair and consistent decision making. To obtain further information about good decision making please refer to the Queensland Ombudsman's [Good Decision-Making Guide](#).

STEP 5 Respond to complaint

Step five should be completed within **14 working days** of completing the investigation.

A response must be provided to the complainant once the outcome of the complaint is known.

An appropriate response will include:

- the outcome of the complaint
- a clear explanation of how and why decisions were made
- changes implemented as a result of the complaint (if applicable), and
- options for review. For example: Queensland Ombudsman; Information Commissioner (if the complaint was a privacy complaint) as well as any other avenues of appeal or legal remedy.

STEP 6 Close the file

Once the previous steps have been completed, the file may be closed on CMS by entering the appropriate closure codes.