

Complaint Management

Welcome

The Legal Services Commission has developed what we hope will be a varied and ever-expanding series of short, sharp web-based surveys which allow law firms to review the effectiveness of aspects of what some commentators call their 'ethical infrastructure' - the policies and procedures, customs and practices both formally stated and otherwise that nurture and sustain a workplace culture that encourages and rewards ethical behaviour and discourages, deters, detects and deals with ethically questionable behaviour.

This particular survey reviews your firm's systems for dealing with complaints.

The surveys take less than 30 minutes to complete. We hope each of you as individual respondents will find them to be a useful and informative experience but they will be even more useful and informative when everyone at your law firm does them, or if not everyone, then at least significant numbers of people from each of the different levels and classifications of people at your firm and, if your firm has more than one office, from each of its branch offices. That will allow the survey to paint a much fuller picture of your firm's culture by allowing you and your firm to compare how different people within the firm and, if you have more than one office, to compare how people from the firm's different offices answer the same questions.

CONFIDENTIALITY

The surveys are strictly confidential. You will remain completely anonymous. We do not collect IP addresses and we will not be able to identify your firm unless it chooses to identify itself or is an incorporated legal practice (ILP) and is undertaking the survey as a compliance audit pursuant to section 130 of the Legal Profession Act 2007. Law firms that undertake the survey of their own volition can simply assign themselves a secret code known only to the firm and the people who work for it and who are completing the survey at the firm's request.

We will not name law firms when we publish the results even if we know the firm's identity. The confidentiality provisions of the Act (section 705) rightly prohibit us from disclosing information we obtain in the course of our work except in very limited circumstances. We may however decide to publish non-identifiable and aggregated data for the benefit of the profession and the public.

ACKNOWLEDGEMENT: We would like to thank Dr Christine Parker and Dr Linda Haller of Melbourne University Law School for their helpful comments and suggestions about earlier versions of this survey. It is a much better survey for their input.

Complaint Management

Instructions

INSTRUCTIONS FOR EVERYONE COMPLETING THE SURVEY

You can start the survey and return to complete it at any time. You will be able to answer most of the questions simply by clicking the appropriate box, although some of the questions give you the opportunity if you wish to add free text.

Please answer every question that applies to you and answer them thoughtfully and above all honestly. Bear in mind that the survey is not an exam or test and that there are no right or wrong answers as such.

You must ensure that you answer all the questions. Do not skip any. The value of the survey to your firm will be reduced if you do not answer all the questions.

Please think carefully about each question. If you do not know the answer to questions 2-4, please ask your Survey Manager.

If you do not know the answers to the remaining questions, then simply tick the box "I don't know". Do not simply tick the answer which you believe provides the quickest way of completing the survey.

If you need to leave the survey at any time simply click 'exit this survey' in the top right hand corner of the page and your answers will be saved until you return. Don't forget to click on 'done' when you've completed the survey.

* 1. Are you doing this survey as (please tick)

☐ A member of a participating law firm, at your firm's request? A participating firm is a firm that has decided to undertake the survey of its own volition, or that is undertaking the survey at the request of the Legal Services Commission as a form of compliance audit pursuant to section 130 of the Legal Profession Act 2007. If you click this answer, go to question 2.

☐ An interested individual on your own initiative? If you answer this question, go straight to question 3

Complaint Management

Code entry

- * 2. Please enter the code for your firm. IMPORTANT: PLEASE ENSURE YOU ENTER THE CODE EXACTLY AS GIVEN TO YOU BY YOUR FIRM'S SURVEY MANAGER.

ENTER CODE HERE

Complaint Management

We need you to tell us a little bit about your firm,yourself and your position in your firm

* 3. What best describes the business structure of your law firm?

☐ Sole practitioner

☐ Partnership

☐ Incorporated Legal practice

☐ Government legal Office

☐ Community Legal Centre

☐ Other (please specify)

* 4. How many practising certificate holders are there in your law firm as a whole?

☐ <5

☐ 5-9

☐ 10-19

☐ 20-49

☐ >50

5. Where is your law firm located? Or if your firm has more than one office, where is your state head office located?

☐ Brisbane CBD

☐ Brisbane Suburbs

☐ Regional City

☐ Regional Town

☐ Interstate

6. What best describes your occupation within your firm?

☐ Paralegal

☐ Graduate/trainee lawyer

☐ 1st to 3rd year lawyer

☐ 4th + year lawyer

☐ Senior associate

☐ Partner/Director

☐ Consultant/In House Counsel/Special Counsel

☐ Non-Legal Staff (Administration/Secretarial/Receptionist)

☐ Non-Legal Staff (Management (eg Practice Manager)

☐ Non Legal Staff (Other (eg HR/IT/Accounts)

Complaint Management

7. How long have you held a practising certificate?

- | | |
|--|---|
| <input type="checkbox"/> Not applicable (eg Non-legal staff; articulated clerks) | <input type="checkbox"/> 30+ years |
| <input type="checkbox"/> <5 years | <input type="checkbox"/> 30 to 34 years |
| <input type="checkbox"/> 5 to 9 years | <input type="checkbox"/> 35 to 39 years |
| <input type="checkbox"/> 10 to 19 years | <input type="checkbox"/> 40+ years |
| <input type="checkbox"/> 20 to 29 years | |

8. What is your gender?

- ☐ Male
- ☐ Female

9. What is your own primary area of practice?

- | | |
|--|--|
| <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Family/de facto law |
| <input type="checkbox"/> Administrative law | <input type="checkbox"/> Immigration law |
| <input type="checkbox"/> Bankruptcy and insolvency | <input type="checkbox"/> Industrial and employment law |
| <input type="checkbox"/> Building and construction law | <input type="checkbox"/> Litigation |
| <input type="checkbox"/> Commercial and company law | <input type="checkbox"/> Personal injury and workcover |
| <input type="checkbox"/> Conveyancing | <input type="checkbox"/> Property law |
| <input type="checkbox"/> Criminal law | <input type="checkbox"/> Wills and estate planning |
| <input type="checkbox"/> Deceased estates and trusts | |
| <input type="checkbox"/> Other (please specify) | |

Complaint Management

Complaints management policy in your firm

10. Does your firm have a complaint management policy?

- ☒ Yes
- ☐ No
- ☐ I don't know

11. If your firm has a complaint management policy, is it in writing?

- ☒ Yes
- ☐ No
- ☐ I don't know

12. Does your firm actively encourage:

	Yes	No	I don't know
Staff to notify their supervisor of a client complaint.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clients to raise any complaints with the firm.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

13. Which of the following examples are likely to be treated as complaints in the firm? (Tick as many as apply)

- ☒ A letter expressing dissatisfaction with your firm and its services generally
- ☒ A letter expressing dissatisfaction with the amount billed
- ☒ Several of the same messages left with the receptionist in a short space of time, asking the client's solicitor to return the call
- ☒ A client expressing dissatisfaction with their solicitor failing to return several phone calls after messages were left on a daily basis for one week
- ☒ A client querying items on a bill that you knew had been agreed to in their client agreement
- ☒ The Legal Services Commissioner requesting an explanation from the firm after a client makes allegations to the Commissioner
- ☒ A client ringing on a weekly basis to ask about the progress of their matter
- ☒ A client verbally abusing the firm's receptionist regarding phone calls to their solicitor that were unreturned after 2 days

14. Is it clear whose job it is in your firm to make sure complaints are appropriately managed?

- ☒ Yes
- ☐ No
- ☐ I do not know

Complaint Management

15. Now we want to ask you some more specific questions about any complaints management policies and procedures in your firm. Please answer the following questions. Does your firm have:

	Yes	No	I don't know
A clear policy statement of the firm's commitment to responding to complaints effectively and efficiently?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
An agreed definition of what is a "complaint"?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear instructions about the roles and responsibilities of staff in relation to handling complaints?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear instructions about when a complaint is to be handled by the relevant partner or supervisor?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear instructions about providing feedback to clients after the outcome is determined?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear instructions about the time frame in which a complaint should be reviewed and determined?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear instructions about the time frame in which the determination of a complaint should be provided to the complainant?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear instructions about what should be done when anyone in the practice receives a complaint?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear instructions about how complaints should be recorded?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear instructions about how complaints should be processed and determined?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear instructions about providing feedback to clients on complaints?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear instructions on when to report a complaint to a supervisor?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear instructions on which complaints need to be reported to the professional indemnity insurer, and who will report them?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A clear statement of the procedure to be followed in the event of a complaint to the Legal Services Commission?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Complaint Management

B. Complaints management practice in your firm

16. How does your firm provide information to clients about how to make a complaint? (Tick all that apply.)

- ☐ There is no information provided as to how to make a complaint
- ☐ Webpage
- ☐ Costs disclosure statement
- ☐ Standard letter sent to new clients
- ☐ Standard statement sent with each account
- ☐ Written client agreement
- ☐ Orally at first interview
- ☐ The firm's client service charter

Other (please specify)

17. Does your firm's initial engagement letter to clients clearly specify who they should contact if they have any concerns about the way their matter is handled?

- ☐ Always
- ☐ Sometimes
- ☐ Never

18. Can your complaint management policy/procedures be accessed on the firm's website?

- ☐ Yes
- ☐ No
- ☐ Not applicable as the practice does not have a website.

19. Does your firm ensure that assistance is available to clients wishing to complain who are in any way disadvantaged by impairment (eg intellectual/physical difficulties) or by cultural issues (eg language)?

- ☐ Never
- ☐ Sometimes
- ☐ Always
- ☐ I don't know.

Complaint Management

20. How does your firm respond when it finds that a complaint is justified? (Rate each of the following)

	Never	Sometimes	Often	Always	I don't know
An apology	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Waiver or reduction of legal fees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Repayment of legal fees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Carry out legal work without fee or for a stated fee	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other form of compensation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
No redress	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Internal discipline of staff member within firm	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Issue raised at staff member's performance review	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Internal seminar if issue is of wider relevance to the firm	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other (please specify)

21. Has your firm ever charged a client for dealing with a complaint?

☐ Yes

☐ No

☐ I don't know.

22. If yes to question 21, how often does your firm charge clients for dealing with a complaint?

☐ Sometimes

☐ Always

☐ I don't know.

Complaint Management

C. Training and accountability of staff for complaint management

23. In your firm which staff are trained in complaints handling responsibilities?
(Tick whichever applies)

☐ All staff

☐ Most staff

☐ Only key staff (eg receptionist, personal assistants, professional staff)

☐ I don't know

Other (please specify)

24. I received training on the firm's complaints management procedures at my induction into the practice.

☐ Yes

☐ No

☐ Not applicable

25. I have received training on the firm's complaints management procedures in the last 12 months.

☐ Yes

☐ No

☐ Not applicable

26. How often does your firm offer training (whether internal or external) to all staff about complaints management?

☐ Never

☐ Only at induction

☐ At least quarterly

☐ At least half yearly

☐ At least annually

Other (please specify)

Complaint Management

27. In your firm are staff trained in respect of dealing with difficult clients?

☐ Yes

☐ No

☐ I don't know

28. In your firm is adherence to timelines for managing complaints a basis for the performance review of any staff handling complaints?

☐ Always

☐ Sometimes

☐ Never

☐ I don't know

Complaint Management

D. Monitoring client complaints

29. How often does your firm send each client a client satisfaction survey to identify potential areas of improvement ?

☐ At the end of each matter

☐ Annually

☐ From time to time

☐ Never

☐ I don't know

30. Does your firm keep a permanent register of complaints?

☐ Yes

☐ No

☐ I don't know.

31. If yes to question 30, how does your firm record information about complaints in the register?

☐ Dedicated complaints management software

☐ Spreadsheets

☐ Word document

☐ Loose paper

Other (please specify)

32. How often does your firm analyse complaint data to identify any systemic or recurrent issues?

☐ I don't know

☐ Never

☐ From time to time

☐ At least monthly

☐ At least quarterly

☐ At least half yearly

☐ At least annually

Other (please specify)

Complaint Management

33. Has your firm ever discovered or fixed a problem in its policy/procedures as a result of a client complaint? (eg changed the written client agreement, reduced an employee's workload)

☐ Yes - At least once

☐ Yes - Regularly

☐ No - Never

☐ I don't know.

Other (please specify)

34. Does your firm regularly review the effectiveness of the complaints management procedures?

☐ I don't know

☐ Never.

☐ Once

☐ Annually

☐ From time to time

Complaint Management

E. Your experience of client complaint management

35. Please comment on whether you strongly agree, disagree, neither agree nor disagree, disagree, strongly disagree for each of the following comments.

	Strongly Agree	Agree	Neither agree or disagree	Disagree	Strongly Disagree
In my firm we encourage feedback from clients;	ja	ja	ja	ja	ja
I feel confident that I know how to deal with a client complaint;	ja	ja	ja	ja	ja
I feel confident that my colleagues would understand why I need to pass on a complaint about their work	ja	ja	ja	ja	ja
I hope my colleagues would tell me if they received a complaint about my work	ja	ja	ja	ja	ja
I feel confident that my firm will provide effective redress/feedback to any client that complains;	ja	ja	ja	ja	ja
I know when to trigger the complaints process;	ja	ja	ja	ja	ja
A firm needs to record and analyse even unsubstantiated complaints internally if it is to improve client relationships	ja	ja	ja	ja	ja
I'd like to know more about the sort of complaints that my firm receives, and what eventually happens to them	ja	ja	ja	ja	ja
We can learn a lot from analyzing even frivolous complaints	ja	ja	ja	ja	ja
Lawyers can expect more complaints than most other service providers –it's the nature of the beast	ja	ja	ja	ja	ja
I can usually pick which clients will complain when I first meet them	ja	ja	ja	ja	ja
Complaints can't be ignored because of the damage they can do to your reputation	ja	ja	ja	ja	ja
When it comes to handling complaints, protecting the practice's reputation is more important than the sensibilities of individual staff	ja	ja	ja	ja	ja
The practice must sometimes cave into unreasonable complaints about me to avoid losing the client or for the sake of the practice's reputation	ja	ja	ja	ja	ja
When a large client complains, we have no choice but to accede to their demands, even if they're unreasonable	ja	ja	ja	ja	ja

Complaint Management

Legal Services Commission

* 36. Have you answered all the questions in this survey? If no, please go back and complete any unanswered questions.

☐ Yes

☐ No

37. Do you think the questions making up this survey were at all useful and helpful in assessing and identifying improvements in the firm's complaint management system?

☐ Very helpful

☐ Helpful

☐ Neither helpful nor unhelpful

☐ Unhelpful

☐ Very unhelpful

Can you think of any ways in which the survey might be improved? We appreciate all feedback.

38. YOU HAVE NOW COMPLETED THE SURVEY.

IF YOU WANT TO CHECK OR CHANGE ANY OF YOUR ANSWERS BEFORE SUBMITTING THE COMPLETED SURVEY, SIMPLY CLICK THE <<PREV BUTTON AT THE FOOT OF EACH PAGE AND BROWSE THROUGH YOUR RESPONSES.

ONCE YOU ARE SATISFIED, CLICK ON "DONE" TO SAVE YOUR ANSWERS AND SUBMIT THE SURVEY.

THANK YOU FOR TAKING THE TIME TO COMPLETE THIS SURVEY. IS THERE ANYTHING ELSE YOU WOULD LIKE TO SAY?