

Complaints About Us

Policy

December 2011

Version 2

Acknowledgements

This policy has been adapted 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 policy

Purpose	<p>This document sets out the policy we use to deal with complaints made about us. A complaint about us for the purpose of this policy 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 and at the point of contact.</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. This includes building on an already existing organisational culture that recognises the benefits of effective complaint handling.

To avoid any confusion between complaints received under the *Legal Profession Act 2007*, and for ease of reference, this document uses the term complaint as relating solely 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 policy. It aims to ensure compliance with the Office of the Public Service Commissioner, Directive 13/06 – ‘*Complaints Management Systems*’.

2. Our Responsibilities

All staff of the Commission 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.

3. Objectives

The objectives of the Commission’s framework for complaints about us are to:

- maintain transparency and accountability in performing the Commission’s functions under the Act
- 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.

4. Policy Statement

The Commission's complaint management system is underpinned by the following principles:

Fundamental principles of justice

All complainants will be treated fairly and shown dignity, respect, compassion and courtesy.

We will be responsive to the particular needs of the person including age, sex, race, cultural or linguistic background, impairment, sexuality or religious beliefs.

Personal information of complainants will not be disclosed to unauthorised persons unless authorised by law.

Complainants will be given timely information on relevant services available to them.

Visibility and access

Where a person indicates to an officer that they wish to make a complaint covered by this policy, the officer will provide them with advice and all reasonable assistance on how to do so.

Information on how and where to lodge a complaint about us is also available on the Commission's web-site at www.lsc.qld.gov.au or upon request by calling the Commission on (07) 3406 7737. Information on how to raise any concerns about our handling of a matter will also be provided in standard correspondence at the start and conclusion of any matters.

Responsiveness

All staff will be:

- made aware of this policy by email and provided with access to it electronically
- briefed on the operation of the policy and provided with training.

The Commission will endeavour to:

- acknowledge receipt of a complaint within 14 business days
- process the complaint in a timely manner
- keep the complainant informed of the complaint's progress
- finalise all complaints within 90 days of receipt. However, this timeframe may depend on whether or not preliminary inquiries must be made before accepting the complaint as well as complexity of the complaint.

Assessment and action

The Commission will deal with all complaints fairly, professionally and independently of the parties. Complaints about us are dealt with by the Director of Investigations, the Commissioner or appropriate delegate.

Where appropriate, complaints and/or complainants will be referred to external agencies.

The principles of natural justice are applied to all complaints, which will be dealt with in a fair and consistent way as described in the policy statement.

Communication

The Commission will keep the complainant informed of the progress in processing the complaint.

The Commission will deal with a complaint in any number of ways depending on the nature of the complaint. Outcomes may include an apology, an explanation or a change in procedure or policy.

If a resolution is not achievable for a complaint, the Commission will advise the complainant of any appropriate external agencies or processes that may be able to assist them further.

Monitoring effectiveness

The outcome of any complaint will be explained to the relevant officer with comments aimed at preventing a repetition of any error or conduct.

The Commission will report on its effectiveness in handling complaints against us in both its monthly and annual reports.

The Commission will be able to report the following information:

- number of complaints received
- the outcome of those complaints
- median days to finalise a complaint.

The Commission's case management database ("**LPCentral**") will be able to inform us of complaint trends and this information will be used to identify improvements in the Commission's processes.

The Commission also conducts satisfaction surveys of complainants, respondents and stakeholders. The information obtained through the surveys, from CMS and from the monthly/annual statistics will identify areas of improvement in the way the Commission operates.

The Commission will review the operation of this Policy and its complaint handling processes annually.

5. What is a complaint?

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.

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.

Complaints about suspected misconduct, including official misconduct are not covered by this policy and should be immediately referred to the Crime and Misconduct Commission. 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.

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.

6. References and further information

- Office of the Public Service Commissioner Directive 13/06 *Effective Complaints Handling*
- Department of Justice and Attorney General *Complaints Management Policy 2007* and related material <http://www.jag.qld.gov.au>

- Department of Premier and Cabinet *Complaints Management Policy 2008* and related material <http://www.premiers.qld.gov.au>
- Queensland Ombudsman *Complaints Management Policy 2008* and related material <http://www.ombudsman.qld.gov.au>
- Commonwealth Ombudsman *Making a complaint about the office of the Commonwealth Ombudsman* and related material <http://www.ombudsman.gov.au/commonwealth/>
- Solicitors Regulation Authority (UK) *Draft policy for handing complaints about the SRA* August 2009
- Legal Complaints Service (UK) <http://www.legalcomplaints.org.uk>
- Legal Services Board (UK) <http://www.legalservicesboard.org.uk>
- Office of the Legal Services Ombudsman for England and Wales *Service Standards* <http://www.olso.org>