

6.01	MANAGING COMPLAINTS (EXTERNAL) POLICY
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Applies to: Users, Clients and Stakeholders
Specific responsibility: Managing Principal Solicitor

Version	4
Date Approved	30 Nov 2020
Next Review	30 Nov 2022

Policy Context: This policy relates to	
Standards or other external requirements	NACLCL Risk Management Guide
Legislation or other requirements	<i>Legal Professional Uniform Law (NSW)</i>
Contractual obligations	MLC Enterprise Agreement 2012

INTRODUCTION

Marrickville Legal Centre (“the Centre”) is committed to ensuring that any person or organisation (“the Service User”) using or engaging with Marrickville Legal Centre services or is affected by its operations has the right to lodge a complaint or to appeal a decision of the organisation and to have their concerns addressed in ways that ensure access and equity, fairness, accountability and transparency. This complaint processes outlined in this Policy do not apply to staff, volunteers or Board members of the Centre and members of these groups should use the Complaints and Grievances Policy.

POLICY

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

- is simple and easy to use;
- is effectively communicated and promoted to all clients and stakeholders;
- ensures complaints or appeals are fairly assessed and responded to promptly;
- is procedurally fair and follows principles of natural justice;
- complies with legislative requirements; and
- complies with the requirements of the Centre’s Enterprise Agreement.

PRINCIPLES

The Centre will:

- consider all complaints it receives;
- 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;
- ensure advocacy is available to clients who make a complaint and require support;
- resolve complaints, where possible, to the satisfaction of the complainant;
- deal with all complaints in a timely manner;
- keep parties to the complaint informed of progress of the complaint;
- ensure that Board members, staff and volunteers are given information about this Policy as part of their induction and are aware of procedures for managing client feedback and complaints;
- ensure Service Users are aware of the complaints policy and procedures;
- 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.

6.01 – MANAGING COMPLAINTS (EXTERNAL) POLICY

PROCEDURES

Part A: Information for clients, staff and stakeholders

All staff, clients and other stakeholders 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. A summary of this Policy will be available on request and will appear on the MLC website (“the Complaints Summary”).

The Complaints Summary will contain information on the following:

- how to make a complaint or lodge an appeal;
- contact person for lodging a complaint or appeal;
- how the organisation will deal with the complaint or appeal, the steps involved and the relevant 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.

Part B: Making a complaint – Informal Process

A Service User wishing to make a complaint may initially do so in writing or verbally to the staff member they were dealing with at the time. The staff member must:

- Inform the Managing Principal Solicitor or Assistant Principal Solicitor of the complaint;
- Make all reasonable efforts to address and resolve the Service User’s concerns;
- Inform the Managing Principal Solicitor or Assistant Principal Solicitor of the outcome of that process.

If the Service User’s complaint cannot be resolved through the informal process, the Service User may initiate a formal complaint process by raising the complaint verbally or in writing with the Managing Principal Solicitor or Assistant Principal Solicitor.

Part B: Making a Complaint – Formal Process

Once the Managing Principal Solicitor or Assistant Principal Solicitor receives a formal complaint, they must:

1. Process the complaint:

- Inform the complainant that their complaint has been received and provide them with information about the process and time frame.

2. Investigate the complaint:

- Examine the complaint within 72 hours of the complaint being received;
- Investigate the complaint and decide how to respond. This would include making an assessment as to whether the complaint raises matters which need to be notified to the Centre’s PII insurer, and if so, following the appropriate procedure for making these notifications in accordance with the NACLC Risk Management Guide;
- Inform the complainant in writing within 5 working 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 10 working 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.

3. Resolve the complaint:

- Make a decision or referring to the appropriate people for a decision within 10 days of the complaint being received
- Inform the complainant of the outcome:
 - 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.
- Inform the complainant of any options for further action if required.

Part C: Making an Appeal

If the complainant is not satisfied with the investigation and proposed resolution of their complaint they can seek a review of the matter by lodging an appeal with the Chair of the Centre’s Board.

Upon receiving an appeal, the Managing Principal Solicitor or Chair of the Board (or the Chair’s delegate) will:

6.01 – MANAGING COMPLAINTS (EXTERNAL) POLICY

1. Process the Appeal

- Inform the complainant that the appeal has been received and provide a time frame for response.

2. Investigate the Appeal

- Examine the appeal within a reasonable time of the appeal being received;
- Investigate the appeal. This would include investigating the original complaint and the manner in which the complaint was originally addressed through the process set out in Part B above;
- Inform the complainant within two working days of the appeal being received of what is being done to investigate and resolve the appeal, and the expected time frame for resolution.

3. Resolve the Appeal

- Make a decision or referring to the appropriate people for a decision within 5 days of the complaint being received
- Inform the complainant of the outcome:
 - 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.
- Inform the complainant of any options for further action if required.

Part D: Referral to External Agency

A formal external complaints procedure may follow the process in Part C if the complainant is still not satisfied with the outcome. The complainant is entitled at any stage in the process to bring a complaint to an external body, such as the NSW Legal Services Commissioner or the Office of Fair Trading.

Part E: Procedure for Complaints and Appeals Management – Clients of Principal Solicitor

A client of the Managing Principal Solicitor wishing to make a complaint may do so initially by raising the complaint verbally or in writing with the Managing Principal Solicitor.

If this is insufficient to resolve the issue, the client may raise the complaint verbally or in writing with the Chair of the Centre's Board. The Chair (or delegate) will follow the procedure to set out in Part C above to resolve the complaint.

If this is insufficient to resolve the issue, the Chair will refer the client to an external agency, such as the NSW Legal Services Commissioner.

Part F: Record keeping

The Managing Principal Solicitor and Assistant Principal Solicitor will keep a confidential electronic register of complaints and appeals. The register will be maintained by the Managing Principal Solicitor 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 electronically in the same location.

The complaints register and files will be confidential and access is restricted to the Managing Principal Solicitor and Assistant Principal Solicitor.

A statistical summary of complaints and appeals will also be kept and maintained by the Managing Principal Solicitor and will be responsible for preparing quarterly report on complaints to the Board.

6.01 – MANAGING COMPLAINTS (EXTERNAL) POLICY

Results from this report will be reviewed by the Board 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

CONSEQUENCE OF BREACH

Any breach of this policy may result in the Counselling and Disciplinary Process being initiated as set out in Part 7 of MLC's Enterprise Agreement 2012-2015.

DOCUMENTATION

Documents related to this policy	
Related policies	Managing Complaints and Grievances (Internal) Policy
Forms, record keeping or other organisational documents	MLC Constitution MLC Enterprise Agreement 2012 MLC Complaints Register

Reviewing and approving this policy		
Frequency	Person responsible	Approval
Every 2 years	Managing Principal Solicitor	Board

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
1	May 2010	MLC Board	May 2012
2	Nov 2012	MLC Board	Nov 2014
3	May 2017	MLC Board	May 2019
4	30 November 2020	MLC Board	30 November 2022

INDEXING

Section of Policy Manual:	6.00
Filepath:	Knowledge Hub - Policies - All Documents (sharepoint.com)

Feedback and complaints

Marrickville Legal Centre is committed to a fair and transparent complaints process. This information is a summary of our Centre's Managing Complaints (External) Policy and is designed to assist you in lodging a complaint. A copy of the full policy can be made available upon request.

Raising concerns & providing feedback

We encourage you to raise any immediate concerns with a staff member at the time you experience difficulties. We welcome feedback of all kinds, as it assists us to improve our services.

Making a formal complaint

Formal complaints about Marrickville Legal Centre or any of its staff or volunteers should be made in writing. Written complaints should be emailed to feedback@mlc.org.au or mailed to:

Managing Principal Solicitor
Marrickville Legal Centre
338 Illawarra Road
Marrickville NSW 2204

If your complaint is about the Managing Principal Solicitor, then the Chair of the Board will investigate the matter. Formal complaints about the Managing Principal Solicitor should be emailed to gjenkins@mlc.org.au or mailed to:

Director of MLC Board
Marrickville Legal Centre
338 Illawarra Road
Marrickville NSW 2204

If you require support or are unable to make your complaint in writing, please notify our Centre and we can assist you.

The complaint process

All complaints will be logged in a register. You will be notified that your complaint has been received by phone or in writing within 72 hours of the Centre's receipt.

Once the complaint has been investigated, you will be advised about the outcome and any actions that will be taken as a result of your complaint. This may include advising you that:

- The complaint has been upheld (and if so what will be done to resolve it);
- The complaint will be resolved (and how this has been achieved); or
- No further action can be taken and the reasons for this.

We aim to investigate and resolve complaints within 10 working days. If we think that your complaint will take longer to resolve, you will be told of the reasons why, and how long the process is likely to take.

If you disagree with a decision made by Marrickville Legal Centre, you can appeal the decision in writing.

Appealing a decision of the Centre

If you are not satisfied with the investigation and proposed resolution of your complaint, you can seek a review of the matter by lodging an appeal with the Chair of the Centre's Board. This should be done by email to gjenkins@mlc.org.au or mailed to:

Director of MLC Board
Marrickville Legal Centre
338 Illawarra Road
Marrickville NSW 2204

If you require support or are unable to make your appeal in writing, please notify our Centre and we can assist you.

Upon receiving an appeal, the Chair of the Board (or the Chair's delegate) will:

- Notify you that the appeal has been received by phone or in writing within 72 hours from receipt.
- Advise you when the Board of MLC is next scheduled to meet to consider your appeal.

Within 10 business days following the next scheduled board meeting, the Board will advise you of the outcome and any actions that will be taken as a result of your appeal. This may include advising you that:

- The appeal has been upheld; or
- No further action can be taken and the reasons for this.

If you are not satisfied with the outcome of the appeal, you may make a formal complaint to the appropriate external body, such as the NSW Legal Services Commissioner or the Office of Fair Trading.

For further information about feedback and complaints please contact the Managing Principal Solicitor on 9559 2899.