

2.24	MANAGING COMPLAINTS POLICY - CLIENTS
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Applies to: Users, Staff, Board and Volunteers
Specific responsibility: Executive Officer

Version: 3
Date approved: 22 May 2017
Next review date: May 2019

Policy context: This policy relates to	
Standards or other external requirements	NACLC Risk Management Guide
Legislation or other requirements	Legal Profession Uniform Law (NSW)
Contractual obligations	N/A

INTRODUCTION

Marrickville Legal Centre is committed to ensuring that any person or organisation using Marrickville Legal Centre services or 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.

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.

PRINCIPLES

Marrickville Legal 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 the complaints procedure as part of their induction and are aware of procedures for managing client feedback and complaints;
- ensure all service users, stakeholders and members 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.

PROCEDURES

Part A: Information for clients 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 the Complaints Policy and Procedures will be available on request, and will appear on the MLC website.

The complaints procedure 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 client 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 Principal Solicitor of the complaint;
- Make all reasonable efforts to address and resolve the client's concerns;
- Inform the Principal Solicitor of the outcome of that process.

If the client's complaint cannot be resolved through the informal process, the client may initiate a formal complaint process by raising the complaint verbally or in writing with the Principal Solicitor.

Part B: Making a Complaint – Formal Process

Once the Principal Solicitor receives a formal complaint, the Principal Solicitor must:

1. Process the complaint:

- Inform the Executive Officer of the complaint, to enable the Executive Officer to register the complaint in the complaints register;
- Inform the complainant that their complaint has been received and providing them with information about the process and time frame.

2. Investigate the complaint:

- Examine the complaint within 24 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 NALC Risk Management Guide;
- Inform the complainant in writing within 2 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 5 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 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 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 Executive Officer, or the Chair of the Marrickville Legal Centre Board.

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

1. Process the Appeal

- Inform the Executive Officer of the Appeal, so that the Executive Officer can register the appeal in the complaints register;
- 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.

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

A client of the Principal Solicitor wishing to make a complaint may do so initially by raising the complaint verbally or in writing with the 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 Marrickville Legal Centre 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 Executive Officer will keep a confidential electronic register of complaints and appeals. The register will be maintained by the Executive Officer and will record the following for each complaint or appeal:

- Details of the complainant and the nature of the complaint;
- Date lodged;

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- 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 Executive Officer.

A statistical summary of complaints and appeals will also be kept and maintained by the Executive Officer. The Executive Officer will be responsible for preparing quarterly report on complaints to the Board.

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

DOCUMENTATION

Documents related to this policy	
Related policies	Managing Complaints Policy – Staff and Board
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	Executive Officer	Board

Policy review and version tracking			
Version	Date Approved	Approved By	Next Review Due
1	May 2010	Titled 'Complaints Policy'	
2	Nov 2012	Renamed 'Managing Complaints'	
3	May 2017	MLC Board	May 2019