



# Northern Territory Legal Aid Commission

## Complaints Handling Policy and Procedure

### Introduction

Complaints are a valid way of alerting an organisation to potential problems in the way it conducts its business. Through the investigation of complaints, we can gain a clearer appreciation of how or where things might be going wrong. Complaints allow us to analyse how we administer policies and programs, deal with clients and manage issues. They also help us to identify areas that need attention, and this in turn can lead to improvements in service delivery and better decision-making.

### Complaint handling policy framework

For the Commission to ensure a high standard of service to complainants it will:

- Deal with complaints professionally, efficiently and impartially;
- Keep complainants informed of the progress and outcome of inquiries;
- Provide clear reasons for our decisions; and
- Treat complainants with courtesy and respect.

If the complainant feels that the Commission does not meet its responsibilities, the complainant may complain to the Ombudsman NT.

It is the responsibility of the complainant to:

- Clearly identify the issues of complaint;
- Give the Commission the available information about the complaint in an organised format at the time of making the complaint;
- Cooperate with the Commission's inquiries or investigations; and
- Treat the Commission's staff with courtesy and respect.

Complaints are handled by the Commission within a framework of public access rights and responsibilities. These include:

- The Commission has obligation, within reasonable limits, to respond to correspondence and respond to telephone and face-to-face inquiries from the public;
- In the absence of good reasons to the contrary members of the public have a right of access to the Commission and its services;
- People who have dealings with the Commission have a right to complain, and criticism and complaints are a legitimate and necessary part of the relationship between the Commission and its clients and the wider community;
- No-one should unconditionally be deprived of the right to raise their concerns and have them addressed; and
- The Commission's obligation to use its resources efficiently and effectively may mean that it is reasonable to limit the nature or scope of actions taken in response to unreasonable complainant conduct.

## **Complaint Handling Procedure**

### **Form and acknowledgement of complaints**

The Commission will ordinarily not accept a complaint unless it is in writing.

Complainants contacting the Commission in person or by telephone should be asked to put their complaint in writing addressed to the Director at the Commission's postal address.

If a complainant finds it difficult to lodge a written complaint due to literacy, language or other barrier they should be assisted to put their complaint in writing.

All complaints should be acknowledged in writing.

Anonymous complaints should only be investigated where they raise issues of fraud or other serious misconduct that the Director or Deputy Director consider warrant investigation.

### **Types of complaints**

Complaints received by the Commission fall into two main categories – conduct complaints and complaints concerning the provision of legal assistance.

## **Conduct complaints**

Conduct complaints comprise:

1. Complaints about services provided by, or other conduct of, Commission staff; and
2. Complaints about services provided by, or other conduct of, private lawyers.

### **Complaints about Commission staff**

Complaints about services provided by, or other conduct of, Commission staff will be referred immediately to the Director or Deputy Director who will acknowledge the complaint and commence the investigation process.

Investigations should be completed and reports provided within 30 days of notification unless the Director or Deputy Director has approved an extension of time.

The Director (or Deputy Director if information barriers prevent it being considered by the Director) will endeavour to respond in writing to the complainant within 60 days of receiving the complaint.

### **Complaints about private lawyers**

Complaints about legal aid services provided by, or other conduct of, private lawyers must be referred immediately to the Director who will commence the investigation process.

The Director (or Deputy Director if information barriers prevent it being considered by the Director) will endeavour to respond in writing to the complainant within 60 days of receiving the complaint.

### **Communicating with complainants regarding conduct complaints**

Following investigation, a written response will be sent to the complainant that includes the decision made and reasons for that decision.

Communication with complainants will be courteous and respectful at all times.

### **Complaints about the provision of legal assistance**

Most complaints concerning the provision of assistance are in the form of allegations that another person (usually a party to proceedings involving the complainant) does not qualify for assistance because of means or lack of legal merit. Because these complaints concern the affairs of others the Commission is prevented by section 55 of the *Legal Aid Act 1990* from divulging or communicating any information held by the Commission concerning the other person.

However, these complaints will not be ignored unless the allegations are known to be false. All allegations concerning the eligibility of a person for legal assistance will, if the person has applied for or been granted legal assistance, be investigated.

### **Compliments and other feedback**

The Commission values all feedback from people accessing its services. A Customer Satisfaction Survey is available on the Commission's website at [www.legalaid.nt.gov.au](http://www.legalaid.nt.gov.au) and is also available in hard copy at all Commission offices. Customer feedback enables us to review our service delivery and programs to ensure we provide a valuable and effective service.