



## Complaint Handling Policy and Procedure

### 1. 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. This can lead to improvements in service delivery and better decision-making.

### 2. Complaint handling policy framework

#### Guiding Principles

For Legal Aid NT to ensure a high standard of service to complainants, it will:

- **Fairness:** Deal with complaints professionally, efficiently and impartially;
- **Accessibility:** Ensure information on the complaints process is easily available;
- **Confidentiality:** treat complaints and personal and sensitive information in accordance with Legal Aid NT's policies and legislative requirements.
- **Transparency:** Keep complainants informed of the progress and outcome of complaints;
- **Accountability:** Provide clear reasons for our decisions; and
- **Respect:** Treat complainants with courtesy and respect.
- **Compliance:** handle complaints in accordance with relevant legislative requirements, including the *Family Law Act, 1975 (Cth)* and *Family Law (Family Dispute Resolution Practitioners) Regulations 2025 (Cth)*.

If the complainant still feels that Legal Aid NT 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 Legal Aid NT the available information about the complaint in an organised format at the time of making the complaint;
- Cooperate with Legal Aid NT's inquiries or investigations; and
- Treat Legal Aid NT staff with courtesy and respect.

Complaints are handled by Legal Aid NT within a framework of public access rights and responsibilities. These include:

- Legal Aid NT has an 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 Legal Aid NT and its services;
- People who have dealings with Legal Aid NT have a right to complain, and criticism and complaints are a legitimate and necessary part of the relationship between Legal Aid NT 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
- Legal Aid NT's obligation to:
  - use its resources efficiently and effectively and may mean that it is reasonable to limit the nature or scope of actions taken in response to unreasonable complainant conduct to protect staff well-being and resource allocation.
  - ensure compliance with the *Family Law Act, 1975 (Cth) and Family Law (Family Dispute Resolution Practitioners) Regulations 2025 (Cth)*, as the primary consideration when determining a family dispute resolution service is appropriate.

### **3. Complaint Handling Procedure**

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

Legal Aid NT will ordinarily not accept a complaint unless it is in writing.

Complainants contacting Legal Aid NT in person or by telephone should put their complaint in writing addressed to the Director at Legal Aid NT's postal address.

If a complainant finds it difficult to lodge a written complaint due to literacy, language, disability or other barrier they will 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 Associate Director Client Services consider warrant investigation.

Each complaint received by Legal Aid NT shall be logged by the Complaints Co-Ordinator in the Complaints Register (the Register). The Register must always be kept up to date for auditing purposes.

### **Types of complaints**

Complaints received by Legal Aid NT fall into two main categories – conduct complaints and complaints concerning the provision of legal assistance or a family dispute resolution service by an FDRP.

## **4. Conduct complaints**

Conduct complaints comprise:

- (a) Complaints about services provided by, or other conduct of, Legal Aid NT staff; and
- (b) Complaints about services provided by, or other conduct of, private lawyers who undertake legal aid work.
- (c) Complaints about Family Dispute Resolution Practitioners (FDRP's) who undertake legal aid work

### **4.1 Complaints about Legal Aid NT staff**

Complaints about services provided by, or other conduct of, Legal Aid NT staff will be referred immediately to the Director or Associate Director Client Services 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 Associate Director Client Services has approved an extension of time.

The Director (or Associate Director Client Services 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.

### **4.2 Complaints about private lawyers undertaking legal aid work**

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 Associate Director Client Services 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.

### **4.3 Complaints about Family Dispute Resolution Practitioners (FDRPs) undertaking legal aid work**

Complaints about family dispute resolution services provided by a staff member or private FDRP mediating a Family Law Conference at Legal Aid NT under a grant of legal aid, must be referred immediately to the Associate Director of Client Services who will commence the investigation

process. The Associate Director of Client Services or their delegate (Associate Director of Family Law or Director in case of conflict), will determine the outcome of the complaint.

A complainant may make a complaint in respect of an FDRP within 12 months from the date of the service.

#### *Timeframes*

Where possible, Legal Aid NT aims to resolve complaints in respect of FDRP's within 35 working days. This will vary depending on the complexity of the matter and the complaint and any relevant deadlines in family law court proceedings (eg. next court date).

#### *Process*

The Complaints Co-ordinator (or delegate) will acknowledge receipt of the complaint in writing and send the complainant a consent form. The complainant must sign a consent form so that Legal Aid NT may provide a copy of the complaint to the FDRP. If no consent is provided, within 28 working days, Legal Aid NT may close the complaint without taking any further action.

The decision maker:

- (a) Will ensure any conflicts of interest are declared.
- (b) Provide a copy of the complaint to the FDRP and ask them to provide a response to the issue(s) raised in the complaint within a specified time frame (usually 10 working days).
- (c) Investigate the complaint, ensuring that their decision is reviewed by a suitably experienced colleague and consider whether the FDRP has materially contravened section 20 or 25 of the Family Dispute Resolution Practitioner Regulations 2025 and/or the *Family Law Act, 1975* (Cth) before the complaint is finalised.
- (d) If the complaint is substantiated, notify the Secretary of the Commonwealth Attorney-General's Department – Family Dispute Resolution Practitioner Registrations.
- (e) Write to the complainant with the outcome of the complaint including any action that has been or will be taken OR where appropriate inform the complainant that Legal Aid NT is unable (due to s.55 of the *Legal Aid Act, 1990* (NT)) to provide specific details of the outcome of the investigation.
- (f) Notify the FDRP of the outcome of the investigation.

## **5. 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.

## **6. Complaints about the provision of legal assistance by a staff member or private lawyer undertaking legal aid work**

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 Legal Aid NT is prevented by section 55 of the *Legal Aid Act 1990* from divulging or communicating any information held by Legal Aid NT concerning the other person.

The act of making a complaint does not in any way adversely affect the ability of the complainant, nor the person the complaint is about, to access the services of Legal Aid NT.

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.

## **7. Compliments and other feedback**

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