# Victoria Legal Aid Complaint Policy

**Department:** Legal Practice Directorate

**Responsible officer:** manager, Internal Legal Services team

**Accountable director:** director Legal Practice

**Effective date:** 8 September 2023

**Date of next review:** 8 September 2024

**Version:** 1.1

## Purpose and scope

This policy sets out Victoria Legal Aid’s (VLA) approach to managing complaints.

This policy applies to all VLA staff who provide services to the community as well as Private Panel Practitioners and Community Legal Centres (CLCs) which sit on one or more of VLA’s Panels.

This policy does not cover:

* Complaints which do not relate to a service or function ofVLA or a legal practitioner who is not a member of one of VLA’s panels.
* Employment-related staff grievances or staff-related performance matters.
* General feedback provided to VLA which does not meet the definition of a complaint.

## Definitions

| Word | Meaning |
| --- | --- |
| Complaint | An expression of dissatisfaction about a service or function of VLA or a service funded by VLA. A complaint does not need to be in writing or include the words ‘complaint’ to be a complaint. |
| Private Panel Practitioners | Practitioner panels are lists of lawyers/firms/community legal centres who/which are approved to provide legal assistance subject to a grant of legal aid for clients. |
| Feedback | Information provided about the quality of a service provided by VLA or funded by VLA which is not a complaint. |
| VLA Practice Standards and Measures | VLA Practice Standards and Measures set out the minimum standards required of VLA lawyers and Private Panel Practitioners when providing legal assistance. The Practice Standards are used as the main measure when investigating complaints and are also used to undertake audit and compliance checks. |
| Systemic Issues | Quality or system-based issues identified by information obtained as the result of a complaint or group of complaints, which is likely to affect a class of persons beyond any person who lodged a Complaint or raised a concern. |

## Policy Objective

The objective of this policy is to explain VLA’s transparent, supportive and positive approach to complaint handling.

## Statement of the policy

Members of the public have the right to express dissatisfaction with services operated and funded by VLA and to be offered a transparent, timely and fair process for the investigation and resolution of complaints.

VLA is committed to best practice when handling complaints by ensuring that:

* Our Complaint Policy is clear for clients and other users of our services, staff and Private Panel Practitioners.
* Our investigations, decisions and recommendations are transparent, impartial, fair and consistent.
* We learn from complaints to improve the way we plan and deliver services.

## Who can complain and how

Anyone can make a complaint about services and functions of VLA andprivate panel practitioners.Complaints can be made:

* Verbally – directly to the team or office which provides a service or by calling VLA’s complaints number (03) 9280 3789
* By email – [complaints@vla.vic.gov.au](mailto:complaints@vla.vic.gov.au)
* Online – [make a complaint using our online form](https://www.legalaid.vic.gov.au/i-have-problem-victoria-legal-aid-lawyer-or-service#make-a-complaint-about-your-lawyer)
* Post – Internal Legal Services (ILS), GPO Box 4380, Melbourne VIC 3001

We understand that not everyone can make a written complaint or call VLA in business hours. People have different communication preferences and needs. We understand there are barriers such as language, disability, homelessness or shift work. We offer a call-back option for people who need to contact us out of business hours.

### Accessibility

VLA is committed to making our complaints handling system accessible by:

* Enabling complaints to be made via our online complaints form as well as in person, by phone, in writing, and by email.
* Offering free access to a translation and interpreter service.
* Using the National Relay Service to communicate with people with hearing or speech impairments.
* Providing information in accessible formats.
* Ensuring children are empowered and supported to make complaints and raise child safety concerns.
* Ensuring victims of crime and/or a person adversely affected by crime are treated with courtesy, dignity and respect.
* Providing support to members of the public to make a complaint.
* Accepting complaints from authorised third party representatives where a complainant needs assistance to make a complaint.

### Complaints from regulators

VLA receives and investigates complaints raised or referred by the following regulators:

* [The Legal Services Board + Commissioner (VLSB+C)](https://lsbc.vic.gov.au/)
* [Victorian Ombudsman](https://www.ombudsman.vic.gov.au)
* [Office of the Victorian Information Commissioner (OVIC)](https://ovic.vic.gov.au)
* [Victorian Equal Opportunity and Human Rights Commission (VEOHRC)](https://www.humanrights.vic.gov.au)
* [Victims of Crime Commissioner (VOCC)](https://www.victimsofcrimecommissioner.vic.gov.au)
* [Commissioner for Children and Young People (CCYP)](https://ccyp.vic.gov.au/about-us/our-commissioners/)

These complaints are received and managed by VLA’s Internal Legal Services Team (ILS).

### Complaints initiated by VLA (Own Motion Complaints)

## VLA initiates and investigates complaints of its own motion where serious and/or systemic issues are raised about the conduct of legal practitioners which may breach [VLA’s Practice Standards](https://www.legalaid.vic.gov.au/our-practice-standards).

These complaints are initiated and investigated by VLA’s Internal Legal Services (ILS) team.

## Types of complaints VLA can investigate

### Complaints about legal services

VLA investigates complaints relating to legal services provided by VLA legal practitioners and private panel practitioners which are subject to a grant of legal aid funding (including CLC’s which are on VLA’s panels).

Complaints are investigated in accordance with [VLA’s Practice Standards and Measures](https://www.legalaid.vic.gov.au/node/9672).

### Complaints about non-legal VLA services

VLA receives and investigates complaints about all other services provided by VLA, including services provided by VLA’s Family Dispute Resolution Services (FDRS) and the Independent Mental Health Agency (IMHA).

These complaints are assessed having regard to applicable legislation, regulations, codes and guidelines.

### Complaints about services to VLA

### VLA receives and investigates complaints from individuals and businesses which have provided services to VLA. Information about how to make a complaint and how the complaint will be handled is outlined in in this policy.

For further information on VLA’s procurement complinats management process please see here: [Procurement | Victoria Legal Aid](https://www.legalaid.vic.gov.au/procurement#process-%E2%80%93-complaints).

### Complaints about child abuse or harm

### VLA receives, investigates and reports on complaints about our staff, volunteers and contractors about child abuse and harm. [VLA’s Child Safety Officer](https://www.legalaid.vic.gov.au/child-safe-standards) handles these complaints directly. For more detailed information about VLA’s commitment to child safety, please read [VLA’s Child Safe Standards](https://www.legalaid.vic.gov.au/child-safe-standards).

### Complaints under the Victims’ Charter

VLA receives, investigates and reports on complaints about our victim services in accordance with the Victims’ Charter. VLA recognises that victims of crime and persons adversely affected by crime have an important place in the criminal justice system and must be treated with courtesy, dignity and respect.

For further information about VLA’s commitment to the Victims’ Charter, please see here: [How we treat victims of crime – the Victims' Charter Act 2006 | Victoria Legal Aid](https://www.legalaid.vic.gov.au/how-we-treat-victims-of-crime)

Victims can also complain directly to the Victims of Crime Commissioner (VOCC).

For further information on how the VOCC assesses and investigates complaints please see here: [Assessing and investigating complaints | Victims of Crime Commissioner](https://www.victimsofcrimecommissioner.vic.gov.au/agencies/assessing-and-investigating-complaints)

## Remedies and outcomes

VLA’s Complaint Policy promotes early and practical resolution of complaints. Often, complaints can be managed and resolved early by actively listening to the complainant and finding practical solutions to resolve the matter, including but not limited to:

* Listening to a complaint and acknowledgment of a complainant’s perspective.
* Acknowledgement and/or correction of an error or issue.
* Providing an apology.
* Providing an explanation for the conduct.
* Discussion/training/feedback with the relevant staff member/s.
* Transfer or referral of a matter to another practitioner or service provider
* Implementation of a system improvement and communication to the complainant about this.

## Privacy and Confidentiality

VLA protects the personal and sensitive information collected by VLA as part of the complaints process and handles it in accordance with [VLA’s Privacy Policy](https://www.legalaid.vic.gov.au/privacy-policy).

This means we:

* Only collect as much personal information as we need to assist in resolving a complaint.
* Use information collected as part of an investigation to resolve the complaint or relevant systemic issue. This may include disclosing information to an external regulator to support the resolution of a complaint.
* Disclose information about complaint outcomes within VLA to support VLA’s quality, audit and compliance programs.
* Report de-identified complaints data within VLA.
* Share it with complainants, staff/private practitioners on a need-to-know basis only.

## Recording and Reporting

VLA manages dedicated databases for recording complaints at all levels.

Complaint data is collected, analysed and disclosed for the following purposes:

1. To provide regular reports to VLA’s Board, Audit Risk and Compliance Committee, Senior Leadership Team and Management regarding complaint trends and service improvements.
2. To support VLA’s management of panel membership and quality improvement processes. including audits and compliance checks.
3. Identification of systemic issues or complaints trends.

## Transparency

Where possible and subject to legal restrictions, VLA takes a transparent approach to complaint-handling.

Unless there is a good reason not to, VLA shares written complaints with the person or service complained about and also shares any response with the complainant.

If someone involved in a complaint asks for a copy of a related document VLA holds – such as a file note or internal policy – we provide it, unless disclosure would breach:

* Client safety
* Child safety
* Client confidentiality
* Lawyer/client privilege
* The *Privacy and Data Protection Act 2014*
* Section 43 of the *Legal Aid Act 1978* (unless there is VLA consent)

## Role and Responsibilities

All VLA staff and Private Panel Practitioners/CLCs are responsible for resolving complaints. This means:

**Private Practitioners/Community Legal Centres**which are members of one of more VLA panels engage and comply with VLA’s Complaint Policy.

**All VLA staff** receive and deal with complaints in accordance with VLA’s Complaint Policy and assist service users to make complaints upon request.

**All VLA managers** are responsible for handling complaints made about their area and accurately recording complaint information.

The **VLA Board, CEO and the Senior Leadership Team (SLT)** are responsible for fostering a culture which welcomes complaints, accountability and continuous improvement.

The **Internal Legal Services Team** (**ILS**) has responsibility for:

* Supporting staff to resolve complaints at local level in an efficient and practical way.
* Engaging with complainants in a way which affords them procedural fairness.
* Investigating and resolving complaints that cannot be resolved by practitioners at local level.
* Initiating and investigating VLA initiated (own motion) complaints.
* Supporting compliance with this policy using systems, training and awareness-raising.
* Reporting to VLA staff, VLA’s Audit Risk and Compliance Committee (ARCC) and the VLA Board in relation to VLA’s complaints-handling performance.

## For more information about Complaints at VLA

ILS is responsible for the maintenance of this Policy. For any questions regarding the Complaint Policy, email [complaints@vla.vic.gov.au](mailto:complaints@vla.vic.gov.au).

## Approval and policy responsibility

This policy was approved by the Director of Legal Practice.

ILS is responsible for updating this policy.

## Related documents

*[Legal Aid Act 1978](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubLawToday.nsf/95c43dd4eac71a68ca256dde00056e7b/ea467a1b102e8b68ca257b5c0083921b!OpenDocument)*

[Reporting improper conduct](https://www.legalaid.vic.gov.au/reporting-improper-conduct)

[The VPS Code of Conduct](http://vpsc.vic.gov.au/html-resources/code-of-conduct-for-victorian-public-sector-employees-2/)

[VLA Privacy Policy](https://www.legalaid.vic.gov.au/privacy-policy)

## Keywords

Complaint Policy – Complaints - Complaint Handling