

UMSU Legal Service

Complaints by Clients Policy

Policy number: 002	Date adopted: 12.11.2014	
Authorised by: Phoebe Churches, Manager, Advocacy & Legal		
Date last reviewed: 10.11.2016	Reviewed by: A & L SAG	Date of next review: 10.11.2017

Policy context: This policy relates to:	
Standards or other external requirements	NACLC Mandatory Standard 7
UMSU standards	UMSU Code of Conduct
Legislation or other requirements	<u>Legal Profession Uniform Law Application Act 2014 (Vic)</u> <u>Legal Profession Uniform General Rules 2015</u> <u>Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015</u> <u>Legal Profession Uniform Legal Practice (Solicitors) Rules 2015</u>

POLICY STATEMENT

UMSU Legal Service welcomes feedback in relation to its service as part of its policy for continuous improvement. UMSU Legal Service aims to be focused on the needs of clients, to show respect for clients, to be responsive to client needs, and to communicate effectively how our service is working towards these goals.

The Legal Service will ensure that client complaints are treated confidentially and that clients will not be victimised by making a complaint about the Legal Service. Clients should be advised that a written record will be kept of any complaints and their outcomes.

Clients should be provided with a copy of this policy and the Legal Service Charter when a file is open and when any client makes an enquiry about a complaint regarding the Legal Service.

PRINCIPLES

The UMSU Legal Service will:

- give full consideration to all complaints;
- treat all complainants with respect;
- maintain confidentiality of complaints and information provided by the parties;
- ensure advocacy or support is available to complainants where necessary;
- 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;
- ensure that Students' Council, staff and volunteers are aware of this Complaints Policy;
- ensure, as far as possible, that all clients are aware of this Complaints Policy;
- ensure complainants are not penalised in any way or prevented from utilising the service having made a complaint;
- ensure complaints/feedback data (both negative and positive) is considered in service reviews and in planning service improvements.

The following sets out the process to be undertaken if a dispute or complaint occurs. It is aimed at solving problems quickly at the lowest possible level. However, if serious complaints

occur (e.g. alleged professional misconduct) it is appropriate for the complainant to make an external complaint without raising the issues directly with the person involved.

Complaints by clients

If a client is unhappy with the service:

1. In the first instance, the client should let the staff member or volunteer handling the case know and try to work the problem out with them.
2. If the client is unable to do this, s/he should speak to Principal Solicitor; if the complaint is about the Principal Solicitor, the client should contact the Manager, Advocacy & Legal.
3. If the client remains unhappy, s/he is entitled to put a complaint in writing to the General Manager, UMSU or the [Legal Services Commissioner](#).

The Student Services Officer can provide assistance with a complaint.

All complaints, whether in writing or verbal, will be recorded in a confidential file (**complaint file**) which is reviewed twice yearly by the Manager, Advocacy & Legal to monitor any trends or systemic issues.

Procedure for complaints management

Processing the complaint

1. On receipt of a complaint it will be referred to either the Principal Solicitor or the Manager, Advocacy & Legal who will:
 - register the complaint or appeal in the Complaints Register
 - within 5 business days of receipt of the complaint:
 - acknowledge receipt of the complaint, and
 - provide the complainant with a copy of this Complaints Policy, and
 - advise the complainant who will investigate the complaint, and
 - advise the complainant of the expected time frame for the investigation, and
 - advise the complainant that the outcome will be confirmed in writing.

Investigating the complaint and responding to complaints

The person nominated to investigate the complaint will:

- investigate the complaint within the time frame advised to the complainant, and
- notify that staff member/volunteer of the complaint and provide them with an opportunity to respond to any issues raised;
- take any other action necessary to investigate the issue.

The Principal Solicitor or Manager, Advocacy & Legal (or the General Manager, UMSU – if the complaint is about the Manager, Advocacy & Legal) will:

- decide how to resolve the complaint, and
- inform the complainant in writing of the decision, namely either that:
 - the complaint is upheld (and if so what will be done to resolve it), or
 - the complaint is resolved (and how this has been achieved), or
 - no further action will be taken (and if so the reasons why)
- inform the complainant of any other options available to them.

As far as possible, complaints or appeals will be investigated and resolved within 2 months 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.

Reviewing response to the complaint

If the complainant is not satisfied with the resolution of their complaint they may submit a written request for a review to the General Manager, UMSU who will review the decision and notify the complainant of the outcome of the review within 28 days of receipt of the review request.

Referral to external procedure

A complainant can be referred to external review organisations if not satisfied with the outcome.

Record keeping

A Complaints Register of complaints and appeals will be maintained by the Manager, Advocacy & Legal.

The Register will record the following for each complaint:

- 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 with the complaint in the Register and cross referenced by number on the register. Details of all complaints will be confidential and access is restricted to the Principal Solicitor, Manager, Advocacy & Legal and the General Manager, UMSU.

Complaints by Students' Council about UMSU Legal Service

The procedure for dealing with a Students' Council member's grievance is set out in the UMSU Constitution.

Complaints by staff and volunteers

Grievance procedures for staff are detailed in the MU Student Union Collective Agreement 2013 and will be progressed in accordance with this.

The process for resolving Volunteer grievances is detailed in the Volunteer Grievance Policy and Procedures.

During induction staff and volunteers will be informed of the relevant process and advised where they can access relevant policies and documents.

DOCUMENTS

Documents related to this policy	
Related policies	UMSU Code of Conduct Policy Volunteer Grievance Policy and Procedures
Forms or other organisational documents	Feedback form UMSU Legal Service Complaints Register Legal Service Charter MU Student Union Collective Agreement 2013
Policy review frequency: Annually	Responsibility for review: A & L SAG
<p>Review process: The Advocacy & Legal Student Advisory Group in conjunction with the Principal Solicitor has responsibility for leading the review of this policy. The process for reviewing the policy includes:</p> <ul style="list-style-type: none"> • Assessment of policy implementation to date; • Those covered by the policy are provided with the opportunity to give feedback; • All feedback and suggestions will be considered by the review of the policy; • Proposed changes will be presented to UMSU staff to achieve consensus; • A & L SAG will endorse the finalised policy; and • The feedback form & policy will be available on the Legal Services web page. 	