

Complaints Policy

2025

Acknowledgement of Country

Tasmania Legal Aid acknowledges and pays respect to Palawa/Tasmanian Aboriginal people as the Traditional Custodians of the land and waters of this island, Lutruwita/Tasmania, where we live and work.

1 . Purpose

The purpose of this document is to outline the procedures for handling and resolving complaints about the services, conduct, actions, or inactions of Tasmania Legal Aid (TLA) or its staff members.

2 . Policy Statement

This document ensures that all complaints are addressed fairly, transparently, and efficiently, with a clear process in place for clients to raise their concerns. The policy establishes an accessible, centralised, and consistent approach to complaint handling within TLA, reinforcing our commitment to accountability and improvement in service quality.

3 . Scope

This policy applies to any expression of dissatisfaction regarding the services, conduct, actions, or lack of action by TLA or its staff members. Complaints covered by this policy may include, but are not limited to:

- Concerns about feeling unsafe while receiving services from TLA.
- Issues with unreasonable delays in receiving information or services from TLA.
- Dissatisfaction with the quality of services delivered by TLA.
- Dissatisfaction with TLA policies or processes.
- Concerns regarding the behaviour of TLA staff members.
- Issues related to privacy and confidentiality, including the handling of personal information.
- Reportable conduct by TLA staff.

This policy does not apply to:

- Complaints about private practitioners providing services on behalf of TLA.
- Decisions regarding applications for grants of aid.
- Matters that do not relate to a service or function of TLA.
- Employment-related grievances or complaints from TLA staff.
- General feedback or comments that do not meet the definition of a complaint under this policy.

If a complaint is received that is not handled by this policy, TLA will, where appropriate, refer the complaint to the relevant body or provide the complainant with information on where to direct their complaint.

4 . Definitions

Phrase	Definition
Complaint	An expression of dissatisfaction made about the services or conduct, actions or lack of action by TLA or a TLA staff member.
Complainant	A person making a complaint.
Children and young people	A person under the age of 18.
Feedback	A compliment, criticism, comment or suggestion where a response is not requested, or not reasonable to expect.
Frivolous complaint	A frivolous complaint is one that is trivial or meritless in nature and does not justify the resources that would be required to action it.

Vexatious complaint	A vexatious complaint is a complaint that is not brought in good faith, and is instead designed to harass, annoy, or create a resource burden for TLA.
Private Practitioner	A legal practitioner providing legal services on behalf of TLA in a private capacity, or another legal assistance provider.
Reportable conduct	<p>As outlined in Section 7 of the <u>Child and Youth Safe Organisations Act 2023</u>:</p> <ul style="list-style-type: none"> (a) a relevant offence committed against, with or in the presence of a child, whether or not criminal proceedings in relation to the offence have been commenced or concluded; or (b) sexual misconduct, that does not form part of a sexual offence, against, with or in the presence of a child; or (c) physical violence against a child; or (d) grooming of a child; or (e) conduct that causes, or is likely to cause, significant emotional or psychological harm to a child; or (f) significant neglect of a child; or (g) conduct prescribed for the purposes of this section – regardless of whether or not the alleged conduct occurred within the course of a worker's duties in respect of an entity.
Relevant offence	<p>As outlined in Section 7 of the <u>Child and Youth Safe Organisations Act 2023</u>, a relevant offence means:</p> <ul style="list-style-type: none"> (a) a sexual offence; or (b) an offence under section 105A of the Criminal Code ; or (c) an offence under section 178A of the Criminal Code ; or (d) an offence under section 298, 299 or 300 of the Criminal Code in respect of an offence specified in paragraphs (b) and (c).
TLA staff	<p>Individuals who work at or provide services on behalf of Tasmania Legal Aid. This includes:</p> <ul style="list-style-type: none"> (a) Department of Justice employees who work at TLA; (b) Volunteers; (c) Seconded; and (d) Contractors and subcontractors (including FASS contractors, IT contractors and FDR social workers).

5 . Principles

TLA's complaint handling process is based on the following principles:

Safety

- We will create a welcoming environment where people feel safe to raise their concerns.
- We will prioritise the safety and wellbeing of the complainant and staff affected by the complaint.
- We will listen to all concerns without judgement or bias.

Transparency

- We provide clear information about our complaints process, including possible outcomes.
- We will keep the complainant updated on the progress of their complaint.

Empowerment

- We encourage feedback and support individuals in making complaints.
- We facilitate the use of support services in accordance with the person's wishes and preferences.
- We will ask the complainant about the outcomes they hope to achieve and take this into consideration.

6 . Cultural safety

TLA acknowledges and pays respect to the Palawa/Tasmanian Aboriginal people as the traditional and continuing custodians of the land and waters of Lutruwita/Tasmania, where we live and work. TLA acknowledges the experiences of Aboriginal and Torres Strait Islander people, including the impact of colonialism, historical laws and policies, discrimination, and intergenerational trauma. We are committed to working in partnership with communities and providing culturally safe services.

To ensure our complaints process is culturally safe TLA will endeavour to:

- Create a welcoming environment where Aboriginal and Torres Strait Islander people feel safe and supported in voicing their concerns.
- Provide multiple ways for a complaint to be submitted, including anonymously, in person, or with the support of a trusted person.
- Listen and make necessary adjustments to ensure complainants feel culturally safe.
- Encourage and support TLA staff to undertake cultural safety and cultural awareness training.
- Respect cultural obligations and responsibilities by being flexible in how and when we communicate.
- Offer to refer complainants to culturally safe organisations for additional support.
- Seek feedback about a complainant's experience and whether they felt culturally safe.

Culturally and Linguistically Diverse (CALD) people

TLA is also committed to providing accessible and inclusive services to culturally and linguistically diverse (CALD) individuals.

To support CALD individuals in our complaints process, TLA will endeavour to:

- Create a safe and respectful environment for people from diverse backgrounds to raise concerns.
- Provide multiple ways for a complaint to be submitted, including anonymously, in person, or with the support of a trusted person.
- Tailor additional support as needed, including utilising the Translating and Interpreting Service for those who require translation or interpretation.
- Provide information about the complaints process in a more accessible format, including in plain English.
- Seek feedback on whether complainants from CALD backgrounds felt respected, heard, and supported throughout the process.

7 . People with disability

TLA is dedicated to supporting complainants with disability and empowering them to make complaints. In line with the guiding principles of the United Nations Convention on the Rights of Persons with Disabilities, we recognise that people with disability have the same right as others to pursue complaints.

To ensure people with disability are supported to make complaints, TLA will endeavour to:

- Create a welcoming environment where people with disability feel safe and supported in voicing their concerns.
- Provide multiple ways for a complaint to be submitted, including anonymously, in person, or through a support person.
- Provide information about the complaints process in a more accessible format.
- Tailor additional support for those who need it, including utilising the Translating and Interpreting Service for those requiring translation or interpretation, and the National Relay Service for individuals with hearing or speech impairments.
- Comply with all relevant legislation, including Division 2 of the *Disability Services and Inclusion Act 2023* (Cth)¹, which outlines requirements for complaints management and resolution systems, and the *Disability Services and Inclusion (Complaints and Incidents Management) Rules 2023* (Cth).
- Facilitate support and arrangements from advocates or other representatives to support people with disability who wish to be independently supported in accordance with Section 15(4) of the *Disability Services and Inclusion Act 2023*.

8 . Children and young people

TLA recognises the importance of safeguarding the rights and wellbeing of children and young people in our complaint handling process. We are dedicated to providing a safe and supportive environment for children and young people to raise their concerns, ensuring that their voices are heard and respected.

¹ See <https://www.legislation.gov.au/F2023L01726/asmade/text>

To achieve this, TLA will endeavour to:

- Create a welcoming, safe and supportive environment where children and young people feel empowered to raise concerns.
- Use clear and age-appropriate communication that is easy to understand and jargon free.
- Ensure our interactions with children are confidential and respectful to create a safe space to express their concerns without fear of retaliation.
- Engage directly with the child or young person and only involve a parent or guardian with the child's consent, unless required by law.
- Promote access to independent support people, or trusted adults during the complaints process.
- Have the TLA Director handle all complaints made by children and young people.
- Align our complaints process with the Child and Youth Safe Organisations Framework and implement its standards in practice.
- Continually review and improve our practices to align with the latest child safety standards and feedback from children and young people.

9 . Privacy and confidentiality

TLA protects the personal and sensitive information collected by TLA as part of the complaints process and handles it in accordance with [TLA's 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, which may include sharing information with a practitioner related to a complaint with the complainant's consent.
- May disclose personal information to external regulators and integrity bodies including but not limited to the Tasmanian Legal Profession Board and the Tasmanian Ombudsman when required to initiate or respond to complaints.

TLA will collect deidentified statistical data and other information relating to complaints to:

- Identify and address systemic issues.
- Report information relating to complaints if requested to do so by the Department in accordance with the *Disability Services Inclusion Act 2003* (Cth).

10 . Complaint handling procedure

10.1 Three-step approach

TLA follows a three-step approach to complaint handling:

Step 1 - Early Resolution:

Clients are encouraged to raise concerns directly with the relevant TLA lawyer, staff member, or the lawyer or staff member's manager. The goal is to resolve issues promptly and informally at this level.

Step 2 - Complaint:

If early resolution is not achieved, clients can submit a formal complaint by completing a complaints form, available over the phone, online, in person, or by email. Once received,

the complaint will be acknowledged by the Client Engagement Officer and delegated to the relevant Associate Director, who will work with the appropriate manager to address and resolve the complaint.

Step 3 - Escalation for Serious Complaints:

Serious complaints, including all complaints made by children or young people, are escalated to the Office of the Director.

10.2 Step 1 – Early Resolution

At TLA, we are committed to resolving complaints as early as possible. Clients are encouraged to address their concerns directly with the relevant TLA lawyer or staff member involved. However, if the issue cannot be resolved, clients have the option to escalate their concerns to a manager.

Discuss with Lawyer or TLA Employee

If a client has a concern regarding the service or conduct of their TLA lawyer, or a TLA staff member, they are encouraged to address the issue directly with that lawyer or staff member. TLA lawyers and staff members are required to notify their manager of any concerns raised by clients. This should be done at the next regular supervision meeting with their manager, noting that a manager may need to be notified of any complaint soon after an incident where the client wishes to speak directly with the manager and/or where a TLA lawyer or staff member requires support before the next regular supervision meeting.

Speak with Manager

Clients will be offered the opportunity to speak directly with the manager of the lawyer or staff member if:

- They feel more comfortable discussing the issue with someone other than the person directly involved, or
- The concern could not be resolved through the initial conversation with the lawyer or staff member.

The manager will work with the client to address the issue, aiming for a resolution at this early stage wherever possible. The goal is to resolve issues promptly and informally at this level, unless an informal discussion is inappropriate due to the nature of the concern.

Referral to make a complaint

If the issue cannot be resolved through these informal discussions, the client will be informed about the complaints procedure and how they can proceed with submitting a formal complaint. In such cases, the Manager will assess and triage the issue as needed.

10.3 Step 2 – Making a Complaint

Anyone can make a complaint about services or conduct of TLA or its staff members. All complaints are free to make.

Although clients are encouraged to first try resolving their concerns directly with the relevant lawyer, staff member, or manager, this is not a requirement. Clients may choose to skip the early resolution step and proceed directly to making a complaint.

Complaints can be made using the following methods:

- **In Person:** Individuals may make an appointment to make a complaint in person.
- **By Email:** Complaints can be emailed to complaints@legalaid.tas.gov.au.
- **By Phone:** Complaints may be made over the phone to any of our TLA offices.
- **Online:** An online form is available at <https://www.legalaid.tas.gov.au/complaint-form/>

Anonymous complaints

TLA may accept and investigate anonymous complaints but will not be able to contact the complainant with a response or provide details about the outcome of the complaint.

10.4 Role of the Client Engagement Officer

The Client Engagement Officer serves as the primary point of contact for all complaints, ensuring that each complaint is documented, and delegated appropriately.

The Client Engagement Officer will acknowledge the receipt of complaints within 3 business days and provide details to the complainant on the complaint process, expected timeframes, and a point of contact. After receiving a complaint, the Client Engagement Officer will assess its nature and delegate it to the appropriate Associate Director.

The Client Engagement Officer maintains a secure register of all complaints, tracking their status and ensuring that issues are resolved in a timely manner.

10.5 Accepting a complaint

To support accessibility for clients to make a complaint, we accept complaints via a written form, in-person, over the phone, and online. For clients wanting to make a complaint in-person, we aim to do this straight away or offer an opportunity for the client to make an appointment.

In person

When a client presents to an office to make a complaint, Reception staff will offer them the choice of either discussing their complaint with a staff member or completing a written complaint form available at reception.

Where the complainant wishes to meet with someone in-person:

- **Hobart** – reception will inquire whether the Client Engagement Officer is available, otherwise the complainant will meet with a Legal Help lawyer.
- **Launceston** – reception will direct the complainant to meet with a Legal Help lawyer.
- **Burnie and Devonport** – reception will offer an opportunity to make an appointment to discuss their complaint via phone with the Client Engagement Officer.

Where a complainant completes a written form, this is to be scanned and emailed to the Client Engagement Officer.

Over the phone

A client may call the Legal Help line to make a complaint. The Legal Help lawyer will complete the online form on behalf of the client. A client may also call the Client Engagement Officer directly on 6236 3822. Where the Client Engagement Officer is unavailable to take the call, they will respond within 3 working days.

By email

A client may email their complaint to complaints@legalaid.tas.gov.au

Online

A client may complete the Complaints Form using the link <https://www.legalaid.tas.gov.au/complaint-form/> which is available on the TLA website homepage.

Considerations for child complainants

If the complainant is a child, TLA will take extra precaution to ensure they are hearing the perspective of the child. Appropriate consent will be secured for staff to speak with the child in private without their parent/guardian present. Staff will also inform the child that we will provide them with relevant information about the complaints process and that, as part of the process, we may need to speak with the person about whom they are making the complaint.

Acknowledgment

All complaints will be acknowledged within 3 business days by the Client Engagement Officer.

The acknowledgement will include:

- An explanation of the complaint process
- Details of a contact person
- Likely timeframes around when the complainant will be contacted again, and how long it will take to resolve the complaint

Prompt acknowledgement of a complaint reduces the risk of dissatisfaction later in the process.

Complainant behaviour

If a complainant engages in rude, abusive, threatening or aggressive behaviour, staff may:

- Warn the complainant that if the behaviour continues, the conversation will cease and terminate the conversation if the behaviour continues; or
- Terminate the conversation immediately if appropriate.

Where a conversation is terminated, staff must notify their manager of the details as soon as possible.

If there are immediate safety concerns, staff should follow the procedure as outlined in TLA's Emergency Management Plan.²

Any violence, damage to property, or threats may be reported to the police.

² TLA's Emergency Management Plan is available [here](#).

10.6 Handling Escalated Complaints

Initial Assessment

When a formal complaint is submitted, the Client Engagement Officer will refer the complaint to the appropriate Associate Director. However, if the complaint is serious, made by a child or young person, or involves safety concerns about children or young people, it will be escalated directly to the Director. The person assigned to manage the complaint will be known as the 'complaint handler'.

The complaint handler will assess the following:

- 1) The nature and seriousness of the complaint, including any immediate risks and whether the complaint needs to be prioritised.
 - If the complaint raises any immediate concerns about the safety or welfare of any child, the complaint handler may contact Tasmania Police, or the Strong Families Safe Kids Advice and referral line.
- 2) Whether the complaint should be referred to another body
 - The complaint handler may, where appropriate, refer the complaint to another body and provide the complainant with written notice of who the complaint has been referred to, and the reasoning for the decision.
 - If a complaint includes allegations of reportable conduct by a TLA staff member, TLA has a legal obligation under the *Child and Youth Safe Organisations Act* to report the concern to the Office of the Independent Regulator within three business days. Conduct that is legally required to be reported is referred to as 'reportable conduct' and includes a wide range of behaviours. The Independent Regulator will provide oversight of how TLA investigates and responds to the concern. TLA will not conduct a separate internal investigation alongside the one conducted with the Independent Regulator.
- 3) Whether the complaint should be proceeded with
 - The complaint handler may decide that a complaint should not be proceeded with in certain circumstances, such as where a complaint is frivolous or vexatious, or where the complaint has already been appropriately addressed and does not justify further action. If a decision is made to not progress a complaint, the complainant will be advised with reasons for the decision.

Planning

The initial assessment includes identifying any immediate risks, determining if the complaint should be referred to an external body, and deciding whether to proceed with the complaint.

Once the complaint handler completes this initial assessment and the decision is made to proceed with the complaint, they will then conduct a thorough review of the complaint and develop an investigation plan. This plan will outline the actions required to manage and resolve the complaint, which may include consulting with the relevant manager, team or staff member involved.

This assessment should address several key questions including:

- How serious, complicated, or urgent are the issues from the perspectives of TLA and the complainant?

- What evidence needs to be immediately secured, protected, or remain confidential?
- What steps need to be taken to address and mitigate risks throughout the complaints process?
- Does the complainant, or any other impacted individuals, require additional support during the process?
- Are the outcomes sought by the complainant feasible?
- If multiple issues are raised, do they need to be addressed separately?
- What information should be provided to the complainant following the assessment?
- Is any additional information needed from the complainant to properly assess and resolve the complaint?

TLA will provide the complainant, and depending on the complainant's needs, also their parent, guardian or support person (with their consent), with feedback on the status of the complaint. This feedback will include when they can expect to hear from the complaint handler, how long it will take to investigate and respond to the complaint, and any delays that arise or may be likely to arise.

The frequency of updates and nature and quantity of information provided to the complainant will be determined by taking into account the complainant's specific needs. The complainant will also be provided with the contact details of who to contact if they seek any further information or have any questions about the process.

Support for TLA staff

TLA acknowledges staff who are subject to a complaint or handling a complaint may experience an impact on their wellbeing.

In such instances, staff are encouraged to seek support through:

- The Department of Justice Wellbeing Support Program
- The Employee Assistance Program
- Their own professional support networks

To ensure staff feel supported and confident in managing complaints, training will be available to support staff through the complaints process, equipping staff with the practical and procedural knowledge needed to handle complaints.

10.7 Resolving complaints

TLA aims to resolve complaints as quickly as possible. During the initial assessment, it may be identified that some issues can be responded to more quickly than others. Staff should keep records of any reasons for delays in responding to complaints, and any communication with the complainant.

To resolve the complaint, TLA will:

- Have a clear understanding of the key issues and the outcome being sought
- Work with the complainant to determine the most appropriate way to address the issues raised
- Make inquiries with the individual or team who is the subject of the complaint
- Conduct an investigation into the issues raised in the complaint

The nature and scope of any actions taken will depend on several factors, including:

- The specific circumstances of the case
- Any applicable statutory requirements
- The nature of the issues raised
- The parties involved
- The anticipated outcome

10.8 Outcomes

TLA will advise the complainant in writing of the outcome of their complaint and reasoning for the decision.

The outcome may include:

- Listening to a complaint and acknowledgement of a complainant's perspective
- Correction of an error or issue
- Correction of a process or behaviour
- Providing an apology
- Providing an explanation for the conduct
- Discussion/feedback/training with the relevant staff member/s
- Transfer or referral of a matter to another practitioner or service provider
- Implementation of a system improvement
- Referral to another service if we are required to do so (e.g. Legal Profession Board, Police, etc.)

At the conclusion of the complaints process, the Client Engagement Officer will provide the complainant with the opportunity to provide feedback through a complaints feedback survey.

10.9 When a complaint cannot be resolved

Whilst every effort will be made by TLA to resolve complaints, in some instances, complainants may not be satisfied with the outcome. If a complainant remains unsatisfied with the outcome, they may contact the Tasmanian Ombudsman and TLA will advise them of their right to do so.

10.10 Closing the complaint and recording the outcome

Once the complaint has been closed, records must be retained for a minimum of 7 years³ and should include:

- When and how the complaint was made
- The complainant's personal details
- What the complaint was about
- How the complaint was managed and resolved
- The determined outcome and any actions taken

All complaints are to be recorded in a secure electronic register that can only be accessed by appropriate senior staff and staff handling complaints.

³ In compliance with the Disability Services and Inclusion Act requirements for record retention.

Those staff members include:

- The Director
- Associate Directors
- Client Engagement Officer

1 1 . Responsibilities

Client Engagement Officer

- Act as the primary contact for all complaints, ensuring each is acknowledged, accurately documented, and tracked in the complaints register.
- Provide clear information to complainants about the process, expected timelines, and updates, and offer support in accessing services as needed.
- Assess and assign complaints to the relevant Associate Director for resolution, determining if escalation to the Director or referral to an external authority is necessary.
- Maintain a secure, confidential complaints register and track all actions and resolutions.
- Collect feedback from complainants through a survey at the conclusion of the process.

TLA staff

- Receive and handle complaints in line with TLA's complaints policy, providing clients with information on how to make complaints and supporting them through the process as needed.
- Attempt to resolve client concerns at the earliest opportunity by engaging in open and respectful communication.
- Report any client concerns to a manager, regardless of resolution status.
- Maintain confidentiality and adhere to TLA's privacy guidelines when handling complaint information.
- Participate in training on the complaints process to understand procedural requirements and best practices for complaint management.

Director

- Review and address complaints that have been escalated due to complexity or unresolved issues at previous levels.
- Handle all complaints made by children and young people directly, ensuring they are managed with sensitivity and priority.
- Consult with Associate Directors and managers as needed to resolve complex or high-priority complaints, offering guidance and final decisions when required.
- Ensure that TLA's complaint handling policies and procedures are followed consistently, and support continuous improvements based on feedback and complaint trends.
- Promote a culture of accountability and service improvement within TLA, encouraging staff to engage positively with the complaints process.

Associate Directors

- Liaise with Client Engagement Officer to provide updates on a fortnightly basis as to the status of the response to the complaint.

- Manage complaints that have been delegated to them, ensuring they are addressed promptly and fairly.
- Discuss complaints with managers and teams to work collaboratively toward resolution.
- Consult with the Director on complex or sensitive complaints, escalating issues when further intervention is necessary.
- Ensure thorough documentation of all actions and outcomes related to complaints within their area of responsibility.
- Promote a positive approach to complaint handling within their teams, encouraging staff to view complaints as opportunities for service improvement.
- Assist in training TLA staff on the complaints process and providing guidance as required.
- Prepare reports on complaint trends, outcomes, and any identified areas for improvement to support TLA management.

Management

- Provide clients the option to discuss their concerns directly with them to encourage early resolution.
- Assist in resolving complaints within their area.
- Ensure all complaints and concerns reported by staff are documented and tracked in line with TLA's complaints policy.

1 2 . Related Documents

TLA Privacy Policy

TLA Managing Client Confidential Information Policy

TLA Managing Workplace Behaviours Policy

TLA Complaints Feedback Survey Form

TLA Emergency Management Plan

Disability Services and Inclusion Act 2023 (Cth)

Disability Services and Inclusion (Complaints and Incidents Management) Rules 2023 (Cth)

Child and Youth Safe Organisations Act 2023 (Tas)

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