

<b>COM</b>	<b>Complaints and Client Satisfaction Policy</b>	
<p><b>Applies to:</b> All external clients of the TU</p> <p><b>Implementation responsibility:</b> Chief Executive Officer</p>	<p><b>Version:</b> Final</p> <p><b>Date approved:</b> May 2023</p> <p><b>Next review date:</b> May 2026</p>	
<b>This policy relates to:</b>		
<b>Standards or other external requirements</b>	CLCA Accreditation Criteria D2 Assessing client satisfaction and managing complaints	
<b>Legislation or other requirements</b>	<p><i>Anti-Discrimination Act 1977 (NSW)</i></p> <p><i>Legal Profession Act 2004 (NSW)</i></p> <p><i>Privacy Act 1988 (Cth)</i></p> <p><i>Privacy and Personal Information Protection Act 1998 (NSW).</i></p>	
<b>Contractual obligations</b>		

## **1 Purpose**

- 1.1. The Tenants' Union (TU) recognises and is committed to the right of clients to complain and comment on the service they receive. The TU sees potential to improve its services through such comments and complaints. This policy sets out the process through which TU receives and handles client comments and complaints.
- 1.2. The organisational policies and procedures of the TU are designed to provide guidance to Board members, employees and volunteers in performing their roles. All Board members, employees and volunteers undertake to comply with these policies when they take up their roles with the TU.

## **2 Procedural Fairness**

- 2.1. At all times, TU shall follow the principles of procedural fairness. Procedural fairness is a concept that ensures fair hearings; it requires that:
  - The person whose action is the subject of a complaint knows all allegations made in relation to their behaviour and has a full opportunity to state their case.
  - All parties to the complaint have the right to be heard.
  - All relevant submissions and evidence be considered.
  - Decision-makers only consider relevant information.
  - Decision-makers are fair, just and free from bias.

## **3 Grounds Constituting a Complaint**

- 3.1. Grounds for a complaint include:
  - Client confidentiality or privacy has not been maintained.
  - Services have not been provided at an appropriate standard (including professional standards).
  - Personal rights have in some way been invaded.
  - Action has been taken that constitutes some form of discrimination.
  - A conflict has arisen through lack of communication or misunderstanding.
  - There is a problem with a TU policy or a service.
  - There is a problem with action taken by or a piece of information produced by TU.

## **4 Complaints Handling**

- 4.1. Clients may make complaints (either in writing or verbally) to any of the following or a combination of them:
  - The Solicitor or Advocate who advised them.
  - The Principal Solicitor.
  - Team manager.
  - The Chief Executive Officer (CEO).
  - The Board of Directors via the Chief Executive Officer.

- A relevant outside body.
- 4.2. Clients may make complaints anonymously, if they wish.
  - 4.3. A standard Client Complaint Form is at Appendix A if the client wishes to use it.
  - 4.4. Interpreters will be organised if necessary. If the client requires support, the TU will ensure that a culturally appropriate representative or advocate is made available.
  - 4.5. TU will commence action to resolve a complaint within seven (7) days of the complaint being made.
  - 4.6. All complaints shall be handled with understanding and respect.

### **4.7 Complaint against TU staff**

- 4.7.1 All complaints shall be referred to the CEO. All clients then shall be given the choice of:
  - Having their complaint addressed and resolved, if possible, by the CEO; or
  - Making their complaint, in writing, directly to the Board of Directors and having it addressed by them. The CEO shall seek to resolve complaints at first instance. The CEO will quickly assess a complaint and verbally propose a solution.
- 4.7.2 If a complainant indicates that they are happy with a proposed solution, the CEO shall see that it is implemented/occurs.
- 4.7.3 If a complaint cannot be resolved at this point, the complaint shall be referred to the Complaints Committee.
- 4.7.4 This Committee will be comprised of the CEO and two Board members.
- 4.7.5 This Committee will investigate all complaints and recommend, from all available information, a suitable course of action to the Board.
- 4.7.6 The Board of Directors shall make a decision as to an appropriate course of action to be taken, and shall be responsible for ensuring that the action is taken.
- 4.7.7 This process shall be completed within four (4) weeks of a complaint being received.
- 4.7.8 The complainant will be informed of the stages of the process and any outcomes in terms of:
  - Complaint upheld and if so what will be done to resolve it.
  - Complaint resolved and how this has been achieved.

- Complaint not upheld and the reason(s) for this.
- If no further action can be taken, the reasons for this.

4.7.9 Complainants will be asked whether they are satisfied with the process of dealing with their complaint and the outcome of their complaint.

4.7.10 If the complainant is not satisfied with the process or outcome thus far, the Board of Directors shall offer to undertake alternative external courses of action.

#### **4.8 Complaints against the CEO**

4.8.1. Where the complaint is against the CEO, the complainant should make the complaint in writing to the TU Chairperson.

4.8.2. The Chairperson shall seek to resolve complaints at first instance. The Chairperson will quickly assess a complaint and verbally propose a solution.

4.8.3. If a complainant indicates that they are happy with a proposed solution, the Chairperson shall see that it is implemented/occurs.

4.8.4. If a complaint cannot be resolved at this point, the complaint shall be referred to the Complaints Committee.

4.8.5. The Complaints Committee in this case shall be composed of the Chairperson and two other Board Members.

4.8.6. The managing of the complaint from here follows the same process as if the complaint were not about the CEO.

### **5 Confidentiality and Storage of Complaints Documentation**

5.1. Subject to the principles of procedural fairness, all client complaints shall be confidential.

5.2. A client's right to access TU services will not be affected if they make a complaint.

5.3. Copies of all complaints documentation shall be stored in a secure onsite location and may only be accessed by staff members who are authorised by the Board of Directors to do so.

5.4. The CEO is responsible for the secure storage of complaints documents.

## **6 Informing Clients of our Service Commitment Policy and Process**

- 6.1. Details of TU Client Complaints policy will be posted on the TU website and anyone wishing to make a complaint will be directed to this.
- 6.2. Where a person cannot access the website, a copy of this policy may be emailed to them or their representative, posted to them, or handed to them personally.

## **7. Complaints to Legal Services Commission**

- 7.1. Clients will also be informed that where the complaint is about the actions of a solicitor employed by the Tenants' Union they can also lodge a complaint with the Legal Services Commission. The client will be informed that unless there are good reasons not to, they need to have attempted to resolve the complaint with the Tenants' Union first.
- 7.2. The client should be given the details for contacting the Legal Services Commission that are current at the time of making the complaint. They should be informed that the complaint must be in writing and be signed.
- 7.3. They should also be directed to information online about the Legal Services Commission for further information about how the Commission deals with complaints.

## **8 Client Satisfaction**

- 8.1. Ensuring the satisfaction of clients of the TU services is important for continuous quality improvement.
- 8.2. The TU will use a range of methods for assessing client satisfaction as appropriate to the particular type of service and client group with full compliance with legislations relating to privacy and confidentiality in managing data.
- 8.3. The methods will include but not be limited to:
  - Online surveys.
  - Emailed surveys.
  - Written evaluations.
  - Verbal feedback.
  - Focus groups.
  - Individual interviews.
- 8.4. The TU will conduct a biennial survey of the TAAP services satisfaction in recognition of the particular relationships the TU has with these services as their funded resource and support provider.

8.5. If the client consents, information from the client will be used for internal evaluation and training purposes.

## 9 Breaches

8.6. The person alleging a breach of this policy should in the first instance attempt to resolve it directly with the person who has allegedly breached the policy.

8.7. If this matter is not resolved through this, the person alleging the breach may bring it to the attention of the CEO. The CEO will then attempt to resolve the matter informally through direct discussion with the person who has allegedly breached the policy.

8.8. If the matter is not resolved at this stage, the CEO may choose to address the matter through the TUs Grievance Policy.

## 10 Review

8.9. The CEO will review this policy triennially or when legislation and/or regulations relevant to the conditions of the policy change. The review will take into consideration input from staff. A meeting of the TU Board must approve any significant amendment.

## 11 Version control

The CEO has version control of this policy.

Documents related to this policy	
<b>Related TU policies</b>	<p>Access and Equity</p> <p>Anti-Discrimination, Harassment and Bullying</p> <p>Document Management</p> <p>Grievance Policy</p> <p>Media and Public Comment</p> <p>Legal Practice Manual</p> <p>Publications</p>

<b>Forms, record keeping or other organisational documents</b>	Client Complaint Form		
<b>Reviewing and approving this policy</b>			
<b>Frequency</b>	<b>Position responsible for managing review</b>		<b>Approver of policy</b>
Triennially	CEO		TU Board
<b>Policy review and version tracking</b>			
<b>Review No.</b>	<b>Date approved</b>	<b>Approved by</b>	<b>Next review date</b>
2#	June 2016	EO	June 2019
3#	June 2019	EO	June 2022
4#	May 2023	TU Board	May 2026

## **Appendix 1**

### **Client Complaint Form**

#### **1. Client details**

Name:

Address:

Postcode:

Phone contact numbers:

#### **2. Name of other person involved in the complaint**

Name:

Address:

Postcode:

Phone contact number:

#### **3. Details of the client's involvement with the staff/service.**

Date of contact(s):

Description of the case/contact:

#### **4. Details of the complaint:**

#### **5. Result of complaint:**