

LSC FEEDBACK POLICY

1. Policy Statement

The Legal Services Commissioner is committed to a fully effective feedback and complaint handling system.

2. Preliminary Matters

Purpose

This policy is about how the Legal Services Commissioner handles feedback and complaints about its services and decisions.

Authorisation for Policy

The Legal Services Commissioner is a public agency. This policy is based on the Ombudsman Victoria's *Good Practice Guide to Complaint Handling for Public Sector Agencies (2007)*.

Commencement

This policy commences as and when it becomes publicly available.

Application

This policy applies to feedback and complaints about the Legal Services Commissioner. It does not apply to the Legal Services Board or the Commissioner's staff who work on functions for the Board.

Administration

The Legal Services Commissioner is responsible for administering this policy and for dealing with compliance issues with respect to it.

3. Interpretation

Definitions

Commissioner means the person holding the position of Legal Services Commissioner.

Complaint means an expression of dissatisfaction with or about the Legal Services Commissioner (and not a complaint about a lawyer made under Chapter 4 of the *Legal Profession Act 2004* or a corresponding law). It may include dissatisfaction with a decision of the Legal Services Commissioner.

Feedback means any comment about the Legal Services Commissioner and its services, it may include a complaint.

Legal Services Commissioner means the office of the Legal Services Commissioner.

4. Policy

1. The Legal Services Commissioner welcomes feedback and complaints about its services.
2. The Legal Services Commissioner uses feedback and complaints about its services to improve its processes and ensure that it provides high quality services.

Process

3. The Legal Services Commissioner follows the specific process set out on the LSC website when handling feedback and complaints.
4. The Legal Services Commissioner's approach to handling feedback and complaints is tiered so as to best achieve satisfactory resolution for the person who has given the feedback or made the complaint.
 - a. A tiered approach also safeguards against an officer taking retribution against a person for providing feedback or making a complaint.

Roles

5. All staff have a role to play in handling feedback or a complaint, as well as in supporting those persons who provide feedback or make a complaint.
6. The specific role of a staff member in handling feedback or a complaint is determined by how the feedback is provided or the complaint is made.

Remedies

7. The Legal Services Commissioner may change its process or practices as a result of feedback or a complaint. Other remedies may include an apology or acknowledgement about the relevant issue.
8. The Legal Services Commissioner may only re-open a complaint file and make a new decision where she has failed to follow the legal procedures for dealing with complaints set out in the *Legal Profession Act 2004*. Download the Legal Services Commissioner's Fact Sheet on Requests for Review or Re-Making of the Final Decision from the [Publications](#) page of the website.

Resources

9. Resources have been devoted to establishing and supporting a feedback and complaints system. The system includes the following features:
 - a. process;
 - b. dedicated staff with responsibility for handling feedback and complaints; and
 - c. a database of feedback and complaints.

Review

10. The Legal Services Commissioner and senior management review feedback and complaints on a regular basis.

Trends

11. Trends apparent in feedback and complaints are to be published in the Legal Services Commissioner's annual report or on its website.

Safeguards against retribution

12. The Legal Services Commissioner will not tolerate any staff member taking any type of retribution against a person for providing feedback or making a complaint.
13. If a person feels that retribution has been taken for providing feedback or making a complaint, that person should report the matter to the Commissioner or to the Ombudsman Victoria.

5. General

Compliance with Strategic Goals

The establishment of this policy supports the Legal Services Commissioner's strategic goals, and in particular its goal to ensure that the complaint handling system is fair, consistent and reflects best practice approaches.

Charter of Human Rights

The Legal Services Commissioner is committed to compliance with the *Charter of Human Rights and Responsibilities Act 2006*.

In handling feedback or a complaint, the Commissioner considers and complies with relevant human rights set out in the *Charter of Human Rights and Responsibilities Act 2006*. This includes section 8, which provides every person with the right to recognition and equality before the law; and section 13, which provides for the right to privacy and reputation.

The Commissioner is not influenced by the following factors when handling feedback or a complaint:

- a. the race, religion, sex or political association, activities or beliefs or any other personal characteristic of the person who gave the feedback or made the complaint or any other relevant person;
- b. personal feelings about the feedback or complaint, or the person who gave the feedback or made the complaint or any other relevant person;
- c. possible political advantage or disadvantage to the Government or any political group or party;
- d. the possible effect of the decision on the personal or professional circumstances of those responsible for the decision.

Audit

Each year the Legal Services Commissioner is to undertake an audit of its feedback and complaints system.

Review of Policy

Each year the Legal Services Commissioner is to review this policy.