

Complaints and feedback policy for ACT Law Courts and Tribunal

November 2009

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Purpose

This policy is to ensure that court and tribunal users can easily access an effective process whereby complaints about court and tribunal services, staff or court and tribunal facilities are investigated and resolved in a fair, impartial and prompt manner.

Policy Statement

This policy is to provide guidance and procedures for making, receiving, handling and resolving complaints received from members of the public relating to the services and facilities provided by ACT Law Courts and Tribunal.

ACT Law Courts and Tribunal strive to be customer focussed organisations. This means ACT Law Courts and Tribunal:

- aim to provide consistently excellent court and tribunal services
- have staff who are properly trained to deal fairly and courteously with court and tribunal users, and who provide accurate and timely information and assistance
- investigate and respond to complaints consistently and transparently to maintain their reputation as honest, impartial and fair forums for dispute resolution, and
- encourage and capture court and tribunal user feedback (complaints, suggestions and opinions) and view feedback as an important aspect of service and process review, and improvement efforts.

Scope

This policy applies to complaints from any member of the public whether or not the complainant is a litigant.

The policy applies to any aspect of the ACT Law Courts' and Tribunal registry services and facilities. The policy does not cover complaints about the outcome of proceedings before an ACT Court or the ACT Civil and Administrative Tribunal (ACAT) or complaints about the actions of judicial officers or tribunal members.

If a complaint is received concerning the outcome of a proceeding before a Court or Tribunal the officer dealing with the complaint must advise the complainant that such complaints are not covered by this policy and that they should obtain legal advice on the whether they can appeal the decision. The response to the complainant should also note that there are time limits on appealing a decision.

If a complaint is received concerning the conduct of a judicial officer or a tribunal member the officer dealing with the complaint must advise the complainant that such complaints are not covered by this policy, and where:

- the complaint relates to a judicial officer in the Supreme Court, that the complainant should write to the Chief Justice

- the complaint relates to a judicial officer in the Magistrates or other Court, that the complainant should write to the Chief Magistrate
- the complaint relates to a member of ACAT that the complainant should write to the General President of ACAT, and.
- if the complaint is about the Chief Justice, Chief Magistrate or the General President of ACAT that the complainant should write to the Attorney General.

This policy does not apply to complaints about legal practitioners. If a complaint is received concerning the actions of a legal practitioner the officer receiving the complaint must advise the complainant that such complaints should be made to the ACT Bar Association where the complaint is about a barrister or to the Law Society of the ACT where the complaint is about a solicitor.

Procedures

Complaints may be made orally to registry staff, in writing or electronically. A complaint may be made to any member of registry staff. If the officer receiving the complaint is not the appropriate person to deal with the complaint the officer is required to refer the complaint to an appropriate person.

There is no fee for making a complaint.

Complaints are to be dealt with impartially, fairly, promptly and confidentially.

All complaints are to be properly investigated by an appropriately authorised, qualified and impartial person.

Officers are required to provide reasonable assistance to a person wishing to make a complaint.

Oral complaints

Oral complaints can be made in person or by telephone. If a complaint is complex the officer receiving the complaint may request the complainant to provide details of the complaint in writing.

People making oral complaints are required to identify themselves and if a written response is required they must provide either a postal address or an email address.

Written complaints

Written complaints can be hand delivered to the relevant registry, received by mail or fax. Written complaints are to be delivered to the registrar who will be responsible for referring them to the appropriate officer for action.

People making written complaints will be required to include:

- their name, address and contact phone number, and

- details of the complaint, including the names (if known) of any individual involved and the date on which the incident occurred, and
- any outcome they are seeking from their complaint.

Electronic complaints

Complaints may also be lodged by email. Emailed complaints are to be acknowledged by email and a formal response sent by email. The courts administrator shall create an email account for receiving feedback and complaints. Access to such email account shall be limited to the courts administrator and officers authorised by the courts administrator.

People making electronic complaints will be required to include:

- their name, address and contact phone number, and
- details of the complaint, including the names (if known) of any individual involved and the date on which the incident occurred, and
- any outcome they are seeking from their complaint.

Anonymous complaints

Anonymous complaints will be accepted and dealt with as appropriate.

Responding to complaints

If a complaint is received orally the officer receiving the complaint should try to resolve the complaint immediately. If the officer is unable to resolve the complaint he or she should refer to matter to an officer who can resolve it. Where the complaint is complex the officer may request the complainant to put the complaint in writing.

An officer responding to a complaint should make a written note of the complaint and keep it on an appropriate file. The note must contain the complainant's details and the officer's response to the complaint and any action taken in relation to the response.

If a complaint is received in writing or electronically the complainant is to be sent an acknowledgment of receipt of the complaint providing details of the officer to contact concerning the progress of the response to the complainant's complaint. An acknowledgment need not be sent if the complaint can be responded to within 5 business days.

Where possible complaints are to be responded to within 21 days of receipt. If a complaint cannot be responded to in 21 days the complainant should be informed of the delay, the reason for it and when the matter will be finalised.

A response to a complaint should include the respondent's:

- acknowledgment and understanding of the complaint
- understanding of the facts and issues
- any action taken in response to the complaint including apology, referral, follow up, change in process or procedure, acknowledgment with no action, and

- name and contact details for any further enquiry or clarification.

Complaints about staff members

Where a complaint is about a member of staff the complaint is to be referred directly to the staff member's manager in the first instance. If the complaint is about an independent contractor working in the court building the complaint should be referred to the client services manager in the first instance.

Any investigation should be balanced and fair to the complainant and the staff member who is subject of the complaint.

Investigation of a complaint against a staff member must ensure confidentiality for the complainant and the details of such complaint must be made known only to those directly concerned in investigation of the complaint.

Review of response to a complaint

If a complainant is dissatisfied with the response to his or her complaint and the complaint was dealt with other than by the registrar the complainant may request the registrar to review the matter. Where the registrar dealt with the complaint the complainant may seek a review of the matter by the Courts Administrator.

Requests for review are to be made in writing or electronically and are required to set out the basis for the complainant's dissatisfaction with the court's original response.

Any review of the matter should be completed within 14 days of the request for review. The complainant must be advised of the reason for any delay beyond 14 days in completing the review.

Withdrawal of complaints

A complaint may be withdrawn at any time. To withdraw a written complaint the complainant should notify the registrar in writing that he or she wishes to withdraw the complaint. If the complaint was made electronically notice of the withdrawal should be sent to the contact officer named in the acknowledgement email or in the event the complaint is yet to be acknowledged, to the email address to which the complaint was sent.

Responsibilities

All staff

All staff should treat people courteously, attempt where they can to resolve minor complaints on the spot and be reactive to feedback by court users. All staff should adhere to this policy and provide information and assistance to court users wishing to lodge a written complaint.

Managers

Managers should ensure that staff are appropriately trained and skilled to provide high quality services, information and advice to court and tribunal users. Managers should also ensure that staff understand and adhere to this policy.

Registrar

The registrar is to ensure that court and tribunal users have easy access to complaints information and that it is visibly displayed in the court or tribunal building.

The registrar must also ensure that accurate confidential records of complaints are maintained.

Where a complaint discloses a procedural problem or process that requires review to prevent further complaints then the registrar should take appropriate action to prevent further complaints.

Confidentiality

Information concerning complaints must be kept confidential subject to the need to disclose information in the proper investigation of a complaint.

Files containing information regarding complaints are subject to the *Freedom of Information Act 1987*, the *Territory Records Act 2002* and the *Commonwealth Privacy Act 1988*. Those Acts deal with disclosure of information contained in ACT court and tribunal files and records.

Publication of Policy

This policy shall be placed on the Court's and ACAT website and displayed on the notice board in the public areas of the Supreme and Magistrates Courts and ACAT buildings. An information sheet on how to make a complaint and a copy of this policy shall be placed on the Court's and ACAT website and be available for distribution at registries.

Definitions

'complainant' means the person making the complaint or person on whose behalf the complaint is made

'courts' means the ACT Supreme Court, the ACT Magistrates Court, ACT Childrens Court and the ACT Coroners Court.

'officer' means any person engaged as a contractor, employee or officer whether temporarily or permanently working in and for a court or tribunal

'court and tribunal users' means any member of the public using court and tribunal services including litigants, members of the legal profession, members of the public attending the court or tribunal proceedings, witnesses, jurors and members of the press

‘judicial officer’ means a justice of the Supreme Court, the master of the Supreme Court, a magistrate, and a registrar or deputy registrar when exercising judicial powers

‘registrar’ means the registrar of the Supreme Court where a complaint relates to a complaint about the Supreme Court, the registrar of the ACT Magistrates Court for complaints concerning other courts and a registrar of ACAT for a complaint concerning ACAT **‘respondent’** means the officer with responsibility for responding to a particular complaint

‘tribunal’ means ACAT

‘tribunal member’ means a person appointed to hear and determine applications to a tribunal and includes a registrar exercising the power of a non-presidential member.