

12.1	GRIEVANCE POLICY FOR CLIENTS
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Applies to: Board, Staff and Clients

Version: 2
Date approved: 16.9.2014
Next review date: 12 months

Policy context: This policy relates to	
Standards or other external requirements	NACLC Accreditation CLSP Service Standards NACLC PII Scheme
Legislation or other requirements	<p>Commonwealth legislation</p> <ul style="list-style-type: none"> • Age Discrimination Act 2004 • Australian Human Rights Commission Act 1986 (Cth) • Disability Discrimination Act 1992 Racial • Discrimination Act 1975 • Sex Discrimination Act 1984 <p>State & Territories legislation</p> <ul style="list-style-type: none"> • New South Wales Anti-Discrimination Act 1977 (NSW) <p>Specific NSW legislation</p> <ul style="list-style-type: none"> • Freedom of Information Act 1989 (Part III) • Industrial Relations Act 1991 (NSW) sections 184 and 185 • Industrial Relations Act (Regulations) 1992 • Occupational Health and Safety Act NSW 1993 (Part 3) • Public Sector Management Act 1988 • Government and Related Appeals Tribunal Act 1980 • Protected Disclosures Act 1994
Contractual obligations	Commonwealth Attorney General's Department Legal Aid NSW

Preamble :

Objectives:

- To ensure that the rights of clients to raise grievances is protected;
- To ensure the rights of any advocate or carer to raise grievances is protected;
- To ensure that all clients, potential clients, carers/advocates, community groups of the service are aware of the procedure and the mechanisms for accessing and using it;
- To ensure that no person is discriminated against or penalised in any way for choosing to use the procedure.

Guidelines:

A Grievance Procedure allows the organisation to respond to legitimate complaints, identify gaps in service delivery and prevent minor problems from becoming major issues. Under these procedures all clients will be free to raise, and have resolved, any grievance they may have regarding the service, without fear of retribution.

This procedure must be accessible to all and with a recognition that each client's right to privacy and confidentiality in all aspects of his or her life is recognised and respected. Where appropriate, a client has the right to have an advocate of their own choice to assist them and/or the support of a carer.

In compliance with these standards, and out of a commitment to the client, North & North West Community Legal Service has developed a Grievance Policy and Procedure, the rationale of which being as follows:

Service Standards require that:

- The North & North West Community Legal Service institutes an accessible grievance procedure;
- Procedure is as simple and open as possible;
- Client and/or potential clients are informed of procedure at assessment, via an interpreter if necessary, and a copy prepared for them in appropriate Language;
- The procedure includes scope for client comments;
- All staff are informed of the procedure and are made aware that it does not constitute an attack on their professionalism;
- The procedure includes provision for staff access to mechanism.
- To ensure that staff are given the opportunity to respond appropriately to any grievance made against them

The overall goal of the grievance procedure is to be able to respond adequately and appropriately to any grievance that may arise regarding North & North West Community Legal or the service provided.

The provision of legal advice, information referral and advocacy to the wider community necessitates funded organisations providing appropriate channels for grievance which rest on the principles of Natural Justice.

The North & North West Community Legal Service recognises:

The Right of each client to raise any grievance they may have regarding the North & North West Community Legal Service or the service provided by the North & North West Community Legal Service without fear of retribution.

The Right of any client, advocate or carer to raise any grievance they may have regarding the North & North West Community Legal Service or the

service provided by the North & North West Community Legal Service without fear of retribution.

The Right of any staff member to respond appropriately to any grievance

The Responsibility of the North & North West Community Legal Service to respond appropriately and to resolve in a fair and transparent manner any grievance raised.

Policy:

1. All clients have a right to be informed, on making a complaint pursuant to this grievance policy, of alternative complaint mechanisms, including mechanisms for further pursuit of the matter if dissatisfied with the outcome achieved through this policy.
2. Under this Grievance Policy, all clients have a right to have grievances dealt with in accordance with the principles of natural justice.
3. Without limiting the range of possible matters for complaint, clients have the right to complain if:
 - Dissatisfied with the service;
 - He/she feels they have been unfairly treated;
 - The type of service was not appropriate to their needs;
 - The client believes the service is culturally or linguistically biased.

Procedures:

Procedure for Service:

1. Where appropriate and necessary, the grievance procedure should be provided to the client at the time of assessment for ongoing casework.
2. Further to the above, clients and potential clients, have the right to have the procedure explained to them in the language of their choice via a professional interpreter.
3. The policy brochure should be prominently displayed in the office.
4. The North & North West Community Legal Service should publicise the existence of the policy via:
 - North & North West Community Legal Service published information material;
 - Community Services, Government Departments and other relevant organisations;

- Public meetings, forums, information days;
 - Print and other media.
5. A closed file will be created and maintained in accordance with appropriate privacy standards. It will be either written or on computer. It will be stored according to privacy standards. It is the responsibility of the Coordinator to maintain all records in accordance with privacy standards.
 6. All records will clearly indicate:
 - Processes taken to resolve a grievance;
 - Outcome of processes;
 - Any follow up action taken.
 7. Where a grievance should result in change to North & North West Community Legal Service policy and/or procedures, then the Board will address this issue and shall move appropriately to secure the necessary change.
 8. The Board shall keep existing policies and procedures under review in light of grievances addressed pursuant to the grievance policy.
 9. The grievance policy shall apply to cases of sexual harassment or racism but not to the exclusion of other available remedies, mechanisms or complaint procedures for dealing with sexual harassment or racism.

Procedure for Clients

1. If a client has a grievance they, or if they consent, their advocate or carer, should:
 - First, attempt to resolve the problem with the manager of the appropriate service;

If this fails, or it is inappropriate to approach the manager, then the grievance should be sent in writing to the chairperson of the Board (see attached form);

- A committee of three will be selected, two management members and one independent who will discuss the issue with the client and/or carer or advocate, either face to face, by mail, or by telecommunications as is most expedient and appropriate;
 - This meeting will be held no later than fourteen (14) days after lodgement of the grievance.
2. If the grievance is not resolved through this process, North & North West Community Legal Service will be responsible for providing information on

other relevant independent advocacy/dispute resolution organizations or mechanisms to the client. Examples are Disability Complaints Unit, Community Justice Centres, Legal Services Commissioner, and NSW Law Society.

3. North & North West Community Legal Service is responsible for providing translations and/or interpreters if necessary.
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Definitions:

Notes:

See **Appendix A: COMPLAINTS FORM FOR THE NORTH AND NORTH WEST COMMUNITY LEGAL SERVICE**

COMPLAINTS FORM FOR THE NORTH & NORTH WEST COMMUNITY LEGAL SERVICE

Name _____

Address _____

Who is the complaint against? _____

When did the event occur? _____

When did you attempt to solve the problem with the manager of the appropriate service? In your opinion, why did your discussion with that person not solve the problem to your satisfaction?

Does the other party know of your complaint? YES / NO

Do you wish to have an interpreter? YES / NO

If YES, in what language? _____

Do you wish to have the assistance of an advocate or support person? YES/NO

What is the name of the advocate or support person? _____

Were there any witnesses? YES / NO

What is your complaint?

Signed _____

Date: _____

