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Context

- 1 The International Framework for Court Excellence encourages a Court to develop, implement and review policies and practices that underpin its operations. Consistent with the principles of the framework, the Magistrates' Court of Victoria (the Court) implemented a Feedback and Complaints Policy in 2020.
- 2 The Court is committed to providing the highest level of service and values feedback and complaints received from court users. Feedback and complaints are used to continually improve the quality and delivery of the Court's services, and the experiences of people using the Court.

Purpose

- 3 This document sets out how the Court manages feedback and complaints.
This policy aims to:
 - ensure that the Court users and stakeholders can easily access an effective process whereby complaints about the Court's services, administrative staff or facilities are investigated and resolved in a fair, impartial and prompt manner;
 - ensure that the Court consistently captures and records feedback incorporating complaints, suggestions and opinions, as part of ongoing business review and improvement;
 - prevent complaints escalating by handling them effectively.
- 4 The types of feedback and complaints that this policy covers includes:
 - 4.1 the conduct of the Court's staff including administrative, support, case management and registry staff;
 - 4.2 the Court's processes and procedures;
 - 4.3 court facilities; and
 - 4.4 service provision.

Scope

- 5 This policy applies to Court operations in Melbourne CBD, metropolitan and regional locations.
- 6 The following matters are excluded from this policy:
 - 6.1 [Complaints about a Judicial Officer](#)
 - 6.2 [Concerns about a decision made by a Judicial Officer](#)
 - 6.3 [Concerns about the law or policy](#);
 - 6.4 [Complaints about a legal practitioner](#), and
 - 6.5 [Allegations of corrupt or improper conduct by a public body or officer.](#)

Definitions

- 7** An **Enquiry** is contact with the Court to seek assistance or advice, access a service, or to inform about something for which the Court has responsibility.
- 8** **Feedback** may include:
 - 8.1 A suggestion or idea on how the Court could improve its services; or
 - 8.2 A compliment about any aspect of the Court's services or performance.
- 9** A **complaint** is an expression of dissatisfaction with:
 - 9.1 The quality of an action taken, administrative decision made or service provided by the Court.
 - 9.2 A delay or failure by the Court in providing a service, taking an action, or making an administrative decision.
- 10** A **significant complaint** is a complaint that is significant due to the complexity or seriousness of the issues complained about.

Privacy

- 11** Personal information about an individual is handled in accordance with the *Privacy and Data Protection Act 2014* (Vic) which guides the Court in the collection and handling of certain personal information.
- 12** Feedback and complaints usually include personal information about the applicant, the subject of the complaint, and in some instances third parties. The privacy of all persons concerned will be respected and safeguarded when managing feedback and complaints.

Making an Enquiry

- 13** All written enquiries will be acknowledged within three business days.
- 14** All enquiries will be forwarded to the relevant Manager.
- 15** Any enquiry made via the feedback email will be assessed by the Feedback and Complaints Officer who will either respond or forward to the relevant Manager.

Providing Feedback

- 16** Feedback can be provided:
 - 16.1 In person or via telephone to a staff member
 - 16.2 Via telephone to the Feedback and Complaints Officer (call your local court).
 - 16.3 Via e-mail to: mcvfeedback@courts.vic.gov.au
 - 16.4 Via post to:

**Feedback and Complaints Officer
Magistrates' Court of Victoria
223 William Street
Melbourne VIC 3000**

Managing Feedback

- 17** All written feedback will be acknowledged within three business days by the staff member receiving the feedback.

- 18 All feedback will be forwarded to the relevant Manager and the Feedback and Complaints Officer.

Making a Complaint

In-person or by telephone

- 19 Where possible, verbal complaints will be resolved by the staff member having the conversation with the complainant at the time the complaint arises.
- 20 Where immediate resolution is not possible, or where the matter is complex, a person wishing to make a complaint will be asked to submit their complaint in writing.
- 21 People who require help to submit a complaint should contact the Court's Feedback and Complaints Officer for assistance.

In Writing

- 22 Written complaints can be submitted:
- 22.1 Via e-mail to: mcvfeedback@courts.vic.gov.au
- 22.2 Via post to:
- Feedback and Complaints Officer**
Magistrates' Court of Victoria
223 William Street
Melbourne VIC 3000
- 23 The following information should be included:
- 23.1 the issue(s) being complained about;
- 23.2 the time, date and place of the issue being complained about;
- 23.3 if the complaint involves a staff member, the name of the person, where possible; and
- 23.4 the resolution sought by the complainant.

Managing a Complaint

- 24 The Feedback and Complaints Officer will liaise with the appropriate manager to investigate, record and respond to the complaint.
- 25 The Feedback and Complaints Officer will acknowledge receipt of a complaint within three business days.
- 26 Where possible, all complaints will be responded to within 20 business days.
- 27 Where a response cannot be made within 20 business days, the complainant will be advised in writing of the reasons for the delay and the expected timeframe for the response.
- 28 The outcome of all written complaints will be communicated to the complainant in writing
- 29 A significant complaint will be considered and actioned by the Feedback and Complaints Officer.

Review of Decision

- 30 If a complainant is dissatisfied with the outcome of their complaint, they may request a review of the decision.

- 31 A review of a decision made by the Feedback and Complaints Officer will be undertaken by the Office of the CEO.
- 32 If the complainant remains dissatisfied with the outcome of a review, the complainant will be advised that they may contact the Victorian Ombudsman: www.ombudsman.vic.gov.au

Repeated Complaints

- 33 The Court may choose not to respond to a complaint if it is a repetition of a previous complaint and the complainant has been advised in writing that there will be no further response.

Abusive or Threatening Complaints

- 34 If a complainant's conduct, or the content of their written correspondence is considered to be abusive or threatening, they may be referred to an appropriate authority.

Data Collection and Reporting

- 35 All feedback and complaints will be saved with the response and recorded in the Court's Complaints Register.
- 36 The data collected will be analysed to identify any opportunities to improve the quality and delivery of Court services and the overall court user experience.

Exclusions

Complaints about a Judicial Officer

- 37 A complaint about the conduct or capacity of a Victorian Judicial Officer may be made to the **Judicial Commission of Victoria**. The Commission provides an accessible and transparent complaint process which aims to ensure that public confidence in Victorian Courts is maintained.

What type of complaints can the Commission investigate?

- 38 The Commission's role is to investigate a complaint about the capacity or conduct of a Victorian Judicial Officer. For example, a complaint about inappropriate conduct in court or an issue which may affect the performance of the officer's function.
- 39 The Commission cannot investigate the correctness of a decision made by a Judicial Officer - it is not a substitute for the Appeal process.

Who can make a complaint to the Commission?

- 40 A member of the public or the legal profession can make a complaint by filling out the online complaint form available on the Commission's website www.judicialcommission.vic.gov.au

To make a complaint about a Judicial Officer, please contact:

Postal Address: **Judicial Commission of Victoria**
GPO Box 4305
Melbourne VIC 3001

Email: enquiries@judicialcommission.vic.gov.au
Website: www.judicialcommission.vic.gov.au
Phone: (03) 9605 2420
Fax: (03) 9604 2422

Complaints about a decision made by a Judicial Officer

- 41 The Court cannot address concerns about a decision made by a Judicial Officer. Such concerns can only be determined by way of the formal appeal process, which may or may not be available to a party. Legal advice should be sought in relation to the appeal process.

Complaints about the law or policy

- 42 The Court is unable to respond to a complaint or concern about the law. Judicial Officers apply the law; they do not make it.
- 43 The Court is also unable to comment on Government policy. Such complaints should be directed to the relevant Government Minister or to your local Member of Parliament.

Complaints about a legal practitioner

- 44 A complaint about the conduct of a legal practitioner should be directed to:

Victorian Legal Services Board and Commissioner

Office: Level 5, 555 Bourke Street Melbourne
Post: GPO Box 492 Melbourne 3001
Telephone: 03 9679 8001 or 1300 796 344 (local call cost Australia)
Website: <http://www.lsc.vic.gov.au>

Complaints of corrupt or improper conduct

- 45 Under the *Public Interest Disclosures Act* 2012 the Independent Broad-based Anti-Corruption Commission (IBAC) is the central agency for receiving, assessing and investigating a complaint about fraudulent and/or corrupt conduct by a public officer.
- 46 If a person has an allegation of improper conduct, fraud or corruption against any Court staff, they could contact:

The Independent Broad-based Anti-Corruption Commission (IBAC)

Post: GPO Box 24234 Melbourne Vic 3001
Telephone: 1300 735 135
Website: <http://www.ibac.vic.gov.au>