



# County Court of Victoria: Managing Feedback and Complaints Policy

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## Context

1. The International Framework for Court Excellence encourages Courts to develop, implement and review policies and practices that underpin their operations. Consistent with the principles of the framework, the County Court of Victoria (Court) has implemented a Feedback and Complaints Policy.
2. The Court values feedback and complaints received from Court users. Feedback and complaints often identify opportunities to improve the quality and delivery of services and enhance the court user experience. The Court is committed to providing the highest level of service.

## Purpose

3. The purpose of this document is to set out how the Court manages feedback and complaints about:
  - 3.1 the conduct of the Court's administrative, support and registry staff;
  - 3.2 processes and/or procedures;
  - 3.3 court facilities; and
  - 3.4 service provision.

## Scope

4. This policy applies to Court operations in Melbourne and all circuit locations.
5. The following matters are excluded from this policy:
  - 5.1 [Complaints about a Judicial Officer](#);
  - 5.2 [Concerns about a decision made by a Judge](#);
  - 5.3 [Concerns about the law or policy](#);
  - 5.4 [Complaints about a legal practitioner](#); and
  - 5.5 [Allegations of corrupt or improper conduct \(Protected Disclosures\)](#)

## Definitions

6. **Feedback** may include:
  - 6.1 suggestions or ideas on how the Court could improve its services; or
  - 6.2 compliments about any aspect of the Court's services or performance.
7. A **complaint** is an expression of dissatisfaction with:
  - 7.1 The quality of an action taken, decision made or service provided by the Court.
  - 7.2 A delay or failure in providing a service, taking an action, or making a decision by the Court.
8. A **significant complaint** is one that the Court considers to be significant due to the nature of the issues complained about.

## Objective

9. This policy aims to ensure that the Court manages feedback and complaints in a transparent and timely manner.

## **Privacy**

10. 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.
11. The privacy of all persons concerned will be respected when managing feedback and complaints.

## **Providing Feedback**

12. Feedback can be provided:
  - 12.1 In-person or by telephone.
  - 12.2 Via the online Form at: <http://www.countycourt.vic.gov.au/Feedback>;
  - 12.3 Via e-mail to: [feedback@countycourt.vic.gov.au](mailto:feedback@countycourt.vic.gov.au)
  - 12.4 Via post to:

Risk and Compliance Manager  
County Court of Victoria  
250 William Street  
Melbourne VIC 3000

## **Managing Feedback**

13. All written feedback will be acknowledged within five business days.
14. All feedback will be forwarded to the relevant Manager.

## **Making a Complaint**

### **In-person or by telephone**

15. Court staff will attempt to resolve a complaint at the time the matter is raised.
16. If the complaint cannot be resolved, it will be referred to the relevant Manager. The complainant may be asked to put the complaint in writing.
17. Court staff will ensure that the details of all complaints are recorded and forwarded to the Risk and Compliance Manager.

### **In Writing**

18. Written complaints can be provided:
  - 18.1 Via the online Form at: <http://www.countycourt.vic.gov.au/Feedback>;
  - 18.2 Via e-mail to: [feedback@countycourt.vic.gov.au](mailto:feedback@countycourt.vic.gov.au)
  - 18.3 Via post to:

Risk and Compliance Manager  
County Court of Victoria  
250 William Street  
Melbourne VIC 3000

19. The following information should be included:
  - 19.1 the issue(s) being complained about;
  - 19.2 the time, date and place of the issue being complained about;
  - 19.3 if the complaint involves a staff member, the name of the person, where possible; and

19.4 the resolution sought by the complainant.

### **Managing Complaints**

- 20. All written complaints will be acknowledged within five business days.
- 21. All complaints will be responded to within 28 business days
- 22. Where a complaint cannot be responded to within 28 business days, the complainant will be advised in writing of the reasons for the delay and the expected timeframe for a response.
- 23. The outcome of all written complaints will be communicated in writing to the complainant.

### **Consideration of a Complaint**

- 24. The Risk and Compliance Team will review all written complaints made to the Court.
- 25. The Risk and Compliance Team will refer a complaint to the relevant Manager for consideration of the issues raised. Where this occurs, contact details for the person handling the complaint will be provided to the complainant.
- 26. A significant complaint will be handled by the Risk and Compliance Manager.

### **Review of Decision**

- 27. If a complainant is dissatisfied with the outcome of their complaint, they may request a review of the decision.
- 28. A review of a decision will be undertaken by the Risk and Compliance Manager or, where the Risk and Compliance Manager was involved in the initial decision, the Court's CEO will undertake the review.
- 29. If the complainant remains dissatisfied with the outcome of a review, the complainant will be advised they may have the option of contacting the Victorian Ombudsman:  
[www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)

### **Repeated Complaints**

- 30. The Court may choose not to respond to a complaint if it is a repetition of a previous complaint and it has been already stated that there will be no further response.

### **Abusive or Threatening Complaints**

- 31. 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**

- 32. All feedback and complaints will be recorded.
- 33. 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**

- 34. From 1 July 2017, a complaint about the conduct or capacity of a Victorian Judicial Officer may be made to the **Judicial Commission of Victoria**. The Commission is an independent organisation established under the *Judicial Commission of Victoria Act 2016* to investigate complaints about Victorian Judicial Officers. The Commission provides an accessible and transparent complaint process which aims to ensure that public confidence in Victorian Courts is maintained.

**Who can make a complaint to the Commission?**

35. A member of the public or the legal profession can make a complaint by filling out the online complaint form available from the Commission's website [www.judicialcommission.vic.gov.au](http://www.judicialcommission.vic.gov.au)
36. The Law Institute of Victoria and Bar Association can also refer a complaint on behalf of a member, without disclosing the identity of the complainant.

**Which Judicial Officers can I complain about?**

37. The Commission can investigate complaints about the following:
  - 37.1 a Judge of the Supreme Court of Victoria;
  - 37.2 a Judge of the County Court of Victoria;
  - 37.3 a magistrate of the Magistrates' Court of Victoria;
  - 37.4 a magistrate of the Children's Court of Victoria;
  - 37.5 a Coroner of the Coroners Court of Victoria;
  - 37.6 a Judicial Registrar of the Supreme Court, the County Court, the Magistrates' Court, the Children's Court or the Coroners Court; or
  - 37.7 a VCAT Member.

**What type of complaints can the Commission investigate?**

38. The Commission cannot investigate the correctness of a decision made by a Judicial Officer - it is not a substitute for the Appeal process. The Commission's role is to investigate a complaint about the capacity or conduct of a 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 a complaint about federal courts or tribunals, such as the Family Court and Administrative Appeals Tribunal, nor can it investigate a complaint about court or staff.

**What happens after the Commission receives a complaint?**

40. Once the Commission has received and considered a complaint, it will take one of three actions:
  - 40.1 Dismiss the complaint (for example, if it relates solely to the correctness of a legal decision);
  - 40.2 Refer the complaint to the relevant head of jurisdiction with recommendations about the future conduct of the officer; or
  - 40.3 If it is a very serious allegation, refer it to an investigating panel appointed by the Commission, which may recommend that the officer be removed from office.
41. The Commission will advise the outcome of any complaint in writing.

**For further information about complaints about a Judicial Officer, please contact:**

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

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

### **Concerns about a decision made by a Judge**

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

### **Concerns about the law or policy**

43. The Court is unable to respond to concerns or questions about the law. Judges apply the law; they do not make it.

44. The Court is also unable to comment on Government policy. Such concerns should be directed to the relevant Government Minister or to your local Member of Parliament.

### **Complaints about a legal practitioner**

45. A complaint about the conduct of a legal practitioner should be directed to:

Victorian Legal Services Board and Commissioner  
Level 5, 555 Bourke Street Melbourne 3000  
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>

### **Allegations of corrupt or improper conduct (Protected Disclosures)**

46. Most public sector bodies have a Protected Disclosure Coordinator to help support and protect staff in making disclosures. The Director of Governance is the Protected Disclosure Coordinator for the Court.

47. IBAC also accepts complaints about corruption in the Victorian public sector independently of the Protected Disclosure scheme. IBAC handles information and personal details carefully and in accordance with relevant legislation. If you are very concerned about your privacy, you can choose to make a complaint or provide information anonymously.

In some circumstances, IBAC may decide the complaint is a protected disclosure.

48. In accordance with the *Protected Disclosure Act 2012 (Vic)* any person can make a disclosure about improper conduct within a public body such as a government department or statutory authority. If a person has an allegation of improper conduct against any Court administration staff they should contact:

The Independent Broad-based Anti-corruption Commission (IBAC)  
GPO Box 24234  
Melbourne Vic 3001

Telephone: 1300 735 135  
Website: <http://www.ibac.vic.gov.au>