Complaint Investigation PROCEDURE

1. What is a Complaint?
   1. A complaint is an indication from a person about an action taken (or not taken) by the Firm or a staff member.
   2. Note that complaints can be received a number of ways, and staff must be alert to any comment that – whilst not couched in the form of a complaint – could raise an issue and be treated as such.
2. What is a Complaint Investigation?
   1. There are two types of complaint investigation: internal and external:
      * an *internal* investigation is led by the executive team member responsible for the team where the complaint lays (Principal Lawyer for legal complaints, Operations Manager for non-legal complaints)
      * an *external* investigation is led by the New Zealand Law Society
3. Why is a Complaints and Investigation Procedure needed?
   1. To ensure that all processes relating to Complaints and Complaint Investigations are undertaken consistently.
   2. To provide a clear understanding of how complaints are managed.
   3. To ensure that people involved in complaints are treated equitably.
   4. To assist in managing risk around poor quality, errors or breaches of duty.
   5. This procedure ensures consistency across the entire firm.
4. Policy governing this Procedure
   1. This Procedure is subordinate to the Quality Improvement Policy POLEG-602 and reference should be made to that Policy before undertaking any activity covered by this document.
5. Managing the initial complaint
   1. Any complaints must be actioned immediately as per the current policies and procedures of the firm.
   2. Encourage the complainant to use the official complaints process and send an email to [complaints@portia.law](mailto:complaints@portia.law). They also must be given the email address and freephone number of the NZ Law Society lawyer complaints service ([complaints@lawsociety.org.nz](mailto:complaints@lawsociety.org.nz) or 0800 261 801).
   3. If the complainant doesn’t choose to use this, you can still record their complaint.
   4. File note the complaint.
   5. Note: do not do these two things:
      * do NOT admit liability;
      * do NOT make promises other people then need to keep.
   6. Send an email to the appropriate member of the executive team (complaints involving lawyers to [director@portia.law](mailto:director@portia.law), complaints involving other staff or operational matters to [samantha.ngaia@portia.law](mailto:samantha.ngaia@portia.law)). Copy in the chief executive ([jarrod.coburn@portia.law](mailto:jarrod.coburn@portia.law)).
   7. The email must contain the following (at least):
      * Full name of person calling;
      * Full name of client (if different);
      * Matter number (or numbers) the complaint relates to. If the person isn’t a client then state that;
      * Date and time the complaint was received;
      * The method the complaint was received;
      * A summary of the complaint;
      * Whether the client was offered to complain directly to our internal email address;
      * Whether the client was informed of the NZLS complaints service;
      * Whether the client was informed our complaints policy is available on our website ([www.portia.law/information.html](http://www.portia.law/information.html) or [www.ebbornlaw.co.nz/useful-info.html](http://www.ebbornlaw.co.nz/useful-info.html))
      * Acknowledgement that a detailed file note was made, and where it is (normally in the matter record in Jemima);
      * What you told the client;
      * What the client expects to happen (if they did say);
      * Any actions taken so far;
      * Who also knows about this complaint.
6. Investigating complaints
   1. All complaints must be investigated regardless of who raised the complaint, how it was raised or the nature of the complaint.
   2. A record of complaint investigations must be made and – where appropriate – file notes made in the relevant client matter file.
   3. No assumption of truth, guilt or other bias must be made by someone investigating a complaint.
   4. Outcomes of complaints must be supported by factual evidence (or the lack of any factual evidence).
   5. If the complaint is about the actions of an individual or individuals, that person(s) must have the opportunity to answer to the complaint in a way that is both within the definitions of good faith and natural justice.
   6. Both the complainant and individual(s) complained about must be kept informed of the progress of any investigation, and any findings and outcomes.
7. Insurance
   1. Notification must be made to the insurance underwriter, using the approved method, as soon as reasonably practicable if it is considered necessary based upon the seriousness and/or nature of the complaint.
   2. Whilst the insurer’s requirement to avoid admitting liability stands, there might be occasion where admission or partial admission of liability is required (such as when explaining to a client what has happened that ensures the client’s case is not disadvantaged, or when undertaking the duty as an Officer of the Court). In this instance guidance should be taken from the Principal Lawyer.
8. Complaints
   1. Any complaints must be handled according to POLEG-602 - Quality Improvement Policy and PRLEG-602.01 - Complaint Investigation Procedure.
9. Privacy and confidentiality
   1. All information that relates to client matters or Court activities are private and confidential and must be treated as such. At no time will information we hold on behalf or about clients be disclosed unless we are required to do so by law or – if allowed under legislation and other various covenants – where it is necessary to do so to provide our services to the client or when requested by the client or with their consent.