

Guardian ad Litem Complaint Handling Policy

Scope and Purpose

This policy applies to all complaints and feedback received about Guardian ad Litem (GAL) Panel Members in their capacity as either a member of the GAL Panel or as a GAL appointed in specific proceedings.

This policy provides detailed guidance for handling complaints about GAL Panel Members. It should be read in conjunction with the Department of Communities and Justice (DCJ) standards for handling complaints specified in the [DCJ Managing Complaints and Feedback Policy](#).

The purpose of this policy is to:

- Ensure that GAL Panel Members and the GAL Panel Co-ordinator meet the minimum DCJ standards for handling complaints.
- Respond as quickly and effectively as possible to resolve complaints.
- Use information from complaints and feedback to improve the administration of the Guardian ad Litem Panel.

Receiving Complaints from Clients

Complaint Handling of GAL Panel Members

The latest version of this policy can be found on the GAL website at <https://dcj.nsw.gov.au/legal-and-justice/legal-assistance-and-representation/guardians-ad-litem.html>.

All GAL Panel Members must be aware of this policy.

Client Options for Submitting a Complaint

A GAL Panel Member, Division Support and Public Accountability (DSPA) or Court/Tribunal may receive a complaint about a GAL Panel Member.

Any person may make a complaint or provide feedback:

- Verbally or in writing to the GAL
- By writing a letter to:

Director
Division Support and Public Accountability
Department of Communities and Justice
Locked Bag 5000, Parramatta NSW 2124
- By sending an email to guardian-ad-litem-panel-co-ordinator@dcj.nsw.gov.au.

The person making the complaint may be requested to put the complaint in writing if the matter is complex or contentious.

In accordance with DCJ standards for complaints handling in the [DCJ Managing Complaints and Feedback Policy](#), GAL Panel Members and DSPA have an obligation to accept complaints made verbally in certain circumstances. This includes, but is not limited to, circumstances where the complainant has an intellectual disability or limited English writing skills.

Recording Complaints

Recording Complaints in the GAL Panel Register

All incoming complaints must be recorded in the GAL Panel complaints register, which is maintained by the Guardian ad Litem Panel Co-ordinator. Details of all complaints received directly by a GAL or DSPA staff member must be forwarded to the Guardian ad Litem Panel Co-ordinator in person or by email as soon as possible.

The following information should be included:

- Name of GAL;
- Proceedings number;
- Date of the complaint; and
- Source, for example subject person, legal representative, Court, Tribunal or other.

All relevant documents about the complaint and its handling must be held on an official file. The file number/matter number must be recorded in the GAL Panel complaints register.

Complaints received verbally and involving the below don't need to be recorded:

- That a GAL Panel member should not have been appointed to the client in specific proceedings
- That the GAL did not make the correct decision when acting in the interest of their client after considering all relevant information.

However, GAL Panel members are still required to explain to clients why they are unable to assist in the above scenarios.

Classifying Complaints

All incoming complaints must be classified by subject area in the complaints register. The Director DSPA and/or Guardian ad Litem Panel Co-ordinator will select from the following classifications. Where a single complaint covers multiple subject areas, the classification that reflects the primary or most significant area will be selected. Most classifications relate to the GAL Code of Conduct (CoC).

Use of the classification 'Other' will be limited as far as possible. The Director DSPA and/or Guardian ad Litem Panel Co-ordinator will determine if additional classifications are required.

CLASSIFICATION	SUB CLASSIFICATIONS
Timeliness (Section 7, CoC)	<ul style="list-style-type: none"> • Delay in contacting the Court/Tribunal or client once appointed in proceedings • Delay in responding to the client or Court/Tribunal.
Accuracy of records (Section 15, CoC)	<ul style="list-style-type: none"> • Incomplete or inaccurate records kept of the proceedings
GAL Panel Member knowledge & competence (Sections 5, 13 and 16, CoC)	<ul style="list-style-type: none"> • Incorrect or inappropriate conduct of the GAL Panel Member • Lack of experience or knowledge as a GAL
GAL Panel Member conduct & professionalism (Section 8, 9, 13 CoC)	<ul style="list-style-type: none"> • Rudeness or disrespect • Perceived bias or partiality
Invoicing and payment (Section 15, CoC)	<ul style="list-style-type: none"> • Timeliness of payment of invoices
Access to GAL Panel Member (Section 7, CoC)	<ul style="list-style-type: none"> • Accessibility to the GAL Panel Member
Published information (Section 14, CoC)	<ul style="list-style-type: none"> • Website information
Policies & procedures (Section 6, CoC)	<ul style="list-style-type: none"> • Policy: <i>Guardian ad Litem Code of Conduct</i>
Legislation (Section 6, CoC)	<ul style="list-style-type: none"> • Breach of legal obligation as stipulated under legislation including but not limited to: <ul style="list-style-type: none"> ○ <i>Uniform Civil Procedure Rules 2005 (NSW)</i> ○ <i>Civil Procedure Act 2005 (NSW)</i> ○ <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> ○ <i>Administrative Decisions Tribunal Act 1997 (NSW)</i> ○ <i>Adoption Act 2000 (NSW)</i>

Responding to Complaints

Time Standards

The time standards for DSPA responses are:

Complaints acknowledged in writing within three (3) business days of receipt

Written responses are sent to the complainant within three (3) calendar weeks of receipt. If this is not possible, an interim response is sent to the complainant within three (3) calendar weeks.

Authority of Staff to Offer Redress

Where a GAL Panel Member considers it is appropriate to offer redress to the client, in responding to a complaint, the following authorities apply. Where any doubt exists, staff should consult with the Director DSPA and/or Guardian ad Litem Panel Co-ordinator before taking any action.

POSITION	AUTHORISED ACTION TO RESOLVE COMPLAINT
Staff (including GAL)	<ul style="list-style-type: none"> • Offer a verbal apology for any error or delay in providing assistance to a client. • Give priority to addressing the error or delay
GAL Panel Co-ordinator	<ul style="list-style-type: none"> • As above
DSPA Manager	<ul style="list-style-type: none"> • As above plus • Approve any written response • Make a written apology for a serious error or delay which has led to the client incurring significant cost or inconvenience
DSPA Director	<ul style="list-style-type: none"> • As above plus • Offer alternative avenues for recourse • Make a written apology for a systemic problem or any incident of staff misconduct

Reviewing and Escalating Complaints

Authority to Conduct Internal Reviews

The Director, DSPA generally conducts an internal review of a complaint. However, in their absence, the Manager or any other supervisor nominated by the Director DSPA / Guardian ad Litem Panel Co-ordinator may conduct an internal review.

Requesting an Internal Review

Any person who has previously made a complaint may request an internal review of that complaint. The request should specify any concerns about the handling of the complaint and how the complainant considers these can be resolved. The request should be made to the Guardian ad Litem Panel Co-ordinator at: guardian-ad-litem-panel-co-ordinator@dcj.nsw.gov.au.

A request for internal review can also be made, in writing or verbally, to the GAL Panel Member, who should refer complaint to the GAL Panel Co-ordinator or Director, DSPA.

Internal Review Time Standard

Internal reviews must be completed within three (3) weeks of receipt. If this is not possible, an interim response must be sent to the complainant within three (3) weeks.

General Procedure for Internal Reviews

The general steps for conducting an internal review are:

- Assess the original complaint and related documentation
- Contact the client to clarify the nature of unresolved concerns and their desired outcomes. Invite them to submit any further information.
- Contact the GAL Panel Member concerned to clarify any issues and to discuss options for resolution if appropriate.
- Prepare a written recommendation for resolution for approval by Manager DSPA.
- After approval, prepare and send written advice to the client. It is also good practice to telephone the client to explain the outcome personally.
- Update the GAL Panel Complaints register with the outcome. Retain all file notes, documents and approvals on the official file.