



**Louisiana Center  
for Children's Rights**

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## **POLICY4: CLIENT COMPLAINTS**

### **INTRODUCTION**

These policies and procedures are meant to guide LCCR employees in their activities on behalf of the organization. They do not establish any contract or other legal rights on behalf of LCCR employees.

“Must,” in this Policy Statement, indicates an obligation. “Should” indicates an expectation. Appropriate disciplinary action up to and including termination may follow on the violation of any policy articulated in this Statement.

For the purposes of this Policy Statement, “LCCR employees,” “employees” and “LCCR representatives” refers to any person working on behalf of LCCR, including but not limited to supervisors, staff attorneys, investigators, social workers, youth advocates, administrative staff, law clerks, interns and volunteers.

## **I. GENERALLY**

- A. The purpose of this Policy Statement is to establish a mechanism for clients of the Louisiana Center for Children's Rights (LCCR) to bring complaints concerning the performance of employees; to establish procedures for investigating, evaluating and addressing those complaints; to ensure that clients and their concerns are heard by LCCR management; and to ensure compliance with the Louisiana Public Defender Board's Complaint Policy.
- B. The Executive Director of LCCR or an LCCR supervisor will promptly review, investigate, evaluate and take action on all complaints made by clients, their families, or their representatives concerning the delivery of services by LCCR.
- C. The provisions and rules set forth in this Policy Statement notwithstanding, clients or their representatives expressing a complaint about services rendered by LCCR, or about any LCCR employee, must be advised of their right to speak with a supervisor, and must be given the name and contact information for a supervisor. Where a client or the representative of a client has a complaint about a supervisor who is not the Executive Director, the client or representative must be given the name and contact information of the Executive Director. Where a client or the representative of a client has a complaint about the Executive Director, the client or representative must be given the name and contact information of the Juvenile Justice Compliance Officer of the Louisiana Public Defender Board or the Deputy State Public Defender/Director of Juvenile Services of the Louisiana Public Defender Board.

## **II. NOTICE TO CLIENTS**

- A. Every LCCR attorney must provide each of that attorney's clients with that attorney's written contact information, including that attorney's address and phone number. The attorney must also provide each client, on request, with the name and contact information of the attorney's direct supervisor.
- B. The Executive Director must develop and promulgate a standard Complaint Form. On request, LCCR staff must supply clients or their representatives with a copy of this Complaint Form.
- C. The Executive Director must cause to be posted a copy of this policy, together with copies of the Complaint Form and a short, summary set of instructions for the filing of complaints, in the reception area of LCCR's offices and on LCCR's website.

## **III. MAKING COMPLAINTS**

- A. LCCR employees who receive a complaint concerning the performance of LCCR employees from clients or clients' representatives should request that such complaints be made in writing and directed to the Executive Director or to an employee with supervisory responsibilities. Complaints may, but need not, be made using LCCR's Complaint Form.
- B. Clients may send or give their written complaints to any LCCR employee, but are encouraged to send or give their complaints directly to the Executive Director or to an LCCR supervisor.

- C. Complaints should include the name of the client; the name and contact information of the person making the complaint, if that person is different than the client; the name of the attorney or the employee about whom the client or the client's representative is complaining; a description of the behavior that the client is complaining about; and a request for specific assistance.

#### **IV. RECEIVING COMPLAINTS**

- A. Any LCCR employee receiving a complaint – whether orally or in writing – concerning the performance of LCCR employees from a client or a client's representative, whether or not that employee is the subject of the complaint, must promptly bring the complaint to the Executive Director or to the employee's direct supervisor for review and appropriate action.
- B. If the complaint concerns the Executive Director, the Executive Director or the employee receiving the complaint must promptly forward the complaint to the Juvenile Justice Compliance Officer of the Louisiana Public Defender Board or the Deputy State Public Defender/Director of Juvenile Services of the Louisiana Public Defender Board.
- C. If an LCCR employee hears a client voice a potentially legitimate complaint about the representation being provided by LCCR, the employee must advise the client about LCCR's client complaint policy.

#### **V. RECORDS OF COMPLAINTS AND ACTIONS TAKEN**

- A. It is LCCR's policy to keep all communications, documents, and other materials and things concerning the representation of clients – including complaints and documents related to the evaluation, investigation and response to complaints – in the strictest confidence. Such materials are protected by the Attorney-Client Privilege, the Work Product Privilege, Rule 1.6 of the Louisiana Rules of Professional Conduct, and other evidentiary privileges and ethical rules.
- B. The Executive Director must record, or cause to be recorded, every complaint made by a client or a client's representative concerning any LCCR employee, in a database contained within a secure electronic medium. The database must include, but need not necessarily be limited to, the name of the employee who is the object of the complaint; the name of the client who is the subject of the complaint; the nature of the complaint, in summary form; and the office's response, in summary form. The database shall be confidential and privileged.
- C. All actions taken by management in response to complaints must be memorialized and preserved.
- D. The Executive Director or his/her designee must cause hard copies of all documents and other things concerning complaints to be kept in the case-file of the client who is the subject of the complaint.

#### **VI. INVESTIGATING, EVALUATING, AND TAKING ACTION ON COMPLAINTS**

- A. The Executive Director or his/her designee must promptly review, investigate and evaluate for merit every complaint made by LCCR clients or their representatives

concerning LCCR employees. In reviewing, investigating, and evaluating complaints, LCCR management must be fair and impartial, and must not presume either that LCCR staff has committed any wrongdoing or that LCCR's clients are mistaken or wrong.

- B. LCCR employees must not discriminate against any client, or otherwise retaliate against any client in deed or in word, on the basis that the client or the client's representative complained about that employee.
- C. Where the Executive Director or his/her designee finds that a complaint has merit, he or she must take prompt and appropriate action to protect the rights and interests of the client, and to ensure that misconduct does not recur.
- D. Misconduct, inadequate representation, or other violation of the rules and policies of LCCR, the Louisiana Public Defender Board, or the Rules of Professional Conduct, revealed through a client complaint, can lead to internal discipline up to and including termination in precisely the same manner as equivalent misconduct and violations that come to the attention of management through any other medium.
- E. The Executive Director or his/her designee must respond in writing to every written complaint. When complaints are made by the friends or family of clients, the response must be to the client directly.