

General feedback on consultation process

The PSA understand that Ms Amanda Templeman, the Principal Manager of Law Access, will be on planned leave from Tuesday 4 August to Friday 14 August. This means that she will only be available to review feedback for one day next week — Monday 3 August (as her last working day).

With the huge changes being planned, the PSA submits that progress should be halted while the Principal Manager is on leave.

Additionally, as the PSA is providing extensive feedback in this matter, prior to any changes being made, particularly regarding KPIs, the PSA seeks to meet with relevant Legal Aid officers in this matter.

As the PSA is providing comprehensive and detailed feedback from members on the QAF Marking Guide, the PSA requests a written response to our member feedback please.

Quality Assurance Marking Guide: Feedback

1. Overarching Observations: Consistency, Clarity, and Operational Reality

One of the stated purposes of the new framework is to provide consistency and clarity so that Information Officers (IOLs) and management share a common understanding of the expectations that underpin scoring.

This is important because the scores generated under the framework are directly linked to performance management and, in some cases, to employment outcomes.

In some areas, however, the framework appears to create ambiguity rather than resolve it. IOLs are left uncertain about how particular situations will be assessed. IOLs handle more than 177,000 calls each year, and no two calls are identical in circumstances, content, or caller behaviour.

A framework that does not adequately accommodate this inherent variability risks inconsistent or unfair application.

While the Guide and the Handbook include some examples, these cannot reasonably capture the full range of interactions that occur daily.

It would be helpful if this operational reality were more fully reflected in the framework before it is implemented.

To improve these important documents, address PSA member concerns to make them a better fit for the target audience, the PSA offers to participate in a working group.

The PSA suggests the working group comprise PSA Industrial Staff, PSA members employed in the Law Access area and Legal Aid to provide a contingent of staff it deems appropriate. Further, this working group should include expertise relating to workplace psychosocial hazards.

Criteria 1.1 – Not a lawyer disclaimer (Marking Guide, page 15)

The Guide states that an IOL is expected to clearly advise the caller that they are not a lawyer and cannot give legal advice before the IOL begins speaking about the customer's legal issue.

Clarification would be appreciated on the following points:

- If a caller immediately begins describing their legal issue before the IOL has had a realistic opportunity to deliver the non-lawyer statement, will the absence of that statement at the very outset attract a penalty?
- A significant volume of calls are administrative rather than legal in nature (for example: a client seeking to pay a Legal Aid bill; a private solicitor acting for the opposing party who needs to speak to Accounts. In these cases the caller frequently begins speaking as soon as the call is answered, before any opportunity exists for the IOL to deliver the standard disclaimer.
- Is it acceptable for the non-lawyer statement to be delivered at the point the IOL first begins to address a legal issue, even where the caller has already commenced describing that issue, or where the matter turns out not to be a legal issue at all?

Clearer wording on these scenarios would reduce uncertainty for officers and help ensure consistent application of the criteria.

Suggestions for consideration

1. Clarification of Criteria 1.1 (Not a lawyer disclaimer) so that it is clear the statement is required before the IOL begins discussing a legal issue, and that no penalty arises where a caller initiates discussion of their matter before the officer has had a reasonable opportunity to deliver the statement (including purely administrative calls).
2. Further consideration of how the Marking Guide can better accommodate the inherent variability of calls received.

Criteria 1.4 – Use of approved information sources and requirement to read information exactly as it appears

The criteria require staff to read information exactly as it appears in the source, and limit the use of information to specified approved sources (approved brochures, factsheets, NSW or Australian government websites, and specialist service websites accessed through the Legal Aid website or LA Connect).

The final line of the criteria also refers to BetterSearch, but only after checking that the information is current and accurate. A further statement on page 19 reinforces that information must be read exactly as it appears, without changing, shortening or adding any words.

Some practical issues arise from the current wording.

Reading information exactly as it appears – BetterSearch and similar resources

The requirement that staff must read information exactly as it appears needs greater clarity, particularly in relation to resources such as BetterSearch. BetterSearch often returns information that is specific to the caller's situation and then includes an additional line that is completely irrelevant to the enquiry.

Reading that irrelevant (or sometimes incorrect) material aloud would not only be unhelpful to the caller but could, in some cases, be problematic.

There needs to be scope for an IOL to exercise discretion and refrain from reading parts of the text that are clearly not relevant, are plain incorrect, or belong to an entirely different topic. While BetterSearch is an invaluable tool, it is not infallible.

Errors or irrelevant content are not always present throughout the entire text; they can be confined to a single line. An IOL who exercises judgment by omitting that single problematic or incorrect line is demonstrating good professional judgment and a person-centred approach to service.

The same principle applies when reading information directly from websites. IOLs were previously trained to read entire pages of information. That is no longer the practice; only relevant material is read.

The Marking Guide should reflect this so that it is clear officers will not lose marks for selecting and reading only the material that is pertinent to the caller's enquiry.

Approved sources – need for greater clarity and an explicit list

The criteria state that staff must only use information from the following approved sources: approved brochures, factsheets, websites such as NSW or Australian government sites, and specialist service websites accessed through the Legal Aid website or LA Connect.

Often websites cannot be accessed through the website or LA Connect. This should be reflected in the framework.

It should also be noted that links provided through BetterSearch and similar tools are frequently broken. When this occurs, the IOL has no practical alternative other than to bring the site up manually.

These everyday workarounds need to be taken into account, particularly given the time pressures that exist on every call.

Responsibility for checking currency and accuracy of BetterSearch information

The criteria indicate that BetterSearch may be used only after checking that the information is current and accurate.

Checking the currency of BetterSearch content is not the responsibility of an IOL. That responsibility sits with the website development group, SDG, management, and the creators of BetterSearch.

IOLs should not be held responsible for the currency of information contained in the tool. IOLs should also not be tasked with checking the accuracy of the information.

An IOL's responsibility is to ensure the information provided from BetterSearch was derived from information from the LegalAid NSW website, (taking into account nuance of AI generated content that tailors information to a caller's specific circumstances).

"If you cannot source it, you cannot say it" – tacit knowledge and practical necessity

The principle that "if you cannot source it, you cannot say it" requires reconsideration for the day-to-day practicalities.

For example, when a caller raises an issue about an application for a grant of legal aid, it is clearly a matter for the Grants department. An IOL should be able to say, without fear of being penalised, something along the lines of:

“All of our grants enquiries regarding [X] go through the Legal Aid Grants Administration team. You’re welcome to call them – I can transfer you and/or provide you with their phone number.”

This is only one illustration. Such information forms part of the tacit knowledge held by IOLs. IOLs are taught this in training, yet the framework does not currently reflect that reality.

There will be several situations in which certain statements are obvious, form part of standard operational knowledge, and do not require formal sourcing before they can be said.

It would be helpful if the marking criteria could accommodate this for the sake of clarity.

Suggestions for consideration (Criteria 1.4)

1. Amend the “read exactly as it appears” requirement so that officers may omit clearly irrelevant, incorrect, or out-of-topic material (particularly from BetterSearch) without penalty, recognising this as an exercise of professional judgment.
2. Explicitly confirm that officers are expected to read only the relevant portions of website content and will not be marked down for doing so.
3. Reconsider/remove the expectation that IOLs are responsible for verifying the currency of BetterSearch content.
4. Recognise that certain items of standard operational knowledge may be stated without formal sourcing.

Criteria 1.5 – Opinion and Personal Thoughts or Feelings

This criteria may be add odds with one of the stated primary objectives of the service: person-first service.

The criteria refer to “*sharing personal thoughts or feelings about a situation.*” In practice, carefully expressed personal thoughts or feelings are frequently the most effective way to convey genuine empathy.

Completely prohibiting this risks producing interactions that sound robotic and fail to meet the empathy standard the organisation has set as a performance metric.

The Quality Assurance Staff Handbook provides several suggested phrases which would qualify as “personal thoughts or feelings” and would subsequently result in a fail mark.

Practical illustrations of the tension

A mother whose daughter is being bullied at school is stressed and angry. Her distress increases when she learns that the assistance available from LawAccess/Legal Aid is limited to information and a suggestion that she consult a private lawyer if she wants legal advice.

The IOL responds: *“I appreciate how you feel, and you sound like a mother who obviously wants the very best for her daughter, and I appreciate that.”*

This statement is, strictly speaking, a personal opinion. Yet it is necessary and appropriate in the circumstances: it helps diffuse a highly emotional caller who is directing her grievance at the IOL, and it validates the caller’s concerns.

Another example: A distressed parent is erratic, difficult to understand, does not even know why she is calling. She is highly panicked and at times struggling to breathe. The caller repeatedly states *“you must think I’m crazy.”*

The IOL’s response: *“No, you sound like a mother who loves her children, and you sound like you want the best for them.”*

The caller immediately becomes calmer and is better able to articulate her circumstances from this point onward. The IOL has not taken sides, nor did they offer any opinion on her legal matter.

Under the current wording of the criteria, however, the statement could readily be construed as the sharing of personal thoughts or feelings and therefore attract a negative/fail score.

Need for clearer boundaries and examples

It is obviously not appropriate to offer personal thoughts or feelings on every call. Many interactions do not require or warrant it.

There will, however, be a significant number of calls in which a carefully framed validating statement is both necessary and consistent with person-first, empathetic service.

The criteria as currently drafted do not provide clear guidance on what constitutes impermissible “personal thoughts or feelings”.

While the QA Handbook provides some examples, it does not address “personal thoughts” and does not capture the breadth of calls during which an expression of “personal thoughts or feelings” would not attract a penalty.

This lack of clarity is concerning given that empathy has been introduced as a performance metric.

Without concrete examples and clearer boundaries, officers are left to guess where the line sits, and risk being marked down for demonstrating the very qualities the organisation says it values.

Inconsistency within the rating descriptors

In the rating section for Criteria 1.5 the language refers only to the IOL having “refrained from providing any advice/opinion in the interaction.”

It does not specifically mention personal thoughts or feelings. This creates further uncertainty about how the criteria will actually be applied in practice.

Suggestions for consideration (Criteria 1.5)

1. Explicitly recognise that carefully framed validating statements (of the kind illustrated above) may be appropriate in emotionally charged calls and should not automatically attract a negative/fail score.
2. Ensure that any prohibition on “personal thoughts or feelings” is reconciled with the organisation’s stated commitment to person-first service, empathy and compassion, so that officers are not placed in the position of having to choose between scoring well and responding humanely to distressed callers.

Criteria 1.6 – Escalation

Calls involving bomb threats, threats of self-harm and similar high-risk situations (such as unreasonable client/caller conduct), are among the most difficult interactions officers handle.

They place significant demands on an IOL’s ability to manage their own safety and the safety of colleagues while attempting to de-escalate a potentially dangerous situation.

It is respectfully suggested that these calls should not be the subject of formal QA scoring in the ordinary way.

Expecting an officer who is actively concerned for their own safety and that of others to also remain focused on whether they have followed a scripted sequence of questions (for example, asking a caller who has made a bomb threat precisely where the device has been placed) creates an unreasonable dual burden.

In practical terms it risks treating officers as though they are expected to perform a checklist under extreme pressure when the focus should be on personal safety and the safety of callers and colleagues, not whether an IOL is going to fail a QA assessment.

This approach raises questions about compliance with work health and safety obligations, particularly the duty to mitigate psychosocial hazards.

Previous guidance from management has been to the effect that officers should simply do the best they can in the circumstances, escalate if necessary (and possible). That practical advice sits uneasily with a rigid marking framework. These types of calls should not form part of a marked assessment, however should form part of coaching.

Usefulness of the prescribed guidance material

The phrasing contained in the current escalation guides (for unreasonable callers and threats of self-harm) is, at times, counter-productive. Some of the suggested wording is experienced as inflammatory or condescending by callers and can escalate rather than calm the situation. Where this occurs, officers should be supported in departing from the script rather than being required to persist with it.

There may also be practical difficulties in accessing relevant guidance pages during a difficult phone call, leaving the officer with no practical option other than to manage the situation without the written material.

These operational realities need to be acknowledged in the framework. Again, so an IOL does not prioritise “scoring well” over mental health and safety.

Impact on officer wellbeing

There is a direct psychosocial cost when an officer feels compelled to continue reading prescribed material that is visibly inflaming an already distressed or threatening caller, solely because of concern about being marked down.

Suggestions for consideration (Criteria 1.6)

1. Exclude calls involving bomb threats, threats of self-harm and other high-risk escalation scenarios from ordinary QA scoring, or apply a fundamentally different, non-punitive review process that focuses on support rather than compliance with a rigid checklist or “quick guide”.
2. Explicitly recognise that officers may need to depart from scripted material when it is clearly worsening the situation, and that such professional judgment should not attract a negative score.
3. Ensure the framework is consistent with the organisation’s work health and safety obligations, particularly the duty to mitigate psychosocial hazards arising from high-risk calls.
4. Confirm that officers who manage these calls to the best of their ability in difficult or imperfect circumstances (including situations where guidance material is inaccessible) will not be penalised.

Criteria 2.1 – Data collection and related recording requirements

Some elements of Criteria 2.1 create practical difficulties and may be inconsistent with the actual flow of calls.

Timing of data collection versus acknowledging the reason for the call

In training, officers are instructed to collect data expediently. The framework, however, states that “where appropriate, staff should first acknowledge the person’s reason for calling though it may be necessary to politely interrupt to ensure timely collection of data.”

This wording is difficult to reconcile with established practice and with the need to deliver the non-lawyer disclaimer before a caller begins discussing their legal problem.

Collecting the required data at the outset gets the administrative requirements out of the way and reduces the risk that the caller will launch into the substance of their matter before the disclaimer has been given.

Collecting data first does not, in practice, damage rapport. What is likely to disrupt rapport is returning later in the call to interrupt the conversation to gather demographic information. Consideration should be given to removing or substantially revising this expectation so that it reflects both training and operational reality.

The QA Handbook provides better guidance around this, and this should be reflected in the marking criteria, so it is explicitly clear to all IOLs that collecting demographic data at the

outset of a call (after an initial greeting, exchange of first name, and call recording disclaimer), will not attract a penalty.

Avoiding the use of “Other” matter types “where possible”

The criteria direct officers to avoid the use of “Other” matter types where possible. Greater clarity is needed on what “where possible” means in practice.

It is frequently not possible, particularly on webchat and on a range of telephone calls.

Common examples include:

- the caller simply needs a telephone number for Grants or for a particular office;
- the caller is ringing about someone else and has little or no information;
- the caller only wants the form for a grant application and does not want a conversation;
- the caller is a lawyer from a law firm who doesn’t want to disclose information about the area of law as it is not relevant to their question.
- the caller wants to reach their lawyer, may disclose that it is a criminal matter, but it is inappropriate to ask what they were charged with solely for the purpose of recording an Area of Law.
- the caller doesn’t want to be interrogated about a straightforward question.
- the caller wants to get off the phone and hostility is increased if they are kept on the phone to ask for an area of law which is really not necessary to obtain in the circumstances.
- IOLs have a keen sense of when hostilities might increase, more so than a QA officer who might think after the fact that an IOL “could have” collected an AOL, but chose not to.

The situations listed above are not exhaustive. Clearer guidance, or an expanded set of examples, would assist officers to apply the criteria consistently without fear of being marked down for what an IOL deems to be a legitimate use of “Other” when recording an area of law.

Selecting the assistance service linked to the record

The requirement to select the assistance service linked to the record is problematic on a daily basis. On multiple occasions each day no suitable record exists. Typical examples include:

- the court in which the caller is due to appear is not listed in La Connect;
- the caller wishes to speak to a member of parliament (for example) whose details are not listed in LA Connect;
- the caller is ringing from interstate and nothing relevant appears in LA Connect;
- the caller is Aboriginal, requests that “No” be recorded against Aboriginality, yet needs the number for the Aboriginal Legal Service (which does not appear in LA Connect);
- the caller lives in Parramatta but is appearing at court in Wyong, so the relevant service does not appear LA Connect.

In these situations officers are forced into workarounds such as temporarily changing the suburb solely to make a service appear, then changing the details back again. This wastes time and increases AHT. It is often not practical to perform these steps while the caller is still on the line without placing them on unnecessary hold (itself a potential source of negative scoring).

If a general case is lodged afterwards for frequent anomalies that appear in LA Connect, further time is required to be spent by the IOL lodging a general case.

There is no appropriate mode in which to place oneself for this work, and often a general case lodgement attracts follow-up questions from the SDG, consuming more time of the IOL who has already moved on to another call but is then expected to find time to respond to the questions raised by the SDG regarding a General Case that has been raised. It would be appreciated if the system limitations in this area could be acknowledged and the criteria adjusted accordingly.

Area of Law – absence of a suitable “no AOL” option

There is no dummy or administrative option for Area of Law. Officers are directed to note an Area of Law that reflects the enquiry. In practice there are a number of call types in which it is neither possible nor appropriate to obtain an AOL that reflects the enquiry.

Sometimes callers are in a hurry and simply need a telephone number (for example, Parramatta Legal Aid because they were told to call that office directly). Pressing for an AOL in these circumstances often causes caller frustration and results in poor customer service.

Clear guidelines are required that allows an officer to proceed without recording an AOL. It is not the role of an IOL to interrogate a caller about the nature of a criminal charge merely because the caller needs a phone number for a particular office.

Such questioning is counter-productive, wastes both the caller’s and the IOL’s time, is not empathetic, is not trauma-informed, and is unnecessarily intrusive. The QA Handbook may resolve this issue with guidance provided to wrap up as a non-customer.

If this could please be clarified and reflected in the marking criteria, so IOLs are clear on expectations, it would be appreciated.

Specific phrasing and data-entry conventions

Several further points require clarification:

- The direction to avoid questions such as “Is your number still the same?” needs context. In what circumstances is this question considered inappropriate, and when (if ever) is it acceptable? The current wording in the marking guide is confusing.
- Reference is made to clean-mail principles in LA Connect, including the use of a forward slash for addresses. If the reference is to the client record / client profile in CCMS, a forward slash is unnecessary because unit number and street number are entered in separate fields. Specificity would be appreciated.
- Capitalisation of first and last names. Does the criteria mean that entering a name in all capitals will result in a fail for this section?

Suggestions for consideration (Criteria 2.1)

1. Remove or substantially revise the expectation that officers should first acknowledge the reason for the call before collecting data, so that the criteria align with the practical need to deliver the non-lawyer disclaimer early.
2. Provide clearer guidance (and a non-exhaustive but more realistic set of examples) on when the use of “Other” matter types is acceptable.
3. Acknowledge system limitations that prevent an assistance service from being selected and ensure officers are not penalised for necessary workarounds
4. Create an administrative / office-referral option for Area of Law so that officers are not required to obtain an AOL in circumstances where it is inappropriate, intrusive or contrary to good customer service OR provide clear instruction to wrap up as non-customer in this instance.
5. Supply specific context for the prohibition on questions such as “Is your number still the same?”, clarify the clean-mail / address-entry requirements, and state clearly whether all-capital name entry will attract a fail/negative score.

Criteria 2.2 – Systems accuracy and intake notes

Phonetic confirmation of contact details

The criteria state that this includes “recording and phonetically confirming contact, such as phone number, email, residential and postal address.”

Clarification is required on the scope of this requirement. Is it intended that an officer will fail the section if they do not phonetically spell back a caller’s residential address, email address and postal address in every case?

Phonetic confirmation of these details is not currently a standard requirement. If it is now to be mandated, overall handle time would need to be increased accordingly.

Where a residential address has been clearly stated and spelling has been given (but not phonetic spelling), and is understood by both parties, that has always been regarded as sufficient.

Requiring **phonetic** spelling of every address, every email, etc appears disproportionate and would add unnecessary time to routine calls.

Concise and relevant intake notes

The criteria require officers to “record concise and relevant intake notes that include a brief description of the client’s legal issue – e.g. one line explanation of the problem in the client’s words.”

In practice, intake notes frequently need more than a single line. Important contextual information must often be recorded, for example:

- that someone else made the appointment (ie support worker/family member);
- triage notes that are more complex and require additional context so that a lawyer can understand why the appointment has been made;

- situations that are not straightforward and therefore warrant fuller explanation.

The current wording (“e.g. one line explanation”) creates uncertainty about whether notes longer than one line will result in a fail for the entire section. Greater specificity and explicit allowance for necessary additional detail would remove this ambiguity.

Correct allocation of matter and selection of team/office

The criteria require officers to “correctly allocate matter and ensure the correct team/office is selected from the drop-down menu on the intake screen.”

It should be made clearer in the framework that this requirement applies only to allocations and is not a requirement for bookings.

Absence of nuance in systems-accuracy scoring

An IOL should not fail the entire systems-accuracy section for issues that are outside their control or that reflect ordinary working practice. Examples include:

- situations in which the required assistance record does not exist (but should exist, and therefore cannot be linked - (a frequent occurrence);
- capitalisation of a name in related-party fields for ease of reading (unless the requirement now is to ensure that capitalisation for related parties is no longer permissible).

Criteria 2.3 – Wrap-up codes and completion before next call (page 26)

Selection of wrap-up codes for nuanced calls

There is, in a number of interactions, no clear guidance on the correct wrap-up code for calls that fall outside standard categories.

One example is a call from a lawyer at a private firm who states that their firm is representing a person and needs something from Legal Aid, yet is unable to say what type of matter it is. In such cases no Area of Law has been established. It is unclear what wrap-up code should be used where there is no area of law obtained.

This is only one illustration; other non-standard situations arise regularly. The criteria would benefit from greater flexibility so that officers are not automatically failed for calls that cannot be forced into rigid categories. The QA Handbook may provide better clarity around this, ie wrap up as a non-customer, however the exact requirements should be clearly reflected in the marking criteria to ensure IOLs are not penalised for cases that are not clear.

Requirement to complete wrap-up before starting the next call

The criteria state that these steps must be completed before the IOL starts the next call.

In practice this is not always possible. Examples include:

- widespread system issues during which officers have been instructed (or not) to keep the interaction open;
- situations in which a team leader is checking an issue and has advised (or not advised) that the matter cannot be wrapped up until later in the day.

None of these operational realities are reflected in the framework. The absence of any recognition of extenuating circumstances creates a risk that IOLs will be marked down for dealing with system problems beyond their control.

Suggestions for consideration (Criteria 2.2 and 2.3)

1. Clarify whether phonetic confirmation is required for residential address, email and postal address in every single case, and, if so, adjust handle-time expectations accordingly. Confirm (if acceptable), that a clearly stated and mutually understood address remains acceptable.
2. Amend the intake-notes guidance so that it explicitly permits more than one line where additional context is necessary for a lawyer to understand the matter or the reason for the appointment.
3. State clearly that correct selection of team/office from the drop-down menu is required only for allocations and not for bookings.
4. Introduce nuance into the systems-accuracy scoring so that officers are not failed for the non-existence of an assistance record or for capitalisation (if permissible).
5. Provide specificity in the marking guide for wrap-up codes in non-standard situations, including calls where no Area of Law can be established.
6. Recognise that wrap-up cannot always be completed before the next call when system issues exist or when a team leader has given contrary instructions, and ensure officers are not penalised in those circumstances.

Criteria 3.1.1 – Be ready / quiet work environment (page 27)

The criteria require officers to “be ready” and to ensure a quiet work environment.

On all-staff onsite days it is frequently not possible to maintain a quiet work environment.

The framework currently contains no recognition of this operational constraint.

It would be helpful if the criteria acknowledged that a consistently quiet environment cannot always be guaranteed on all-staff days (and when working from home neighbours might be mowing the lawn etc), and that officers should not be marked down for circumstances beyond their control.

Criteria 3.1.2 – Call back guidelines (page 27)

Delays after accepting a call back

The criteria state that delays after accepting a call back can lead to frustration.

It is unclear whose frustration is being referred to. At the point a call back has been accepted but has not yet commenced, the customer has no knowledge that a call is about to be made to them. Greater specificity about who exactly is frustrated in this specific circumstance would assist officers to understand the concern that the criteria is intended to address.

Guidelines regarding callers repeating their story

The criteria refer to adhering to guidelines that avoid callers having to repeat their story.

It is not clear which specific guidelines are being referenced. Identification of the specific document (or a hyperlink to it) would provide the transparency needed for officers to meet this expectation.

Proposed scripting and the requirement to follow call back guidelines/procedures

The criteria require officers to follow the call back guidelines/procedures and to use the proposed scripting contained in the call back guides.

No link or precise document reference has been provided. It is difficult for IOLs to know exactly which set of guidelines and which version of the scripting are being assessed.

It is unclear whether departure from the exact proposed wording will result in an automatic fail. In training, and in established practice until now, a range of natural formulations have been regarded as acceptable. It appears the QA Handbook may provide further guidance on this however unambiguously reflection of this in the marking guide would be helpful.

Suggestions for consideration (Criteria 3.1.1 and 3.1.2)

1. Acknowledge in the framework that a quiet work environment cannot always be achieved on all-staff onsite days, and confirm that officers will not be marked down for noise levels outside their control, including noise from a home office such as workmen mowing neighbouring yards or neighbouring dogs, etc, that are entirely outside the control of the IOL.
2. Identify (and, where possible, hyperlink) the specific guidelines that address the avoidance of callers having to repeat their story.

Expectation to commence outbound calls without unnecessary delay (including the reference to under a minute for webchat and AIOL)

The framework states that outbound calls should commence without unnecessary delay, and specifically notes that there might be under a minute for webchat and AIOL call backs.

This timeframe is potentially unrealistic in a significant proportion of cases and does not necessarily reflect the work that is required to deliver good customer service.

When an officer picks up a webchat or AIOL call back it is often necessary to:

- read the existing notes carefully;
- review the triage information (if applicable);
- understand the nature of the enquiry;
- locate the relevant office and check whether appointments are actually available;
- assess whether the suggested triage pathway makes sense;
- consult with a colleague or team leader where the notes are unclear or the matter has been escalated;
- correct obvious errors in the webchat notes;
- prepare the relevant information (type into BetterSearch if necessary, or referral details so they are ready to hand).

All of these steps routinely take far longer than one minute. Completing them before placing the outbound call has a direct and positive effect on the caller's experience: hold time is significantly reduced, the IOL is able to book the caller into an available appointment rather than discovering mid-call/mid-booking that none exists, and the overall time the person spends interacting with the service is shortened.

Webchat users typically do not check appointment availability themselves due to time constraints; the preparatory work performed by the IOL therefore is critical and makes sense to perform prior to placing the call back so the IOL is confident in what they can actually do for the caller.

This preparation is an expression of person-first service. It is not delay for its own sake. Not every call back is straightforward or can be actioned at lightning speed.

The current wording of the framework does not acknowledge these operational realities. A rigid expectation that outbound calls such as webchat calls, must commence within a minute, without recognition of necessary preparatory work, creates pressure that is arguably difficult to reconcile with work health and safety obligations.

Over-monitoring, combined with unrealistic time expectations, contributes to psychosocial risk. IOLs also perform work at different paces. It may potentially breach legislative requirements employers must observe.

Suggestions for consideration

1. Remove or substantially qualify the reference to “under a minute” as a general benchmark, acknowledging that webchat call backs require more time in order to deliver efficient, accurate and person-centred service.
2. Ensure the framework is consistent with the organisation's work health and safety obligations by avoiding time pressures that create psychosocial hazards through over-monitoring or unrealistic performance expectations.

Confirming key demographic details (page 28)

The framework requires officers to confirm key demographic details (year of birth, suburb, postcode) to ensure they are engaging with the correct interaction, and specifies that this should be done using open-ended questions.

The requirement to use open-ended questions in this context is difficult to understand and is likely to create practical problems.

Confirming whether a person lives in Ryde or whether their postcode is 2112 does not lend itself to open-ended questioning. In ordinary practice an IOL would simply check the information already collected (for example by the webchat service) in a clear, closed or confirmatory form:

“Can I please confirm the details that were collected by our webchat service? Our records show that you live in Ryde, your postcode is 2112, you are recorded as female, and your year of birth is 1956. Are those details correct?”

Asking open-ended questions at this point would be unnatural, inefficient and potentially confusing for the caller, and waste time unnecessarily. The QA Handbook refers to the use of open-ended questions here to reduce the need for errors yet fails to point out how asking “can you confirm your suburb” would result in less of an error than asking “can I confirm that your suburb is Ryde”.

If the use of open-ended questions is listed as a **formal expectation**, officers risk being marked down for adopting the straightforward confirmatory approach that is both practical and consistent with good customer service.

More broadly, every listed expectation against which officers will be scored needs to be clear, transparent and unambiguous. Where appropriate, expectations should also allow for nuance, recognise the human element of the work, and remain consistent with the organisation's work health and safety obligations to mitigate psychosocial hazards for staff.

Suggestions for consideration

1. Remove the requirement to use open-ended questions when confirming key demographic details already collected by a webchatter, such as year of birth, suburb, postcode.
2. Replace it with wording that permits clear, efficient confirmatory questions of the kind illustrated above.
3. Review all scored expectations to ensure each is unambiguous, accounts for operational nuance where necessary, and does not create avoidable psychosocial pressure on staff.

Criteria 3.2 – Empathy and Compassion

The proposed Marking Guide treats both empathy **and** compassion as formal performance metrics. These qualities are inherently and entirely subjective. They cannot be measured consistently, reliably or fairly. Their inclusion creates the kind of ambiguity that the performance framework is designed to eliminate, while simultaneously generating significant work health and safety risks for staff.

Complete absence of measurable standards No transparent, formal scoring rubric or metric for empathy or compassion has been provided. Officers have no way of knowing, in advance, what level or style of response will be judged sufficient.

There is no indication that QA officers are formally trained or credentialed in the assessment of empathy or compassion. Without recognised expertise or a published, objective scoring framework, any evaluation of these qualities remains an individual QA officer's personal opinion. This problematic for performance scoring that can affect employment outcomes.

Lack of evidentiary justification Information Officers already understand that empathy is an important element of the work. The team contains a high proportion of naturally empathetic people.

There would need to be a significant number of calls out of approximately 177,000 annual calls taken by LawAccess IOLs each year in which IOLs are distinctly lacking in empathy, to constitute a systemic problem. Clarification is therefore sought on:

- the empirical evidence that supports the introduction of an empathy and compassion metric;
- how many of the 22 complaints received by LawAccess in the previous year related to an alleged lack of empathy or compassion by an IOL?

Direct contradiction with work health and safety obligations The organisation has a primary duty under work health and safety legislation to identify and mitigate psychosocial hazards. Team meetings regularly address general burnout, compassion burnout and empathy burnout. Staff are reminded of the importance of protective boundaries.

Yet the framework seeks to compel staff to demonstrate empathy and compassion as a scored requirement, including in situations where doing so may be psychologically harmful. None of these foreseeable problems are acknowledged or addressed in the framework.

Furthermore, while the framework allows for “Not applicable” – ie, “empathy and compassion were not required in this call, there is no list specifying when empathy and compassion are/are not required. Again, it will fall on the subjective shoulders of the QA officer to decide whether, and to what degree, empathy and compassion should be deployed.

Concrete, examples of inappropriate or harmful application There are categories of call in which an expectation of expressed empathy or compassion is either unnecessary, inappropriate, or actively damaging to the officer:

1. A caller who has received a \$60 parking fine and is simply angry about having to pay it. Requiring expressions of empathy or compassion over a minor regulatory matter is gratuitous and, repeated over time, emotionally depleting, and a guaranteed pathway for burnout, resulting in potential WHS issues/breaches.
2. A caller facing court for a speeding offence that resulted in the death of another person. An expectation that the IOL should express compassion and empathy is neither appropriate nor reasonable.
3. A caller who openly identifies as a paedophile, and seeks information or advice on silencing those who speak about their conduct. An IOL cannot reasonably be expected to express empathy or compassion.
4. A parent whose adult child has been convicted of possessing 10,000 images of child sexual abuse material and sentenced to 7 years’ imprisonment. The parent is angry at the justice system, believing the sentence to be harsh, and seeks assistance with an appeal. For an IOL who has their own history of trauma, being required to express empathy or compassion is actively triggering.

In all of the above real-world examples provided, officers have continued to act with complete professionalism: they have asked appropriate questions, provided accurate information or referrals, made bookings where required, and concluded the call courteously.

Empathy or compassion was not appropriate. Although the framework states an option for N/A, there is no clear recognition of these distinctions. Furthermore, the source materials in the QA Handbook on pages 46-47 provide no greater clarity, nor provide solutions to any of the problems noted in this feedback about a proposed empathy/compassion metric.

Further inconsistencies and risks

- The criteria sit in direct tension with the prohibition (Criteria 1.5) on sharing personal thoughts or feelings. Genuine empathy frequently relies on precisely the kind of personal acknowledgment that Criteria 1.5 appears to discourage.
- Staff who are neurodivergent may process and express empathy differently. A rigid scored expectation raises potential discrimination concerns.
- The additional requirement on page 29 to “show a sincere desire to help” is arguably vague and subjective. It is not clear how sincerity is to be assessed, by whom, or against what standard. The Handbook provides some guidance, but it is not clear as a marked metric in the marking guide.

Professionalism is already a marked metric

The framework already contains professionalism as a scored requirement. That existing standard is sufficient to ensure that an IOL has discharged their obligations as a professional.

Summary of core problems with empathy and compassion

- Entirely subjective.
- Unmeasurable.
- No published scoring rubric.
- No evidence that QA officers possess formal training or credentials in empathy or compassion.
- Introduced on the basis of no evidence that there was a systemic problem that required the metric being introduced.
- Potentially incongruent with WHS obligations and the organisation's own messaging on burnout and protective boundaries.
- Creates foreseeable psychosocial hazards that the framework does not really address.
- Incompatible with the prohibition on personal thoughts and feelings.
- Unnecessary, because professionalism is already a marked metric and is an appropriate standard on its own.

Recommendation

1. Remove empathy and compassion as scored criteria from the Marking Guide entirely. Rely on the existing professionalism criteria. Professionalism can be defined with precision, is capable of consistent assessment, and is the appropriate expectation for every interaction. Empathy remains something officers may choose to express when genuine and suitable; it should not be compelled as a scored requirement.

As the document presently stands, the PSA opposes the inclusion of “empathy” as a KPI. Should Legal Aid insist on its inclusion, the PSA will consider making application to external tribunals and agencies for review of this KPI.

Criteria 3.3.1 – Reframing and appearing engaged (page 30)

Requirement to reframe back to the caller

The criteria include an expectation that officers will reframe information back to the caller.

This should not be a mandatory requirement for every interaction. In a significant number of calls the person has little or no clear idea what they want or what they are trying to achieve. In these situations the most effective approach is often to provide relevant information directly without reframing.

When an officer attempts to reframe, the caller frequently responds with “no” and then simply repeats the same unclear statement.

The exercise becomes circular, wastes time for both parties, and does not improve the outcome.

If the criteria also treat the absence of verbal acknowledgements such as “yes” or “ok” as a fail, it would be helpful to state this explicitly. At present the expectation is (arguably) unclear and risks penalising IOLs for natural conversational variation.

“Appear engaged and interested... fully present... picking up or anticipating the customer’s needs, avoiding distractions or disengagement”

This wording is arguably vague to function as a scored expectation.

Phrases such as “appear engaged,” “fully present,” “picking up or anticipating the customer’s needs,” and “avoiding distractions or disengagement” are subjective and open to widely differing interpretations.

LawAccess interactions are highly variable in content and caller capacity. A rigid or ambiguous expectation of constant visible engagement and anticipation of needs does not reflect this reality.

In many cases it would lead officers to prolong calls or introduce unnecessary steps that waste both the caller’s and the IOL’s time and ultimately produce poorer service.

Criteria 3.3.2 – Hold techniques

Some of the elements of the hold-techniques criteria are overly rigid and do not reflect the practical realities of calls.

Seeking permission and obtaining consent before placing a caller on hold

It is not always possible or appropriate to seek permission and obtain consent before placing a caller on hold. In some situations the caller does not want to be placed on hold, yet a hold is still necessary. Insisting on obtaining consent in these circumstances can escalate the interaction and make the caller angry.

In these instances, it is more appropriate to *inform* rather than gaining explicit consent, and this should be reflected in the framework.

Officers need the ability to place a caller on hold when required, using a clear and professional statement, without being marked down for the absence of formal consent. There are clear instances when obtaining consent is required, however the current wording of the framework necessitates consent every SINGLE time, which is unrealistic and does not reflect real-world call control.

Explaining the reason for the hold

The criteria appear to require an explanation of the reason for the hold. This is not always possible or advisable. In some cases a full explanation would disclose sensitive information (for example, that the officer needs to check with a team leader because there is a flag on the account that does not make sense).

Workarounds exist (such as saying “I need to check a system issue with a colleague”), but the current wording of the criteria makes no allowance for these necessary nuances.

Advising of possible excessive hold time

The criteria require officers to tell the caller if there may be excessive hold time.

No definition of “excessive” is provided. Without a clear threshold, IOLs cannot know what is expected of them and QA scoring becomes arbitrary.

Furthermore, the Handbook is inconsistent with the marking guide. Page 48 of the Handbook specifies checking in after 3 minutes of hold, where the Marking Guide explicitly states 4 minutes.

Thanking the customer for holding

The criteria require officers to thank the customer for holding when returning from hold. Greater realism is proposed here.

A thank-you is not always necessary or natural. Callers are sometimes placed on hold for literally only a few seconds (for example while a system page finishes loading). In those cases, an automatic “thank you for holding” after three or five seconds sounds entirely insincere and robotic, as the caller is aware they only held for literally 3 seconds.

By contrast, when a caller has been on hold for 30 seconds, a minute, or longer, a thank-you is both appropriate and natural. The criteria should distinguish between these situations rather than imposing a blanket requirement that produces unnatural interactions.

If the organisation seeks sincerity, compassion and non-robotic service, the scored expectations should not force officers into formulaic responses that undermine those qualities.

Suggestions for consideration (Criteria 3.3.2)

1. Remove or substantially qualify the requirement to obtain consent before placing a caller on hold, recognising that in some situations a hold is necessary regardless of the caller’s preference and that insisting on consent can escalate the interaction and result in unnecessarily longer call times.
2. Explicitly allow officers to give a general or limited reason for the hold when a full explanation would be inappropriate or would disclose sensitive information.
3. Define what is meant by “excessive” hold time if this element is to remain a scored expectation, so that the standard is specific and measurable.
4. Qualify the requirement to thank the caller for holding so that it applies only where the hold has been more than momentary; a thank-you after a few seconds should not be required and should not attract a negative score if omitted.
5. Ensure the criteria as a whole allow for the natural variation and professional judgment that characterise real calls, rather than imposing rigid rules that produce insincere or counter-productive interactions.

Criteria 3.3.3 – Did the IOL use the customer’s time efficiently?

This criterion is (arguably) ambiguous and attempts to score something that cannot be measured consistently or fairly across the full range of calls.

Necessity of interrupting

Interrupting is sometimes essential. A common example is a caller who begins with “Jim said I am not in the will” And proceeds to tell his story, mentioning a series of names without identifying who any of these people are.

The IOL is left wondering who is Jim? Who is Peter? Who is Sally? And is left without several key pieces of information needed for accurate notes and appropriate assistance.

Officers should not be marked down for making a timely, purposeful, respectful, apologetic interruption of this kind. Such interruptions support efficiency, improve the quality of the notes taken during the call, and help manage average handle time.

Ambiguity and lack of measurability

The criteria as a whole remain highly ambiguous. Any caller can go off track. In some cases it is simply not possible to bring the person back to the point without escalating tension during the interaction.

The framework notes that efficient use of time should not be confused with preventing a caller from telling their story, yet in practice “rambling” frequently *is* the caller’s story. Drawing a clear, consistent line between the two is extremely difficult.

Because every call is nuanced, a distinct scored KPI on “efficient use of the customer’s time” creates problems.

While it is acknowledged that this criteria at least provides for coaching rather than a pure pass/fail outcome (which is preferable to a binary score), the underlying problem remains: the expectation is too vague and too dependent on individual interpretation to function as a reliable performance metric.

Suggestions for consideration (Criteria 3.3.3)

1. Explicitly recognise that purposeful interruptions to obtain critical information (for example, the nature of a fine) are appropriate, when actioned respectfully and professionally, and should not attract a negative score.
2. Reconsider whether “efficient use of the customer’s time” should remain a distinct scored criteria at all, given the inherent variability of calls and the difficulty of measuring the standard consistently.
3. If the criteria is retained, limit its use to a coaching discussion rather than a formal scored element, and provide clearer guidance on the distinction between allowing a caller to explain their situation and unmanaged digression.

Criteria 3.3.4 – Did the IOL ask appropriate questions?

This criterion is highly subjective and places the QA officer in the position of deciding what questions are “appropriate.” That determination is not straightforward.

Information officers bring different professional, educational and life experience to the role. Those differences naturally influence the questions each person considers relevant. It is common to hear other IOLs ask questions that another IOL would never ask.

These differences of professional judgment are inevitable. They should not form the basis of a scored fail.

“Ensure relevant questions are asked at an appropriate time during the conversation”

This expectation is neither always possible nor always practicable.

After reading information to a caller, an officer may realise that an additional question would be helpful and return to it. That is a normal, human feature of a conversation.

It allows the interaction to flow naturally rather than forcing every possible question into a pre-determined sequence.

Officers are not robots; they think and process information differently, and they adjust as the call develops.

The fact that relevant questions are asked at some point, and that the caller’s issue is able to be progressed or resolved, should be sufficient.

The additional requirement that those questions must be asked at an “appropriate time” introduces unnecessary rigidity and ambiguity. No definition is given of what constitutes an “appropriate time”.

Scoring rule – fail for missing two or more “appropriate” questions

The criteria state that a “No” (fail) will be recorded if the IOL fails to ask two or more questions appropriate to the caller’s situation.

This rule compounds the subjectivity problem. Different officers will regard different questions as relevant. A QA officer may identify two questions they personally would have asked; the IOL may regard both as irrelevant.

Without an objective standard, the score becomes a reflection of the marker’s individual preferences rather than a fair assessment of the officer’s performance.

Suggestions for consideration (Criteria 3.3.4)

1. Reconsider the expectation that relevant questions must be asked “at an appropriate time during the conversation.” The fact that necessary questions are asked, and that the caller’s issue is able to be addressed, should be the measure.
2. Revise the scoring rule that treats the omission of two or more questions (as judged by the QA officer) as an automatic fail.
3. Recognise that professional judgment about which questions are relevant will legitimately vary between officers, and that this variation should not itself be a basis for a negative score.
4. Scored expectation in this area should be supported by clear, concrete examples of questions that are considered essential in defined call types, rather than left to the subjective view of individual markers. While the Handbook points to Lawprompt for guidance here, it does not capture the 177,000 types of calls LawAccess IOLs take in a year.

Criteria 3.4.1 – Referring appropriately

There is often no single “right” way to make a referral. Approaches legitimately differ according to the officer’s professional judgment, the specific circumstances of the call, and the information available at the time.

Different officers will reach different decisions about the most suitable referral pathway; those decisions will not always align with the pathway a particular QA officer would have chosen.

This variation is a normal feature of the work and should not itself be treated as a performance failure.

Reference to section 6.2

The note in this section states:

“If an IOL referred appropriately but triaging the customer within Legal Aid would have been more appropriate for the customer, please see 6.2 for marking.”

Clarification is required. There is no section 6.2 in the Marking Guide that has been provided to staff.

Suggestions for consideration (Criteria 3.4.1)

1. Recognise that referral decisions involve professional judgment and that reasonable officers may reach different conclusions about the most appropriate pathway. Variation of this kind should not automatically attract a fail and are perhaps best reserved for coaching purposes.
2. Clarify the status of the reference to section 6.2.

Criteria 3.4.2 – Correct Triage

Triage is inherently nuanced and does not always lend itself to a single “correct” outcome that can be applied uniformly, particularly for Civil matters.

Variation in professional judgment

Triage decisions are routinely made differently by different officers, even when the matter is discussed on the Teams consult chat.

An IOL who has handled the call has the benefit of the full conversation and the caller’s presentation. A QA officer reviewing a recording does not have access to the officer’s thought process or to the small but material factors that influenced the decision.

Reference to section 6.1

A note on page 36 states:

“If an IOL applied triage correctly but a different service would have been more appropriate for the customer, please see 6.1 for marking.”

There does not appear to be a section 6.1 in the Marking Guide.

Expectation to exercise professional judgment (page 36)

On page 36 officers are told that, as part of the marked expectations, they are expected to exercise professional judgment and to consider:

- timeframe,
- urgency,
- the assistance the caller has already received, and
- the ability of the caller to articulate their legal issue.

These factors are not linked to any clear desired outcome. If the intention is that a caller who has already received assistance should be directed to a particular type of service, it would be helpful if the expectation could be stated explicitly.

Without that specificity, officers are left guessing what the “most appropriate” referral pathway is supposed to be in any given situation.

The scoring rule itself requires a “Yes” only where the referral pathway chosen is “the most appropriate” for the caller.

As triage is nuanced and reasonable officers reach different conclusions, this rule effectively allows a QA officer to record a fail simply because they would have made a different (but equally defensible) decision.

Suggestions for consideration (Criteria 3.4.2)

1. Recognise that triage involves professional judgment and that reasonable officers (and team leaders) routinely reach different conclusions.
2. Clarify the status of the reference to section 6.1.
3. If officers are expected to take into account prior assistance, urgency, timeframe and the caller’s ability to articulate their issue, it would be helpful if the framework could state with clarity what referral outcomes are considered appropriate in those circumstances.
4. Ensure that scoring under this criterion does not penalise an officer merely because the marker would have chosen a different pathway. The suggested test should be whether the decision was reasonable in the circumstances known to the IOL at the time, not whether it matched the marker’s personal preference.

Criteria 3.4.3 – Offer relevant information to the caller

The expectations listed under this criteria are arguably unrealistic. They appear to require officers to offer a broad range of information options without adequate regard to the nuance of the individual call or to existing time constraints.

Any new framework must be measured against the handle-time KPIs that Information Officers are already required to meet.

It is not sustainable to demand additional layers of information-giving without accepting that calls will become longer. If management accepts that calls will take longer, this should be reflected in the framework or documented formally for clarity.

Requirement to meet “ALL” listed expectations

The scoring rule states that a “Yes” is achieved only when the IOL meets **all** of the expectations listed. This is arguably unworkable. The six listed criteria are not relevant in every information interaction.

Many calls are narrow in scope; requiring officers to address every listed element on every call forces unnecessary content into interactions where it does not belong and adds avoidable time.

Specific difficulties include:

- **“Use a variety of formats”** Officers should be free to use whatever format is most effective and efficient in the circumstances. Under existing time pressure there is arguably no justification for mandating variety for its own sake.
- **“Anticipate their needs”** This expectation arguably requires officers to act as mind-readers. No concrete examples are provided of what successful anticipation looks like in practice.

A scored metric that requires simultaneous compliance with multiple expectations that are frequently irrelevant to a call is neither practical nor fair.

Criteria 3.5.1 – Handle the interaction professionally

Expectation 2 – Avoid slang unless it is appropriate

The criteria give no definition or examples of when slang is considered “appropriate.”

Expectation 4 – Uphold positive energy / use an encouraging tone and positive language

This is not a workable metric. There are many calls in which “upholding positive energy” or maintaining an “encouraging tone” is neither appropriate nor possible. Example:

- A grieving father calling for assistance about the upcoming coronial inquest into the death of his three-year-old daughter, who was drowned by the caller’s wife.

In both situations an expectation of “positive energy” is unworkable. Yet the scoring rule states that a “Yes” requires the IOL to meet **all** of the listed expectations.

The framework contains no acknowledgment that some expectations simply cannot, and should not, apply in a significant proportion of calls. The absence of any such qualification makes the criteria unworkable and potentially harmful to the mental health of IOLs.

Expectation 6 – Do not talk over customers

This expectation does not reflect the natural flow of a conversation.

Polite interruption is sometimes necessary. Officers take notes in real time. If a critical piece of information is required (for example to clarify a key fact), it is far more efficient to interject briefly (politely) and obtain that information at the moment it arises.

If the officer waits until the caller has finished speaking, the caller may talk for several minutes; the officer then has to take the person back to the beginning of the account simply to ask a question that was needed from the outset.

This wastes the caller's time, increases handle time, and produces a poorer interaction.

The criteria state "please see 5.3 for exceptions to this." There is no visible section 5.3 in the Marking Guide.

Suggestions for consideration (Criteria 3.5.1 – updated)

1. Expectation 2 may require further definition and examples.
2. Remove or heavily qualify the expectation to "uphold positive energy" / maintain an encouraging tone, with explicit recognition that such an approach is inappropriate or impossible in a range of call types.
3. Qualify Expectation 6 so that polite, purposeful interruptions for the purpose of clarifying essential information or keeping notes accurate are expressly permitted and will not attract a negative score.
4. Clarify section 5.3
5. Confirm that a clear standard of professionalism is sufficient and that additional scored requirements for "positive energy" are unnecessary.
6. Ensure the scoring rule that requires officers to meet **all** listed expectations is revised so that it does not force compliance with elements that are irrelevant or inappropriate to the particular call.

Criteria 3.5.2 – Effective communication

Two of the expectations listed under this criteria create internal contradictions or set unrealistic standards.

Expectation 2 – Break down information into small and manageable chunks

The criteria require officers to break information into small and manageable chunks so that the caller is not overwhelmed.

This may sit in direct tension with earlier requirements (particularly under Criteria 1.4) that officers must read information exactly as it appears, without changing, shortening or omitting any part of the text.

Expectation 4 – Avoid filler words (e.g. "umm")

The criteria state that filler words such as "umm" can make an officer appear uncertain or unprepared and list the avoidance of such words as a scored expectation.

Because a "Yes"/Pass requires the officer to meet **all** listed expectations, even limited use of a natural conversational tone such as "umm" becomes an automatic fail.

This is unrealistic. The occasional use of "umm" or "ahh" are a normal feature of human speech, including in the speech of confident and well-prepared speakers. A single instance in a 25-minute call, does not indicate uncertainty or lack of preparation.

Treating it as a performance issue turns a natural speech pattern into a scored defect. It is also highly subjective.

The expectation should be made specific and measurable. For example, a threshold such as “no more than three instances of ‘umm’ (or equivalent filler) in a 15-minute call” would at least give officers and markers a clear, objective standard. The current wording necessitates a fail score for one use of the word “umm”.

Suggestions for consideration (Criteria 3.5.2)

1. Resolve the contradiction between the requirement to break information into manageable chunks and the requirement to read source material verbatim and in full.
2. Remove the expectation to avoid filler words such as “umm,” or replace it with a clear, measurable threshold that distinguishes normal conversational speech from genuinely excessive or distracting use.
3. Ensure that every scored expectation under this criterion is capable of consistent, objective measurement rather than relying on subjective impressions.

Criteria 3.6.1 – Personalised approach – remaining calm and solution-oriented

Expectation 5 – Provide a warning

Expectation 5 lists the provision of a warning as a marked requirement. This is not always reasonable.

Different officers have different thresholds and trigger points. Some IOLs have been subjected to verbal abuse or “heat” from callers, yet choose not to issue a formal warning, preferring other de-escalation techniques that they judge more likely to keep the interaction manageable.

A warning is not strictly required in every case that one person might regard as unreasonable, and in many instances issuing a warning inflames the situation further.

Because the scoring rule requires an officer to demonstrate **all** listed expectations in order to obtain a “Yes,”/Pass, an officer who deliberately chooses not to issue a warning (and instead uses an alternative, effective approach) risks failing the entire criteria.

This removes professional judgment from the officer who is actually handling the call and substitutes a rigid checklist. Officers should not be marked down for selecting a de-escalation method that avoids unnecessary escalation instead of choosing to formally “warn” the caller.

Criteria 3.7.1 – Wrap-up (page 43)

The “Not Applicable” (NA) category needs to be more specific.

There are recurring situations in which carrying out the four listed wrap-up expectations is likely to inflame the caller and serve no useful purpose. A common example is the call in which the only available referral is to a private lawyer.

Once the caller has already expressed clear dissatisfaction at not being able to obtain free legal advice, it is neither realistic nor constructive for the IOL to summarise the actions taken, clearly explain the next steps, and confirm the caller’s understanding.

Doing so simply prolongs an already negative interaction.

Many other call types fall into the same category. These situations should be explicitly recognised in the NA section of the criteria (and/or reflected in the Handbook), so that officers are not marked down for making a professional judgment that further wrap-up steps would be counterproductive.

Suggestions for consideration (Criteria 3.6.1 and 3.7.1)

1. Under 3.6.1, remove or substantially qualify the requirement to issue a warning so that officers who choose alternative, effective de-escalation approaches are not automatically failed for omitting a formal warning.
2. Under 3.7.1, expand the NA guidance to state clearly that the wrap-up expectations do not apply (and will not attract a negative score) where carrying them out is likely to inflame the caller or serve no useful purpose — for example, where the only available option is a private-lawyer referral and the caller has already expressed dissatisfaction.
3. In both criteria, revise the “must meet ALL expectations” scoring rule so that it does not penalise the legitimate exercise of professional judgment in difficult or high-emotion interactions.

Criteria 3.7.2 – Provide a warm and supportive farewell (page 43)

The expectations listed under this criteria do not always support a natural conversational flow. In a number of situations they can also work against good customer service and may not comply with the organisation’s work health and safety obligations.

Expectation to sincerely thank the caller for their time

Not every interaction requires a thank-you. Where a caller has sworn at the IOL, has been overtly rude throughout the call, or is visibly unhappy or disappointed with the outcome, a forced expression of thanks is frequently counter-productive and can inflame the situation. It produces the opposite of good customer service.

Despite this, the criteria treat a sincere thank-you as a marked expectation that must be met in order to score a “Yes”/Pass. Officers should not be compelled to thank every caller at the end of *every* call. This requirement should be removed.

Compelling staff to offer thanks in hostile or highly negative interactions is inconsistent with the organisation’s duty to protect the psychosocial safety of its employees. A simple “wishing you all the best” should suffice.

A “thank you” is not required and – in many interactions – counterproductive.

Expectation to use the caller’s first name in the farewell

The criteria require officers to use the caller’s first name (if known) when farewelling them. This should not be a mandatory requirement.

In many cases the use of a first name at the end of a call feels inappropriate, patronising or insincere and has the opposite of a customer-focused effect. Officers should be free to use

the caller's name only when they judge that it will contribute positively to the closing of the interaction.

Making it a scored metric at the conclusion of a call removes that judgment and forces an unnatural formula onto calls where it does not belong.

Expectation to provide reassurance that the caller can reach out again

This should not be a scored requirement on every call. There are a large number of interactions in which offering this reassurance is unhelpful or actively inflammatory — particularly where the caller is already angry or disappointed because free legal advice was not available.

In those situations the statement can be experienced as condescending or patronising and increases the risk that the officer will be subjected to (further) abuse or an unpleasant interaction.

Compelling staff to invite a further call from a person who is already unhappy is difficult to reconcile with work health and safety obligations. If any form of this expectation is retained, it must be expressly qualified so that it applies only where the IOL judges it appropriate in the circumstances of the particular call. It should not automatically have to apply to *all* calls.

Inadequacy of the current "Not Applicable" provision

The only NA category currently provided is: "the interaction cuts out before the IOL could provide a warm and supportive farewell."

This is too narrow. It implies that the sole circumstance in which an officer may omit a thank-you, the use of a first name, or an invitation to call back is a technical disconnection. That does not reflect the reality of the calls handled by the service.

Concrete examples of situations that should fall within an expanded NA category include:

- The caller has sworn at or been abusive, rude or unpleasant toward the IOL;
- The caller is unhappy or disappointed with the outcome (for example, where the only available referral is to a private lawyer and the caller has already expressed dissatisfaction at not receiving free legal advice);
- Any interaction in which a formulaic "warm and supportive" closing is likely to inflame the caller or expose the officer to an unpleasant interaction.
- Any interaction the IOL reasonably believes it is not appropriate to do so.

In these and similar cases a forced warm farewell is inappropriate, counter-productive or inconsistent with the IOL's psychosocial safety.

Professionalism should however be maintained by an IOL at all times.

Suggestions for consideration (Criteria 3.7.2)

1. Remove the mandatory requirement to thank *every* caller for their time. Officers should not be scored down for omitting a thank-you when the interaction has been hostile or the caller is clearly dissatisfied.

2. Remove the mandatory requirement to use the caller's first name in the farewell for every call. Permit the use of a name only where the IOL judges it appropriate.
3. Remove or heavily qualify the expectation to reassure the caller that they can reach out again, so that it applies only where the officer considers it suitable and safe to do so.
4. Expand the NA category beyond technical call cut-outs to include the situations illustrated above (and other comparable circumstances) in which a warm and supportive farewell formula would be inappropriate, inflammatory or inconsistent with an IOL's psychosocial safety.
5. Revise the "must meet *all* expectations" scoring rule so that it does not force officers into formulaic closings that damage the interaction or expose them to abuse or unnecessary unpleasanties.