



## COMPLAINTS POLICY

<b>Date Originally passed by Board:</b>	April 26 <sup>th</sup> , 2011 June 28, 2012
<b>Review (R)/Amendment (A) date:</b>	(A) June 2017
<b>Next scheduled review date:</b>	2020

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### I.COMMITMENT

Hamilton Community Legal Clinic/Clinique juridique communautaire de Hamilton (the Clinic) provides a complaint process for clients, former clients, those who have been refused Clinic services or anyone who is affected by the services provided by the Clinic.

### II.APPLICATION OF POLICY

A Summary of the Complaint Policy and Procedures shall be displayed in a public area of the Clinic at all times and this Summary shall be provided to clients at the time they retain the Clinic's services. Anyone seeking services of the Clinic, who expresses dissatisfaction with services, shall be advised of the existence of this Policy and Procedures and afforded the opportunity to submit a complaint.

Complaints may be made orally, in writing or by the complainant's agent or in a manner that provides accommodation to the complainant. Anonymous complaints shall not be considered.

Complaints may arise from:

- denial of summary advice, representation or other service to the complainant;
- the quality of the services provided to the complainant;
- the quality of the treatment received by a client or potential client, including a failure to accommodate or differential treatment;
- failure to provide appropriate French Language Services to the complainant

- the scope of the Clinic's authority to utilize public funds for a particular purpose.

**Note: Complaints must name the staff person that the complainant interacted with. Complaints will not be accepted against a supervisor/member of management staff if the complainant did not deal directly with that individual.**

The Clinic shall provide accommodation, specific to the complainants needs, at any stage of the complaint process.

### **III.COMPLAINTS COMMITTEE**

The Complaints Committee is a Standing Committee of the Board of Directors. At least one member of this committee shall be bilingual (French/English).

Annually, following the Complaints Committee's establishment, members shall be briefed on the importance of this committee, the procedures, and review the opening and closing scripts used at the review of a complaint.

### **IV.TIME PERIODS**

The Complaint Process shall not exceed sixty (60) days following receipt of a complaint.

Complaints must be made within one (1) year after the subject matter of the complaint coming to the attention of the complainant.

### **V.CONFIDENTIALITY**

No confidential information shall be disclosed to the Complaints Committee, the Board of Directors or the Complaints Office of Legal Aid Ontario (LAO) without the written authorization of the complainant. Complainants shall be required to sign a Consent Form For A Client Complaint.

### **VI.NO REPRISALS**

There shall be no reprisals against a Complainant. Submitting a complaint shall not result in automatic refusal of future services of the Clinic.

The Procedures form part of this policy.

## **PROCEDURES**

If the Executive Director is to be away from the office for more than five (5) days after the complaint is made, the initial steps shall be taken by the Director of Legal Services.

If the complaint is about the Executive Director, it shall be referred directly to the Chair of the Board who shall implement the process in accordance with this policy. The Chair can be contacted c/o the Clinic and correspondence should be marked "Personal and Confidential".

### **STAGE 1 OF COMPLAINT**

- 1.01 All complaints not resolved at the supervisory level shall be directed to the Executive Director, including oral complaints. The Executive Director shall contact the complainant promptly, including oral complaints, normally within three (3) working days, unless the complainant has indicated to the staff member that they do not wish to pursue the matter any further.
- 1.02 The Executive Director shall endeavour to resolve the complaint within ten (10) working days.
- 1.03 The Executive Director shall explain the complaints procedure including the right to complain to the Board of Directors and eventually the Complaints Office of Legal Aid Ontario (LAO) and shall forward a copy of this policy to the complainant.
- 1.04 If the complaint is resolved at this stage by the Executive Director, it shall be reported, to the Board of Directors, without revealing the client's identity or other confidential information.

### **STAGE 2 OF COMPLAINT**

- 2.01 If the complainant is not satisfied with the resolution proposed at Stage 1, the Executive Director shall prepare and submit a written report for the Complaints Committee, within fifteen (15) working days. The report shall set out the nature of the complaint as set out in this policy. If the complaint is in writing, it shall be attached to the report along with the written response, if any, of the staff person against whom the complaint is made.
- 2.02 A copy of this report shall also be forwarded to the complainant along with Rights of Complainant Sheet setting out the complainant's rights during the complaints process. If the complainant feels the report is inaccurate or requires clarification, they can write to the Complaints Committee.
- 2.03 As noted in the Policy, no confidential information shall be disclosed to the Complaints Committee, the Board of Directors or the Complaints Office of

- LAO without the written authorization of the complainant. The Executive Director shall forward a Consent Form For A Client Complaint to the complainant. The complainant shall return the signed form within ten (10) working days of its being sent by the Clinic.
- 2.04 If the Complainant does not return the Consent Form For A Client Complaint within ten working days of it being sent by the Clinic, the Complaints Committee shall consider the complaint abandoned.
- 2.05 The Complaints Committee shall deal with complaint pertaining to:
- a) Denial of summary advice or representation;
  - b) Quality of legal services;
  - c) Quality of treatment, including failure to accommodate or discriminatory conduct; or
  - d) Failure to provide appropriate French Language Services to the complainant, the complaint shall be considered by the Complaints Committee.
- 2.06 The full Board shall deal with complaints pertaining to:
- a) The scope of the Clinic's authority to utilize public funds,
- 2.07 If the complaint deals with any other matter, the Complaints Committee shall advise the complainant whether that Committee shall consider the complaint or refer it to the full Board.
- 2.08 Where a complaint proceeds under 3.01 or 3.02, a meeting shall be held, within fifteen (15) working days of the date the report was received from the Executive Director, for the purpose of reviewing the complaint with the parties. The Clinic shall advise the complainant of the date, time and location at which the complaint will be heard, at least seven (7) days prior to the date of the hearing.
- 2.09 The complainant may be present at the meeting to discuss the complaint in person or alternatively, may forward written comments. If attending in person, the complainant shall be provided 30 minutes to address the complaint and has the right to have someone speak on their behalf.
- 2.10 If the complainant attends the meeting in person, the staff member or the Executive Director against whom the complaint is made, shall not be present.
- 2.11 The staff member or the Executive Director shall be given the opportunity to respond to the allegations of the complainant in the absence of the complainant at a meeting of the Complaints Committee or Board and shall

be provided 30 minutes to address the complaint.

- 2.12 The Complaints Committee or the Board, in its discretion, may request advice from LAO as to the appropriate disposition of the complaint, prior to rendering its final decision.
- 2.13 The Complaints Committee or the Board shall reach a decision following its review of the complaint. The written decision will state that the complaint has either been accepted or denied. If the complaint has been accepted, the Committee or Board may set out methods of addressing the complaint.
- 2.14 The decision shall be provided to the complainant, any other affected person, the Board of Directors and the staff member who is the subject matter of the complaint.

### **STAGE 3 OF COMPLAINT**

- 3.01 The complainant shall be advised of the right to ask the Complaints Office of LAO to investigate the complaint if the complainant is unsatisfied with the final decision of the Complaints Committee or the Board. The Clinic shall offer to forward the complaint to the LAO on the complainant's behalf.

### **REPORTING**

- 4.01 A summary of all complaints shall be forwarded annually to the staff of LAO, in the form approved by LAO.
- 4.02 The Clinic shall provide to LAO upon request, any information relating to any complaint regarding the Clinic, provided an authorization to release confidential information has been signed by the complainant and the release of the information does not interfere with the Clinic's disposition of the complaint.
- 4.03 The Clinic shall provide to LAO's French Language Services Project Coordinator information relating to any complaint regarding French Language Services that proceeds to Stage 2 of this procedure, including the Clinic's disposition of the complaint.