

COMPLAINTS POLICY

CALC is a non-profit legal clinic providing free legal services and assistance to low income individuals who live within our catchment area and qualify financially for our services. Our financial guidelines are set by Legal Aid Ontario.

People who qualify for our services need to do an intake. This includes answering questions about source of income, assets, address, date of birth, names of opposing parties, and nature of your legal issue. This requirement cannot be waived and this policy will not apply to any complaints for refusal of service if the client will not complete the intake process.

CALC may decline services even if someone otherwise qualifies for them for reasons including conflicts of interest, our case selection criteria, caseload, staff capacity, staff safety issues, or where a case does not possess legal merit to justify use of scarce clinic resources.

CALC reserves the right to terminate service for abusive or discriminatory conduct.

A person may choose to make an informal complaint, or provide feedback on clinic services, without putting it into writing. This policy will not apply to such complaints or feedback.

Anyone who is unsatisfied with CALC's service, or refusal to provide a service, can follow our complaints policy.

1. The right to complain shall be posted in the waiting area of the CALC main office and on our website.
2. Complaints may be made by a client, or anyone else affected by CALC services. "Client" in this policy means someone who has received service, is receiving service, or has requested service from CALC.
3. Complaints must be made in writing and directly addressed to CALC. This can be in the form of a handwritten or typed letter, or an email. If a client has difficulty putting a complaint into writing due to literacy, disability, or other issues, CALC staff will assist in putting the client's complaint into writing upon request. Alternative formats or other communications supports to make this process accessible for clients with disabilities can also be provided on request.
4. The complaint must be made:
 - (a) within 6 months of the incident giving rise to the complaint, or
 - (b) for cases with a written retainer, within 6 months of the date the client has been notified the retainer is complete.

The Executive Director may extend this time at their sole discretion.

5. This policy does not apply to the following issues:

- A request by a client to be served by a different staff member (distinct from a complaint about the service provided by a staff member).
- A complaint about refusal of service where the client would not complete the intake process.
- A complaint or feedback on clinic services that is not put into writing. Negative reviews or complaints posted on websites or social media are not considered written complaints under this policy. Client evaluation surveys indicating dissatisfaction with service are not considered written complaints under this policy.
- A complaint or feedback on clinic services that is put into writing where the writer requests that it not be treated as a formal complaint.
- A complaint by an opposing party or their legal representative about the clinic's advocacy.
- A complaint giving rise to potential liability for professional negligence. These matters will be dealt with under CALC's Board Policy for Professional Negligence (2.6).
- A discriminatory complaint founded in any ground of discrimination enumerated in the *Ontario Human Rights Code*.
- A complaint where the complainant makes essentially the same complaint to the Law Society of Ontario, or to any court or tribunal.

Process

1. The Executive Director (E.D.), or the Director of Legal Services (D.L.S.), or a delegate of the E.D. or D.L.S., will respond to complaints, with the exception of complaints against the E.D.

The Chair of the Board of Directors or the Chair's delegate will respond to complaints about the E.D. All of the provisions set out in this policy shall apply to such complaints, substituting the Chair for the E.D. in the complaints process.

All references in this policy to actions taken by the E.D. are to apply equally to the D.L.S, a delegate of the E.D., the Chair, or a delegate of the Chair, as the case may be.

2. Within 10 business days of receiving a written complaint, CALC will reply acknowledging receipt of the complaint and advising of next steps.
3. The E.D. will investigate the complaint and prepare a response.
4. The E.D. will attempt to respond to the complaint within 45 calendar days of the complaint being received by CALC. If more time is required, the E.D. will advise the complainant and will provide a response within a further 15 calendar days (60 calendar days from when the complaint was received).
5. The E.D.'s decision is final for the following types of complaints:
 - complaints relating to the legal merits of a case or the professional legal judgment of an employee of CALC
 - complaints relating to the conduct or behaviour of an employee of CALC

- complaints relating to CALC declining service because of conflicts of interest, our case selection criteria, caseload, staff capacity, staff safety issues, or where a case does not possess legal merit to justify use of scarce clinic resources
- complaints where essentially the same complaint has already been dealt with through this policy
- frivolous or vexatious complaints

If dissatisfied with the E.D.'s response, the complainant may request a review by Legal Aid Ontario (LAO) of these types of complaints. Refer to the end of this document for information about how to request a review by LAO.

6. If the complainant is dissatisfied with the E.D.'s response to other types of complaints, the complainant may request, in writing, that this decision be appealed to the Board of Directors. The complainant must sign a consent form allowing confidential and privileged information relating to the complainant and complaint to be provided to the Board.
7. On receiving the written request and signed consent form, the E.D. will forward the initial complaint, the E.D.'s response, and the further reply of the complainant to the E.D.'s response (if any), to the Board of Directors.
8. The Board of Directors shall respond to complaints within 60 calendar days, with the exception of complaints about denial of service because the client does not meet financial or geographic eligibility criteria. These matters will be referred to the Client Services Review Committee, who will follow CALC's Board Policy for Denial of Services due to Financial or Geographic Ineligibility (3.2.5).
9. The E.D. shall report to the Board of Directors at least annually on the number of complaints resolved without an appeal to the Board.

Review by Legal Aid Ontario (LAO)

If the complainant is dissatisfied with the response of the Board of Directors, the complainant may request that the complaint be reviewed by the Manager of the LAO Complaints Department by writing to:

Legal Aid Ontario
Manager, Complaints
Atrium on Bay
40 Dundas Street West, Suite 200
Toronto ON M5G 2H1

Fax: 416-204-4718
Email: complaints@lao.on.ca

Such complaints are dealt with in accordance with LAO's complaints policy.