



COMPLAINTS RESOLUTION POLICY

**English version of the document called “Politique de gestion des plaintes”
(translation finalised in April 2017)**

**French version originally adopted by the board of directors
on March 23, 2011, and revised on April 12, 2016 and April 11, 2017.**

COMPLAINTS RESOLUTION POLICY

(Translation of the original French document “Politique de gestion des plaintes”)

PREAMBLE:

The Community Legal Services of Pointe-Saint-Charles and Little-Burgundy (*Services juridiques communautaires de Pointe-Saint-Charles et Petite-Bourgogne* (the “Community Legal Services”) is a community organization whose mandate consists of defending the economic and social rights of low-income citizens in the neighbourhoods of Pointe-Saint-Charles and Little-Burgundy. It seeks to improve access to justice via various educational and information sharing initiatives. Its mandate also extends to the operation of a community legal aid clinic that services the two neighbourhoods.

In carrying out its mandate, the organization works closely with the local population of the neighbourhoods serviced, and offers such services with the utmost of respect towards all persons, their autonomy, their rights and their needs. The organization strives to deliver diligent, professional quality legal services, as well as various other activities and services depending on the availability of resources.

GENERAL PROVISIONS

1. In the interest of resolving matters as quickly and as amicably as possible, prior to filing a formal complaint under the present policy, it is strongly recommended that an attempt first be made to discuss the issue directly with the person(s) in question.
2. The purpose of this policy is:
 - a. To provide those in need of legal services a manner in which to voice their dissatisfaction, comments or suggestions regarding the quality of such services, and a manner in which to exercise the legal rights and the rights accorded to them by the Community Legal Services’ policies;
 - b. To establish a simple, efficient and fast complaints resolution process;
 - c. To improve the quality of legal services offered.
3. The present policy does not replace the contestation mechanisms provided for in the *Act respecting Legal aid*, nor the protective recourses offered to the public through the Quebec Bar Association (*Barreau du Québec*).
4. The Community Legal Services’ coordinator is responsible for implementing the complaints review process. The coordinator serves as the complaints officer, in collaboration with the complaints committee appointed by the board of directors, and reports thereupon to the board of directors.

5. The organization must take the appropriate measures to ensure that citizens are aware of the present complaints resolution policy. Any person may obtain a copy of this policy upon request, as well as a complaint form.

CITIZENS' RIGHTS

6. Any person who exercises their rights under the present policy must be treated with respect, and must not be subject to any pressure or threats intended to prevent the exercise of such rights.
7. The rights accorded under the present policy may be exercised by an individual's representative. (Persons with parental authority or a minor's tutor, as well as the curator, tutor, spouse, close relative or appointed representative of an incapable person of full age, are presumed to be representatives for the purposes of the complaints review process).
8. The complaints officer must inform anyone filing a complaint about the other recourses also available to them through the Quebec Bar Association (*Barreau du Québec*), the *Commission des services juridiques* or other authorities, if applicable.

FILING A COMPLAINT

9. Complaints may be submitted verbally or in writing.
10. A complaint made anonymously shall be treated as a comment, not a formal complaint under the present policy. However, on an exceptional basis, if the nature of the complaint and the circumstances so demand, the complaints officer may decide to treat an anonymous complaint as a formal complaint under the present policy.
11. Any formal complaint must contain at minimum the following information:
 - a. First name, last name and telephone number of the person filing the complaint;
 - b. The nature of the complaint and, if applicable, the name of the employee regarding whom the complaint is being made;
 - c. A description of the facts;
 - d. The date and signature of the person filing the complaint.
12. A verbal or written complaint may be communicated or transmitted to the complaints officer directly at any time, and the presence of a member of the complaints committee may be requested if so desired.

13. Should the complaints officer be the subject of the complaint in question, the complaint shall be transmitted directly to the complaints committee. In such circumstances, the complaints officer shall not participate in the complaints committee's deliberations, and shall be informed of their decision upon conclusion of their deliberations.
14. Role of the staff members: A complainant shall be referred to the complaints officer upon indicating to a staff member that he/she wishes to make a complaint. The staff member who serves as the point of first contact for the complainant must provide the name of, and explain the role of, the complaints officer; and must explain how to get in contact with the complaints officer. Exceptionally, the staff member may put in writing a complainant's verbal complaint using the complaint form if circumstances make it difficult for the complainant to communicate in writing his or her complaint directly to the complaints officer. In such cases, the complaint form must be transmitted immediately to the complaints officer by the staff member who wrote it down.
15. Role of the complaints officer: Upon receipt of the complaint, the complaints officer must contact the complainant in order to confirm such receipt, and if applicable, to obtain any other information required. In the case of a verbal complaint, the complaints officer shall use the complaint form (attached to the present complaints policy) to gather all relevant information, and shall ask the complainant to sign the completed form after reviewing its contents.
16. Complaints officer's duty to provide information: When informed of an individual's wish to file a complaint, the complaints officer shall inform the complainant of the current complaints review procedure. The complaints officer shall also provide the complainant with a copy of the present policy and a complaint form, if this has not already been done. The complainant may choose whether or not to use the complaint form in order to submit their complaint in writing.
17. If a complainant decides not to fill out a formal complaint form after discussing the problem directly with the complaints officer, the process ends and no complaint file is formally opened.

REVIEW OF THE COMPLAINT

18. The complaints officer has full authority to conduct a complete review of the complaint.
19. The investigation must allow for the gathering of all facts and/or documents relevant to the complaint, as well as any comments and/or observations of any person(s) concerned by the complaint or whose testimony could be useful in examining the complaint.

20. Any employee who is the subject of the complaint shall be informed thereof, and a copy of the complaint shall be transmitted to them so that they can submit their own comments in response thereto.
21. The complainant may, if he/she so wishes, present additional information, comments or observations during the complaints review process. It is the duty of the complaints officer to inform the complainant of this right and when and how it may be exercised. A meeting between the complainant, the employee who is the subject of the complaint and the complaints officer may also be arranged if appropriate, in order to discuss the situation.
22. If the complaint cannot be resolved to the satisfaction of the complainant at the first stage of the complaints review process, or if the complaint is considered sufficiently serious in the circumstances to warrant its escalation to the complaints committee, the complaints officer shall refer the matter to the complaints committee, which will review the complaint itself and will decide on the appropriate measures to be taken, if any. The complaints committee shall report to the board of directors as described in paragraphs 39 and 40.
23. The complaints officer and the complaints committee, where applicable, collectively have a maximum of 45 days from the date on which the complaint is received to review the complaint, render a decision thereupon, and transmit to the complainant an explanation of said decision along with any corrective measures to be imposed, if necessary.
24. If an employee is the subject of a complaint, the complaints officer shall also transmit an explanation of the conclusions reached, to the employee in question.
25. If disciplinary measures are taken with respect to an employee, a notice shall be sent to the union, and such disciplinary measures shall be imposed in keeping with the terms of the applicable collective agreement.

ROLE AND RESPONSIBILITY OF THE COMPLAINTS COMMITTEE

26. The complaints committee is a board of directors' committee composed of a coordinator and two members of the board of directors.
27. The complaints committee has the authority to convene any person involved in the organization, whether as a member thereof, an employee or a client.
28. The complaints committee members are bound by a duty of confidentiality at all times.
29. The complaints officer and the complaints committee members must treat the complainant with respect and openness, and must carefully consider all complaints.

30. If a complaints committee member finds him or herself in a conflict of interest vis-à-vis the complainant, the complaints committee member must disclose this fact, and the board of directors shall designate another member.
31. A report must be prepared with respect to every formal complaint received. This report shall be submitted to the complaints committee, either after the resolution thereof (in the case of a minor complaint), or for the purpose of obtaining the complaints committee's decision or recommendations regarding any corrective measures to be taken (in the case of a serious complaint).
32. The complaints committee has the authority to make recommendations regarding any person involved with, and in the context of any proceedings involving, the Community Legal Services. A copy of each recommendation must be submitted to the board of directors.
33. The complaints committee must ensure that its recommendations are followed, and its report to the board of directors must describe the outcome of such recommendations.

COMPLAINT FILE

34. A file must be created for every formal complaint received. The complaint file shall include all correspondence, notes, reports and other documents relating to the complaint, the review thereof as well as any findings or decisions and any other element required by the law.
35. A complaint file shall be treated with confidentiality.
36. Once a decision has been rendered in regards to a complaint and the findings have been transmitted to the person(s) concerned, the complaints officer shall close the file, unless circumstances dictate that the file temporarily remain open, notably in the event that the corrective measures imposed have not yet been applied. The complaints officer shall note (in the file) the date on which the file is closed.
37. A complaint file shall be kept for a period of seven (7) years from the date on which it has been closed. At the end of this period, the file shall be destroyed.

REPORT ON THE APPLICATION OF THE COMPLAINTS REVIEW PROCESS

38. The complaints officer must produce an annual report for the complaints committee.
39. The report must describe the number of formal complaints received, the reasons behind the complaints, how the complaints were resolved or addressed, and the length of the review period for each complaint.

40. The annual complaint report shall be submitted to the board of directors for approval, along with (if applicable) comments from the complaints committee.
41. The board of directors' annual report, presented at the annual general assembly, must describe the total number of formal complaints received during the previous year, as well as the proportion of such complaints which were (1) satisfactorily resolved at the first stage of the complaints review process within 45 days; (2) referred to the complaints committee and resolved within 45 days; (3) not resolved within 45 days; or (4) still under review as of the date of the annual report.

FINAL DISPOSITIONS

42. The present policy establishing the complaints review procedure shall enter into effect on the date determined by the board of directors. It shall be revised by the complaints committee whenever required, but at least every five (5) years, and any future modifications thereto must be adopted by the board of directors.