

COMMUNITY LIVING MANITOULIN  
*Program Policy and Procedures*

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## 1. PURPOSE

This policy sets out direction for Community Living Manitoulin (CLM) staff receiving and responding to complaints. It applies to complaints about CLM responses or services, received from individuals, families, support network members, the general public or others.

The *Complaints Resolution Policy* is a formal safeguard established in part to reduce the vulnerability of individuals supported by CLM. It reflects the CLM culture of openness, respect, responsiveness and learning. The policy forms one element of a comprehensive organizational approach to quality assurance – as such it is related to and complemented by policies on external reviews, abuse and neglect investigations, privacy, and theft, fraud and corruption; service provider contract language; and linkages to provincial review mechanisms.

## 2. DEFINITIONS

**Complaint:** A concern about CLM services or responses that has been formally communicated to CLM management Staff.

**Complaint Resolution Process:** The specific procedures that CLM follows in receiving, responding to, and resolving complaints, as described in the *Complaints Resolution Policy*.

**External Review:** A neutral third-party investigation of a situation, incident or service, that results in recommendations and possible action.

**Individual:** A person 18 years of age or older who receives support services from Community Living Manitoulin.

**Support Network:** Family, friends and/or community members who have reciprocal relationships with an individual and provide personal support, advocacy and/or help with monitoring services.

## 3. POLICY

### 3.1 Principles

CLM respects the following principles when responding to and resolving complaints:

#### *Accessibility*

Individuals, families and support networks have access to clear information about how the complaints resolution process works, and can make a complaint in a variety of easy ways. The

process is sensitive to the culture, language, heritage, and communication style of the person making the complaint.

***Person-centered Approach***

The concerns and interests of the involved individual or family guide the process, regardless of who has made the complaint.

***Responsiveness***

The complaints resolution process is open, respectful, supportive and non-judgmental. It is completed as promptly as possible, resulting in a timely decision for the individual or family involved.

***Administrative Fairness***

The process is transparent and applied fairly and consistently across the organization. Decisions are documented and communicated to the person making the complaint.

***No Retaliation***

Anyone making a complaint is able to do so in a safe and comfortable way, free from actual or threatened negative consequences from CLM, or fear of such consequences, regardless of what the complaint is about, who it is directed to, or the eventual outcome.

***Policy Compliance***

The complaints resolution process and resulting decisions are consistent with CLM policies and standards.

**3.2 Operational Context**

CLM promotes natural, informal problem-solving efforts with individuals, families and service providers on a regular and day-to-day basis. This is the preferred route for addressing concerns. The complaints resolution process described in this policy does not negate, replace, take away from or undermine these efforts. It is only when such efforts are unsuccessful, and the person has formally submitted a complaint, that the complaint resolution process under this policy begins.

**3.3 Complaints Covered by this Policy**

CLM uses the complaints resolution process to respond to complaints that relate to:

- Conduct of CLM employees
- Decisions about the nature and/or amount of service or funding provided to an individual eligible for CLM services
- Quality of services received by an individual
- Handling of an individual's personal information
- Concern about respect for the rights of an individual
- Concern about CLM's policies or procedures
- Allegations of Abuse

CLM accepts complaints from individuals, their families or support network members, or from community members or service providers on behalf of an individual.

**3.4 Complaints Not Covered by this Policy**

CLM does not use the complaints resolution process to respond to:

- Complaints about areas that are set out in legislation or regulation and therefore beyond the authority of CLM. This includes complaints about requirements related to eligibility for CLM services
- Complaints about situations that are before a court or other legal proceeding

CLM has mechanisms in place to receive and respond to other types of complaints that are not covered by this policy or that overlap with this policy, as follows:

Allegations of abuse or neglect or harassment of an individual receiving CLM services	<i>Abuse and Harassment Prevention Policy</i>
Allegations of fraud or theft or other wrongdoing	<i>Theft, Fraud and Corruption Policy</i>
Staff grievances	Collective Agreement
Service provider contract issues or disputes	Complaints and Dispute Resolution section of Contract Terms and Conditions
Request to change personal information held by CLM or report of a privacy breach	<i>Freedom of Information and Protection of Privacy Act requirements</i>

### 3.5 Rights and Responsibilities

CLM respects that people making complaints have the following rights:

- To request review of a decision affecting them or their family member
- To access information about the complaints resolution process
- To access advocacy and support during the complaints resolution process
- To receive information about how and why a decision was made
- To respond to the reasons for a decision, and where possible, the information used to make that decision
- To have their views heard, respected and considered

CLM expects that people making complaints fulfill the following responsibilities:

- File a complaint as promptly as possible after the decision or action they are concerned about has occurred.
- Provide information to support their complaint, including any new or additional information they become aware of.
- Respect the rights of individuals supported by CLM.
- Respect the confidentiality of an individual's personal information, and the obligation of CLM to protect that confidentiality.
- Act in good faith during the process.

### 3.6 Complaints Resolution Process

CLM has the capacity to resolve a complaint at any one of three stages:

Stage 1: Programs and Services Management Review

Stage 2: Quality Assurance Review

Stage 3: Executive Director Review

CLM encourages and supports management to resolve complaints at Stage 1. Where resolution is not possible, or it is not appropriate for management to be involved, the complaint moves to Stage 2, where the Coordinator of Care reviews the complaint and facilitates a resolution. If a resolution cannot be reached at Stage 2, it moves to Stage 3, where the Executive Director reviews all activity at Stage 1 and 2, and makes a final decision. The focus is on resolving complaints as early in the process as possible. At each stage, CLM responds in a flexible way that makes sense given the nature and specific circumstances of the complaint, within the principles set out in this policy.

The complaints resolution process is subject to the timeframes set out in Section 4 of this policy. These timeframes may be exceeded by agreement with the person making the complaint, or in situations where there is a significant delay caused either by the person making the complaint or as a result of the involvement of another mechanism or process (for example initiation of an external review or involvement in an Ombudsperson investigation).

### 3.7 Relationship to other Processes

If at any stage, CLM becomes aware that a complaint should be directed to another process, either internal or external to CLM, staff assists the person to direct their complaint to the appropriate organization or process.

At any stage, the responsible staff person may access other remedies or processes available to them, where it is appropriate and expeditious to do so, e.g. external review, mediation, or the Coordinator of Care.

At any stage, the person making a complaint may choose to take their concerns to any of the following provincial independent review mechanisms. CLM works cooperatively with these agencies to resolve the issues raised:

Ombudsperson	Investigates decision-making and administrative processes of public agencies
Information and Privacy Commissioner	Investigates concerns related to handling of and access to personal information
Office of the Public Guardian and Trustee	Investigates when it receives information that an individual may be incapable and at risk of suffering serious financial or personal harm and no alternative solution is available
Human Rights Tribunal	Mediates and adjudicates complaints about discrimination under the <i>ON Human Rights Code</i>

### **3.8 Continuous Quality Improvement**

CLM records, tracks and follows up on all complaints; reports and analyses this information; and uses it as part of the overall quality assurance process to improve services and performance. CLM views each complaint as an opportunity not only to address a particular concern, but also to learn and improve as an organization. Where a complaint involves actions of a contracted service provider, CLM provides feedback or takes action to support the service provider's own continuous quality improvement process.

## **4. PROCEDURES**

### **4.1 Receiving a Complaint**

- a) CLM provides plain language information about how to make a complaint. There are several ways that a person can make a complaint:
  - On-line form
  - Paper form – in person at CLM office, by mail or by fax
  - By e-mail
  
- b) All CLM staff have the following role in receiving complaints:
  - Make information about the complaint resolution process widely and easily available to individuals, families and service providers, and answer general questions.
  - Help people complete the complaint form if requested.
  - Direct any inquires or requests for help you cannot answer to a management team member.
  - Forward any completed complaint form you receive to a member of the CLM management team.
  
- c) CLM management staff have the following role in receiving complaints:
  - Answer the complaints received by phone.
  - Receive all complaint forms, whether on-line, by e-mail or in paper form.
  - Record the receipt of all complaints in the tracking system.
  - Confirm receipt in writing to the person making the complaint, offering information about advocacy and support resources within two business days.
  - If the complaint is being made by someone on behalf of an individual, confirm that the individual is in agreement with the complaint going forward.
  - If the complaint is about a service provider, determine whether the service provider has been involved to date, and what if any role they will have.
  - Determine whether the complaint is within the scope of this policy.
  - Where a complaint does not fall under this policy, communicate with the person making the complaint to explain why not. If it is better handled under a different CLM policy/process, forward accordingly.
  
- d) Conflict of Interest
  - If there is a conflict of interest, stages may have to be skipped. For example if the complaint is about the actions of a manager or there is a potential conflict of interest between the parties, the complaint should go to the Executive Director; or if the complaint is about the actions of the Executive Director, it should be taken to the Board President. It may be decided to use an outside agent for the investigation.

- If it involves a board member, the Executive Director must take it to the highest ranking officer of the Board. It may be decided to use an outside agent for the investigation.

#### **4.2 Stage 1: Management Review (Maximum 30 working days)**

- a) A Stage 1 review is usually conducted by the primary manager involved in the action or decision triggering the complaint.
- b) A Stage 1 review includes the following elements:
  - Advise the Executive Director immediately.
  - Review the complaint and speak with the person making it to explain the process.
  - Gather as much information as possible about what happened, including reviewing documentation and speaking with staff/managers, service providers or others involved in the situation. Document and consider these facts and perspectives. Determine if there is anything missing or unclear.
  - Contact the person making the complaint to explain what you have found and give them an opportunity to respond or provide further information.
  - Determine what responses may be required to reach a resolution.
  - Contact the person making the complaint, summarizing your review and proposed resolution. If the person is not satisfied with this proposed resolution, then forward the complaint on to Stage 2. Send a letter to the person making the complaint, confirming this outcome in writing.
  - Inform the Coordinator of Care and the Executive Director of the outcome and forward all related materials.

#### **4.3 Stage 2: Quality Assurance Review (Maximum 10 working days)**

- a) A Stage 2 review is always conducted by the primary manager and the Coordinator of Care. It is done when a Stage 1 review is not appropriate, safe or fair in the circumstances; or has not resulted in a resolution.
- b) A Stage 2 review includes the following elements, depending on circumstances:
  - Review documentation from the Stage 1, if one was done.
  - Contact the person making the complaint to explain the Stage 2 process.
  - Contact the person who conducted the Stage 1 review to explore possible avenues to resolution. This may involve providing new context, advice or information; confirming that the process has followed the policy; identifying and facilitating possible solutions; or accessing other remedies or processes.
  - If possible, reach a resolution and confirm by phone and in writing to the person making the complaint.
  - If unable to successfully facilitate a resolution, inform the person who made the complaint by phone and in writing, confirming that the complaint is moving to Stage 3.

#### **4.4 Stage 3: ED Review (Maximum 10 working days)**

- a) A Stage 3 review is conducted by the Executive Director or Board member or external agent.

b) A Stage 3 review includes the following elements:

- Review complaint and related material.
- Consider other remedies or processes that may help expedite a resolution, and action if appropriate.
- Request more information, if required.
- Make a final decision.
- Communicate in writing to the person making the complaint, with copies to the MCSS Regional Office.

#### 4.5 Verbal Communication

The responsible staff person (Coordinator, Manager, Executive Director) communicates verbally:

- Upon receipt of the complaint, by the next business day to advise that the complaint has been received;
- To advise the complainant what information will be gathered, the steps that will be taken, and the specific time frame by which they will commit to get back to the complainant, regardless of the status of the review at that time; and
- Once the review is complete; either in person or by phone to communicate and explain the decision, followed by a letter summarizing the decision.

#### 4.6 Written Communication

The responsible manager communicates by letter to the person making the complaint at several key points:

- Upon receipt of the complaint;
- At the end of each stage, if the complaint goes to more than one stage; and
- At the end of the process.

As applicable, these written responses include:

- Summary of the complaint;
- What has been done to investigate the complaint so far;
- What, if any, decision about resolving it has been made, with reasons for the decision;
- Any future steps CLM intends to take (such as referring it to the next stage);
- Reasons for any significant delay in the process; and
- Information about independent review options if the person is not satisfied.

#### 4.7 Role of Management

Management staffs play a coordinating and leadership role in the complaints resolution process. Specific responsibilities include:

- Receive, review and track all complaints as described in this policy.
- Prepare regular reports on complaints, including analysis of trends and issues, and make recommendations on changes to policy or practice.
- Manage timelines and expedite the process.
- Assist people to make complaints, to understand and navigate the complaints resolution process, and to access support or advocacy if they need them.
- Provide general consultation, advice and trouble-shooting support during Stage 1 reviews.

- Conduct Stage 2 reviews.
- Work collaboratively with CLM managers responsible for overlapping policies/processes (e.g. Privacy Officer, HR Manager, Finance), and manage any issues of overlap that arise.
- Facilitate linkages with resources to help resolve complaints
- Lead and facilitate CLM relationships with independent review agencies.
- Follow up on all complaints received to determine satisfaction with the process.

## **5. DOCUMENTATION**

5.1 Staff involved in receiving and responding to complaints document all actions and correspondence related to the complaints resolution process. All documentation will be copied to the Executive Director.

5.2 Executive Director will maintain an electronic tracking system for all complaints.

## **6. PRACTICE**

6.1 Successful resolution of complaints requires an open-minded and flexible practice approach. Creativity, curiosity and imagination are required in order to reach resolutions within the policy parameters of CLM.

6.2 Making a complaint can be difficult for a family or individual. It requires them to speak about situations that may have been upsetting or stressful for them. They may feel frustrated and fearful. It is important to listen carefully, to provide a safe and comfortable environment for people to speak, to acknowledge their emotions and any ongoing stress they may be feeling, and to avoid making quick judgements or assumptions. In a candid and straightforward way, provide people with information about support and advocacy resources they can access.

6.3 Receiving or responding to complaints can be very difficult for staff. It can involve telling people things they do not want to hear and communicating difficult decisions. Seeking help and support is important. At any stage in the process, staffs are encouraged to seek advice and support from experienced colleagues or from resources such as the EAP program. In challenging situations, bringing in support early in the process is more effective.