

# SUPPORTING THE INDIVIDUAL

## COMPLAINTS PROCESS

### Policy

#### Principles

1. **Adult-centred:** Where an adult is the primary individual receiving service, the best interests of the adult shall guide the complaints process. The process itself will accommodate and be sensitive to the age, capacity and developmental level of the adult.
2. **Entitlement:** Persons affected by Bethesda decisions and policies have a right to make a complaint and to expect that there is an equitable and effective system to hear and resolve their complaint.
3. **Accountability:** The complaints process is an integral part of overall quality assurance. Bethesda has a significant responsibility to protect and support adults and to support families. From a professional and ethical point of view, Bethesda accepts and recognizes the need for and the benefit of accountability to the individual and to the public.
4. **Fairness:** Staff at all levels should be trained to incorporate the concept of administrative fairness and due process, and to assist Individuals in the process of initiating and following through on complaints when requested.
5. **Openness:** Staff should be able to recognize the need to re-examine significant decisions and to undertake a review if concerns are expressed. The complaints process must be sensitive to the rights of the employee whose work may be under review and involve the immediate supervisor if a significant decision is to be changed.
6. **Consistency:** The same principles and complaint process will be in place within all Bethesda service areas.
7. **Accessibility and Information:** The complaints process should not present any administrative or systematic barriers. Information describing the complaints process, how to access it and the name of the supervisor responsible in each home must be widely available. Information must accommodate people whose first language is not English, people with different cultures or people who have disabilities.
8. **Right to Advocacy and Support:** Complaints have the right to be accompanied at all stages in the complaints process by an advocate or support person. Advocacy is recognized and supported as a means to assist individuals and to lead the process towards an enhanced communication and informal resolution.

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## **Complaints Process** *cont'd*

9. **Safety:** Recipients of services have a right to voice a complaint. Neither they, nor others assisting them in a complaints process, will be subject to reprisals as a result of initiating a complaint.
10. **Local Resolution Preferred:** Staff and complainants should be encouraged and be given the opportunity to resolve complaints locally before proceeding to a further stage in the complaints process.
11. **Timeliness:** All complaints will be dealt with in an expedient manner. Parameters around the length of time allowed to respond to complaints are 30 days from the time the complaint is made to its resolution. Nevertheless, Bethesda recognizes that complaints must be prioritized and that expediency in working through complaints is desirable.

## Definitions

1. **Complainant** – for the purposes of this policy, a complainant may be defined as:
  - a) a family member
  - b) a person acting in a parental role
  - c) a person representing an adult or accessing services on behalf of an adult, e.g. physician, counselor, public trustee
  - d) an adult receiving services
2. **Complaint** – for the purposes of this policy, the subject matter of a complaint includes, but not limited to, issues regarding:
  - a) being treated with dignity and respect
  - b) fairness
  - c) sensitivity towards cultural diversity
  - d) adequate communication and education
  - e) case planning and decision-making
  - f) quality of care
  - g) eligibility for services
  - h) access to services

## Procedure

1. **Orientation**
  - a) At the time of admission to the service, the individual and his/her parent(s), guardian(s) and/or representative(s) should be informed of:

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- i) the right to express concerns or complaints, and
- ii) the process through which they can express a concern or complaint.
- b) Concerns or complaints can be expressed by:
  - i) approaching any staff member individually,
  - ii) raising the issue in an appropriate group meeting or
  - iii) talking with a Resource Manager either in private or in the presence of other persons who may provide support.
- c) Concerns or complaints can be expressed to Bethesda's senior management and/or the Medical Health Officer with Licensing.

## **2. Complaints Review Process**

- a) Step 1: Complaints are to be dealt with initially at the source: Bethesda staff must attempt to resolve the complaint at the level at which the decision under review was made. This process is efficient and aligns with the principle of managerial responsibility.
- b) Step 2: The RD will designate either him/herself or a Resource Manager(s) who will have the responsibility for hearing, reviewing, and resolving any complaints not resolved at the local level.
- c) Step 3: When a complaint affecting an adult is not received through the complaints process, the complaint may be reviewed externally by the Executive Director or her designate.
- d) Step 4: A complainant who continues to maintain that their complaint has not been fairly reviewed should be advised that they may contact the Patient Care Quality Review Board or the Office of the Ombudsman, and be provided specific information, which will assist them to do so.

## **3. Making a Complaint**

- a) The formal complaints process (*Step 2*) begins when an eligible complainant indicates that they are making a formal complaint.
- b) The complaint may be in writing, verbally, or by any other means, such as using an alternative communication device or using the assistance of an interpreter. The complainant will be given every assistance possible to facilitate making the complaint.
- c) Receipt of a Complaint – each region will decide which staff members will be designated to receive the initial complaint. When a complaint is received the staff member will ensure that:
  - the complaint is documented immediately;
  - the complaint is logged
  - the complainant is informed of the name and contact information of the Director or Manager responsible for complaints;
  - the RD or Resource Manager is notified.

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- d) Initiating the Complaints Process – once the complaint has been logged and documented, the responsible RD or Manager initiates the complaints process. The RD or Manager will:
  - i) send a letter to acknowledge the receipt of the complaint to the complainant;
  - ii) determines whether the complainant is eligible to make a complaint;
  - iii) obtain information from the complainant and from staff regarding any attempts to resolve the complaint locally;
  - iv) ensure the complaint is not vexatious or frivolous;
  - v) ensure that the complainant is aware of the steps in the complaints process, timelines and right to advocacy;
  - vi) ensure that there will be an unbiased review of the complaint;
  - vii) consider the circumstances of the request and determines the scope of the review.
- e) Conducting the Complaint Review
  - i) After the responsible RD or Manager determines the scope of the review, he/she may consider coordinating the review with the options to:
    - (1) interview the complainant and anyone else relevant to the complaint, including adults;
    - (2) conduct a file review;
    - (3) interview involved staff;
    - (4) include advocates;
    - (5) involve a mediator;
    - (6) solicit written submissions from involved parties;
    - (7) conduct the review by telephone or conference call;
    - (8) or any other options which the manager may find helpful or appropriate to the circumstances of the review.
  - ii) The RD or Manager may determine or modify the scope of the review at any time during the investigation of the complaint in order to ensure a thorough and impartial review.
  - iii) When reviewing the complaint, the responsible RD or Manager must respect the principles of administrative fairness and natural justice. The responsible RD or Manager considers:
    - (1) the principles of legislation governing the provision of service to the complainant or any individual affected by the complaint;
    - (2) the reasons for a decision, action or failure to act on the part of a staff member

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- (3) the reasons why the complainant is dissatisfied with the decision, action or failure to act;
  - (4) the views of the adult, where an adult is involved in the complaint, but is not the complainant, about the decision, action or failure to act;
  - (5) the views of the complainant;
  - (6) available resources and budgetary limits;
  - (7) any alternative resolution to the complaint;
  - (8) whether immediate action is required.
- iv) Completing the Complaint Process - The responsible RD or Manager must complete the complaint review process within 30 days after the complaint is formally made. The RD or Manager may designate the complaint as:
- a) founded if the review confirms the substance of the complaint and decide on any appropriate remedy;
  - b) unfounded if the review confirms the decision, action or failure to act on the part of Bethesda;
  - c) withdrawn if the complaint review process has not been completed, with the complainant notifying the RD or Manager to discontinue the review of the complaint;
  - d) settled if the complaint review process may not have been completed, but the parties have agreed on a resolution;
  - e) discontinued if the complainant cannot be located or contacted to pursue the complaint review process;
- v) Copy of the Decision - after completing the complaint review process, the responsible RD or Manager:
- a) sends a letter containing a written finding to the complainant with reasons to support the decision;
  - b) advises the complainant in the letter of the available external review processes
  - c) ensures that if the complainant requires assistance with written communication, that the decision and information is communicated to the complainant by other appropriate means
  - d) ensures that the complainant understands the decision;
  - e) asks whether or not the complainant is satisfied with the outcome;

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- f) provides a written copy of the decision to:
  - (1) any staff member involved in or affected by the decision;
  - (2) any other person whom the RD or Manager considers should be informed;
  - (3) logs the result of the complaint review into the complaints tracking system.
- vi) Filing Instructions
  - a) The written complaint is filed as per Individual Records policy.