

D-5: Dispute Resolution Process

Policy

Principles

1. **Adult-centred:** Where an adult is the primary person receiving service, the best interests of the adult will guide the dispute resolution process. The process itself will accommodate and be sensitive to the age, and ability of the adult.
2. **Entitlement:** Persons affected by Bethesda decisions and policies have a right to make a dispute and to expect that there is an equitable and effective system to hear and resolve their dispute.
3. **Accountability:** The dispute resolution 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 persons receiving services, their families 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 people receiving services in the process of initiating and following through on disputes 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 dispute resolution process must be sensitive to the rights the person receiving services, family members or 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 dispute resolution process will be in place within all Bethesda service areas.
7. **Accessibility and Information:** The dispute resolution process should not present any administrative or systematic barriers. Information describing the dispute resolution process, how to access it and the name of the supervisor responsible in each resource 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:** Complainants have the right to be accompanied at all stages in the dispute resolution process by an advocate or support person. Advocacy is recognized and supported to assist people receiving services and to lead the process towards an enhanced communication and informal resolution.
9. **Safety:** Recipients of services have a right to voice a dispute. Neither they, nor others assisting them in a dispute resolution process, will be subject to reprisals as a result of initiating a dispute.

10. **Local Resolution Preferred:** Staff and complainants should be encouraged and be given the opportunity to resolve disputes locally before proceeding to a further stage in the dispute resolution process.
11. **Timeliness:** All disputes will be dealt with in an expedient manner. Parameters around the length of time allowed to respond to dispute are 30 days from the time the dispute is made to its resolution. Nevertheless, Bethesda recognizes that dispute must be prioritized and that expediency in working through disputes is desirable.

Definitions

1. **Complainant** – for the purposes of this policy, a complainant may be defined broadly as any internal or external stakeholder involved with Bethesda services, excluding Bethesda staff (see Grievance Policy). This may include:
 - a) an adult receiving services
 - b) a family member and/or a person with legal representation/guardianship
 - c) a member or volunteer
 - d) a contracted caregiver
 - e) a community stakeholder (e.g. physician, counselor, public trustee, advocate etc.).
2. **Disputes** – for the purposes of this policy, the subject matter of a dispute includes, but is 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 person receiving services and their parent(s), guardian(s) and/or representative(s) should be informed of:
 - i) the right to express concerns or disputes, and

- ii) the process through which they can express a concern or dispute
- b) Concerns or disputes 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 disputes can be expressed to Bethesda's senior leadership, CLBC and/or the Medical Health Officer with Licensing. For disputes initiated with CLBC and/or Licensing, Bethesda will defer to their process as directed.

2. **Dispute Review Process**

The dispute resolution process involves the following steps. The process should only proceed to the next step if the previous step has failed to resolve the issue.

- a) Step 1: Disputes are to be dealt with, initially, at the source: Bethesda staff must attempt to resolve the dispute at the level at which the decision under review was made. This process is efficient and aligns with the principle of honest, direct and respectful communication.
- b) Step 2: The Director will either take responsibility or designate a Resource Manager (*s*) for hearing, reviewing, and resolving any dispute not resolved at the local level.
- c) Step 3: When a dispute affecting an adult is not resolved through the dispute resolution process, the dispute may be reviewed by the Chief Executive Officer or designate.
- d) Step 4: A complainant who continues to maintain that their dispute 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 Dispute**

- a) The formal dispute resolution process (*Step 2*) begins when an eligible complainant indicates that they are making a formal dispute.
- b) The dispute 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 dispute.
- c) Receipt of a Dispute – each region will decide which staff members will be designated to receive the initial dispute. When a dispute is received, the designated staff member will ensure that:
 - the dispute is documented immediately;
 - the dispute is logged;

- the complainant is informed of the name and contact information of the Director or Manager responsible for disputes; and,
 - the Director or Resource Manager is notified.
- d) Initiating the Dispute resolution process – once the dispute has been logged and documented, the responsible Director or Manager initiates the dispute resolution process. The Director or Manager will:
- i) send a letter to acknowledge the receipt of the dispute to the complainant;
 - ii) determine whether the complainant is eligible to make a dispute;
 - iii) obtain information from the complainant and from staff regarding any attempts to resolve the dispute locally;
 - iv) ensure the dispute is not vexatious or frivolous;
 - v) ensure that the complainant is aware of the steps in the dispute resolution process, timelines and right to advocacy;
 - vi) ensure that there will be an unbiased review of the dispute; and,
 - vii) consider the circumstances of the request and determine the scope of the review.
- e) Conducting the Dispute Review
- i) After the responsible Director or Manager determines the scope of the review, they may perform any of the following actions:
 - (1) interview the complainant and anyone else relevant to the dispute, 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; and/or
 - (8) any other options which the Director/Manager may find helpful or appropriate to the circumstances of the review.
 - ii) The Director or Manager may determine or modify the scope of the review at any time during the investigation of the dispute in order to ensure a thorough and impartial review.
 - iii) When reviewing the dispute, the responsible Director or Manager must respect the principles of administrative fairness and natural justice. The responsible Director or Manager considers:
 - (1) the principles of legislation governing the provision of service to the complainant or any individual affected by the dispute;
 - (2) the reasons for a decision, action or failure to act on the part of a staff member;
 - (3) the reasons why the complainant is dissatisfied with the decision, action or failure to act;

- (4) the views of the adult about the decision, action or failure to act, where an adult is involved in the dispute, but is not the complainant.
 - (5) the views of the complainant;
 - (6) available resources and budgetary limits;
 - (7) any alternative resolution to the dispute; and,
 - (8) whether immediate action is required.
- iv) Completing the Dispute Resolution Process - The responsible Director or Manager must complete the dispute review process within 30 days after the dispute is formally made. The Director or Manager may designate the dispute as:
- a) founded, if the review confirms the substance of the dispute and decide on any appropriate remedy;
 - b) unfounded, if the review confirms the decision, action or failure to act on the part of Bethesda was not substantiated;
 - c) withdrawn, if the dispute review process has not been completed, with the complainant notifying the Director or Manager to discontinue the review of the dispute;
 - d) settled, if the dispute review process may not have been completed, but the parties have agreed on a resolution; or,
 - e) discontinued, if the complainant cannot be located or contacted to pursue the dispute review process.
- v) Copy of the Decision - after completing the dispute review process, the responsible Director 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, 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; and.
 - 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 Director or Manager considers should be informed;
 - (3) logs the result of the dispute review into the dispute tracking system.
- vi) Filing Instructions

- a) The written dispute is filed as per the Personal Information Management policy and/or in the appropriate Director file.