

## **Internal Client Complaints Review Process**

The values and principles of Tikinagan Child and Family Services emphasize the need to respect the views and concerns of our clients and to listen with an open mind and a non-judgmental attitude. Tikinagan recognizes that clients have the right to express their dissatisfaction with the services provided by, or services which are not available from, the Agency. Tikinagan also recognizes the importance of hearing these complaints. Tikinagan strives to offer the best service possible and complaints can be indicators of problems requiring change in our services or the manner in which services are delivered.

Tikinagan has established a review procedure to deal with complaints about any aspect of our service, or allegations that the rights of children in our care have been violated. The review process provides an opportunity for complaints to be brought forward and dealt with in a fair, timely and organized manner. It is also designed to put into practice Tikinagan's core values and work in the true spirit of the Mamow Obiki-ahwahsoowin service delivery model – "Everybody Working Together to Raise our Children".

### **Summary of Client Complaints Review Process**

An explanation of each of the following steps is set out in this Policy and should be reviewed in its entirety for further particulars:

#### **INFORMAL PROCESS:**

- Complainants are encouraged to discuss any complaint with the employee and supervisor who are responsible for providing services in an effort to resolve concerns and complaints.
- Discussion with the Service Manager, Director of Services and Associate Executive Director can also be arranged.

#### **FORMAL PROCESS:**

- If the Complaint is not resolved in Step 1 including involvement of the Associate Executive Director, the complainant has the right to request a review of the complaint by a formal "Internal Complaints Review Panel". The request must be in writing and include an outline of the complaint using the Internal Complaint Review Panel form available through Tikinagan's website, at reception in Tikinagan offices, or from any Tikinagan worker.
- The written request will be assessed to determine if the complaint is eligible for review by an Internal Complaints Review Panel. The complainant will be notified of this determination in writing. The determination must be made within 7 days of the receipt of the written complaint.
- If the Complaint is not eligible for review by an Internal Complaints Review Panel, it may be reviewed in another manner.
- If the complaint is eligible for review by an Internal Complaints Review Panel, Senior Management will appoint a Panel.
- A mutually convenient date will be selected for the Panel to meet with the complainant within 14 days of the date of the determination of eligibility and a notice of the date and time will be provided to the Complainant.
- The Panel will send a written summary of the results of the meeting within 14 days of the meeting to the Complainant and to Senior Management.

In some situations, the Complainant has the option of bringing their concerns to provincial level processes.

## **Legislation/Regulations**

Tikinagan Child and Family Services' Internal Client Complaints Review Process is intended to fulfil the requirements as set out in Sections 119 and 18 of the *Child, Youth and Family Services Act (CYFSA)*.

Section 119 applies to complaints relating to a service sought or received from our Society. Section 119 requires Societies to establish a review procedure for receiving and dealing with complaints which includes an opportunity for the complaint to be reviewed by an Internal Complaints Review Panel.

Section 18 applies to complaints relating to residential care of children or youth. Section 18 requires Societies to establish a review procedure in accordance with regulations, for hearing and dealing with,

- Complaints regarding alleged violation of rights of children in care; and
- Complaints by children in care or other persons affected by conditions or limitations imposed on visitors or suspensions of visits.

## **Eligible Complainants**

The Internal Client Complaints Review Process is intended for case-related complaints from clients (primary caregivers, parents, foster parents, children, youth, and other persons representing the child) who have sought or are in receipt of services from Tikinagan. Complaints from others not directly receiving services (eg. grandparents, relatives, service providers, the general public) will be dealt with appropriately, but not using the Internal Client Complaints Review Process outlined in this policy.

## **Complaints Eligible for Review by an Internal Complaints Review Panel**

Matters that are considered eligible for review by an Internal Complaints Review Panel include:

- client concerns regarding Tikinagan service practices and processes
- client concerns relating to a service sought or received
- client concerns regarding the family's service plan or child's plan of care
- service delivery issues such as staff conduct, contact with family etc.
- breaches of internal agency service policies including confidentiality
- quality of alternate care that is being provided to a child
- allegations that a child's rights have been violated.

## **Complaints Not Eligible for Review by an Internal Complaints Review Panel**

Pursuant to Section 120 (8) (a)&(b) of the *CYFSA*, no issue that has been decided by the court or is before the court or is subject to another decision-making process under the *CYFSA* or the *Labour Relations Act* shall be reviewed by the Agency through the Internal Client Complaints Review Panel.

Complaints regarding the following are ineligible for review by the Agency's Internal Client Complaint Review Process but are eligible for review by the provincial Child and Family Services Review Board:

- Pursuant to Section 192 of the *Child, Youth and Family Services Act, 2017*, complaints regarding decisions to refuse an application to adopt a particular child or a decision to remove a child on an adoption placement.
- Pursuant to Section 109 of the *Child, Youth and Family Services Act, 2017*, complaints from a foster parent regarding a society's decision to remove a child in extended society care who has lived continuously with the foster parent for two years.

Complaints regarding the following are ineligible for review by the Agency's Internal Client Complaint Review Process but are eligible for review by the Office of the Information and Privacy Commissioner (IPC):

- Complaints concerning compliance with Part X of CYFSA which covers protection of privacy and access to and correction of personal information in a society's custody or control related to the provision of a service.

The Internal Client Complaints Review Process is not to be used for a review of the use of authority by the Agency to make applications that a child is in need of protection or to seek a remedy of wardship or supervision from the courts. Any review of these matters is subject solely to the authority of the court.

Complaints alleging a child is in need of protection will not be handled through the Internal Client Complaints Review Process. These allegations must be forwarded to the Intake Screening Unit.

### **Rights of the Complainant**

To ensure the Internal Client Complaints Review Process is fair and effective, complainants will have the following rights throughout the process:

- o Every complainant has the right to request to have a Tikinagan employee assist them in documenting the complaint.
- o Every complainant has the right to pursue a complaint beyond the individual employee as outlined in this procedure.
- o Every complainant has the right to have a friend or advisor assist or be present throughout any of the following steps.

### **Principles**

The Internal Client Complaints Review Process will take the following principles into consideration:

1. Disagreement and dissatisfaction are normal components of any human relationship and may occur in a worker-client relationship.
2. Clients, parents, primary caregivers, foster parents, children or youth in care and other persons representing a child or youth have the right to air their complaints and must be informed they have the right to do so.
3. Complaints will be responded to promptly and Agency personnel should endeavour to

find a resolution in a timely manner following any timelines within this policy.

4. Complaints will be responded to as informally as possible to the extent that the issue and circumstances permit. It is recognized that cumbersome procedures may be seen by the client as an obstacle to resolution.
5. An Agency employee has the right to be informed that a complaint involving them has been made and, where appropriate, be given the opportunity to be part of its resolution.
6. People/employees involved in the matter should have the opportunity to participate in its resolution whenever possible.
7. Clients should be encouraged to present any concerns at an early stage. It is better to address a grievance shortly after the occurrence of an incident because up-to-date knowledge must be considered and, if necessary, a change of course may be implemented. However, no time constraints will be placed on the initiation of the Internal Client Complaints Review Process.
8. Regular Agency personnel policies apply to employees.

### **Internal Client Complaints Review Process**

All clients will be informed of their rights and the Internal Client Complaints Review Process. Brochures about client rights and the "Internal Client Complaint Review Request Form" are available from frontline workers, and receptionists in every office, and posted in the reception area of each office.

If a complaint is directly related to evidence currently before the courts, the Internal Client Complaints Review Process cannot be initiated until the court process is resolved.

The following STEPS will be followed in the Internal Client Complaints Review Process.

It is the responsibility of each employee involved in a complaint to review in detail the Internal Client Complaints Review Process including expectations, principles and the time frames involved.

### **INFORMAL PROCESS**

#### **Discussion with the Employee and Supervisor**

Complainants will be encouraged to discuss the complaint with the employee and the supervisor who is responsible for providing services. Discussion with the employee and their supervisor gives all parties a chance to look together for a solution to the complaint.

#### **Discussion with Service Manager, Director of Services and/or Associate Executive Director**

If the complainant is not satisfied with the outcome of discussions with employee and supervisor, they can contact the Service Manager, the Director of Services, and/or the Associate Executive Director. Tikinagan staff have an obligation to attempt to resolve the

service complaint and provide a response to the complainant in a prompt and timely manner.

Every client has the right to pursue a complaint beyond the informal process. Clients must be advised about the Internal Client Complaints Review Process and provide the name and position of the contact person for the Formal Process. When a complainant exercises this right, the complaint must be in writing. If a child or youth in care requests an Internal Client Complaints Review, the Agency will ensure that the child or youth, at their request, has an advocate to assist them in the review process.

### **Additional Action Required for a Service Complaint Made By or On Behalf of a Child or Youth In Care**

Any foster parent, other caregiver or employee who receives a service complaint from a child or youth placed in a foster home or other residential resource must submit that information to the Intake Screening Unit. The Supervisor, Intake Screening Unit, in consultation with their Service Manager will determine whether the referral requires an investigation. The foster parent, other caregiver or employee who received the details of the service complaint will write a detailed case note and forward it to the Intake Screening Unit and the Child Care Worker who places a copy on the child or youth's case file.

The completed referral form is given to the Child Care Supervisor, Residential Care Unit Supervisor, and/or Group Home or Staff Model AOH Supervisor depending on the nature of the service complaint. In consultation with the appropriate supervisor, a decision will be made on whether to inform the child's or youth's parent(s) and/or the First Nation of the service complaint.

The employee assigned to address the service complaint will record the outcome of the discussion with the child or youth, the foster parent(s) or other caregiver, any action taken, any further action required and any follow-up recommendations for review by their Supervisor. If the planning and outcome are approved by the Supervisor as a satisfactory resolution to the service complaint made by the child or youth, the employee advises the child or youth directly of the outcome and must, within five (5) working days, forward a letter to the child or youth in understandable language outlining the information they were given and how the service complaint was resolved or how it will be further addressed. A copy of the letter is placed on both the child or youth's case file and the foster parent's file, if appropriate.

## **FORMAL INTERNAL PROCESS**

### **Written Request for Review by an Internal Complaints Review Panel**

If the complaint is not resolved through the informal process, the complainant may pursue the matter by submitting a written request for a formal review of the complaint by an Internal Complaints Review Panel. The request may be made by completing an Internal Client Complaint Review Request Form. The complainant will be offered the assistance of an Tikinagan employee to put the complaint in writing.

The Human Resources department will be notified of any complaints which involve staff performance. In these cases, a human resources staff person may be involved in the review process and the Human Resources department will be kept informed of the complaint's progress. A Director of Services or designate will inform foster parent(s) and/or other

caregiver(s) mentioned in the complaint that a complaint has been submitted to the Agency.

Within 7 days of its receipt, the written request will be reviewed to determine its eligibility for review by an Internal Complaints Review Panel.

If it is determined that the matter is not eligible for the appointment of an Internal Complaints Review Panel, the complainant will be informed in writing of the ineligibility, with a rationale for the decision provided. The written response will be sent to the client within 7 days of receipt of the complaint and the complainant will be advised if it will be dealt with further by Management.

If the determination is made that the complaint is eligible for review, the client will be advised in writing within 7 days of receipt of the complaint of this decision.

### **Internal Complaints Review Panel**

If the complaint is eligible, Senior Management will appoint an Internal Complaints Review Panel that will consist of:

- One member of management
- Other Tikinagan staff as required
- One person who is external to the Tikinagan (this may be a Tikinagan Board member)
- One elder

No person selected as a member of the Internal Complaints Review Panel shall have had any direct involvement with the complaint being reviewed. Therefore, the composition of the Internal Complaints Review Panel will be determined for each complaint.

In consultation with the complainant, the Internal Complaints Review Panel will schedule a date to meet in person with the complainant. The meeting must be held within 14 days of the determination of eligibility. Whenever possible, the meeting will be held in the First Nation/community where the complainant resides.

The Panel may determine who has permission to attend the meeting, however, the client initiating the complaint has the right to have a First Nation Representative present when the client is affiliated with a First Nation. As well, the client has the right to have a friend or advisor of their choosing attend the meeting for support and advice. The Panel will document the meeting discussions and decisions made.

The Internal Complaints Review Panel will determine what other steps must be taken in evaluating the complaint including a review of file documentation, interviews with appropriate Tikinagan staff or other service providers. The steps taken will be documented and included in the decision making process of the Panel. The decision-making process for the Panel will be by consensus.

Within 14 days following the meeting, the Internal Complaints Review Panel will provide a written summary of the results of the meeting, including any agreed upon next steps, or the final resolution of the complaint to the client.

If at any point during the Internal Client Complaints Review Process the complaint is resolved to the satisfaction of the complainant, the Society shall confirm the resolution in writing to the complainant and the child or youth in care, if they were not the complainant. The Internal Client

Complaints Review Process can then be discontinued.

If it is determined during the review of the complaint that there has been a violation of the rights of a child or youth under Part II of the *CYFSA*, the review process must determine whether there are any measures that can be implemented to prevent the same violation from recurring and implement any such measures.

The decision of the Internal Complaints Review Panel is final.

### **Additional Action Required for a Service Complaint Made By or On Behalf of a Child or Youth In Care**

At each step of the service complaint process, the outcome, reasons for the decision reached during the formal process or investigation, will be forwarded, in writing, to the child or youth and placed on the child's or youth's case file and the foster parent's file, if appropriate. When it is determined to be appropriate, the correspondence will be copied to a parent or First Nation.

At the conclusion of the review of the complaint, a written summary must be completed and include:

- the date the complaint was made and nature of the complaint
- the referral source of the complaint
- steps taken in response to the complaint
- conclusions
- recommended actions
- employee designated to facilitate the debriefing process.

The documentation will be submitted to the appropriate Supervisor for review and signature prior to being filed in the child or youth's case file and the foster parent file, if appropriate. If the complaint was resolved without the involvement of a Director of Services or designate, a copy of the documentation will be forwarded to the Director of Services or designate for review.

The written summary of the agency's response to the complaint will be provided to:

- the child or youth who made the complaint or is the subject of the complaint
- the person who made the complaint on behalf of the child or youth
- the individual(s) who the complaint relates to
- to the placing agency, when the child or youth was placed by an outside agency and the complaint relates to an alleged violation of the child or youth's rights by Tikinagan Child and Family Services
- to the service provider providing out of home care to the child or youth when the complaint relates to an alleged violation of the child or youth's rights by Tikinagan Child and Family Services.

In addition to the updates on the progress of the review of the complaint provided to the child or youth outlined above, an update on the progress of the review of the complaint is provided to the person who made the complaint at the following intervals:

- if the person requests an update

- at such other times as necessary to ensure that the person receives an update on the review no later than 15 days after the service provider receives the complaint and subsequently at intervals of no more than 15 days.

This requirement does not apply if the complaint was submitted anonymously.

### **Debriefing Process**

After a complaint has been reviewed, the designated worker will facilitate a debriefing process using the following criteria:

- (a) a debriefing process must be conducted with the persons to whom the complaint relates, in the absence of any children or youth.
- (b) a second debriefing process must be conducted with the child or youth who made, or is the subject of, the complaint, in the absence of the persons to whom the complaint relates. If requested by the child or youth, the debriefing shall also include an adult identified by the child or youth as a support person.
- (c) a third debriefing process must be offered to be conducted with any children or youth who witnessed any conduct that gave rise to the complaint and must be conducted if any such children or youth wish to participate in the debriefing process.
- (d) the debriefing process must be structured to accommodate any child or youth's psychological, communication and emotional needs and cognitive capacity, and be focused on understanding the experiences of the child or youth that led to the complaint being made as well as what the agency can do to better meet the needs of the child or youth.
- (e) the debriefing must be conducted within 7 days after the complaint has been reviewed.
- (f) if the circumstances do not permit a debriefing process to take place within 7 days after the complaint has been reviewed, the debriefing process must be conducted as soon as possible after the 7-day period, and a record must be kept of the circumstances preventing the debriefing process from being conducted within the 7-day period.
- (g) the agency must record:
  - the date and time of each debriefing, the names and, if applicable, titles of the persons involved in each debriefing and the duration of each debriefing
  - the name of each child or youth for whom a debriefing was offered (c) and who indicated that they did not wish to participate in the debriefing process
  - a description of the efforts to conduct the debriefing processes required by this section that includes the names of the persons who made those efforts.

### **Agency Reviews Respecting Complaints and Complaints Procedures**

A Director of Services or designate will ensure that, at least once every 12 months, a written evaluation is conducted of the agency's written complaints policy to assess:

- the effectiveness of the written complaints policy
- the need for any changes to the procedures to improve their effectiveness.



A Director of Services or designate will, on or before the fifth (5<sup>th</sup>) day of every month,

- (a) prepare for the previous month, a written analysis of every complaint received and the results of the review to determine whether any changes are required to the way the agency respects the rights of children and youth when providing a service; and
- (b) provide the written analysis to,
  - a. in the case of a child who is not a young person, the local director
  - b. in the case of a young person, the provincial director.

### **External Provincial Level Complaints Processes**

If the complainant wishes to pursue complaints to any of the following provincial level complaints processes, the Agency will offer assistance to the complainant in directing their complaint.

#### **Child and Family Services Review Board:**

In the case of complaints involving services received or not received by a Children's Aid Society, an application can be made to the provincial Child and Family Services Review Board:

- a) upon completion of the internal client complaints review procedure if it is alleged that Tikinagan inaccurately recorded something on a client's file or record and this has not been resolved through the Tikinagan Internal Client Complaints Review Process; or
- b) at any time before, during or upon completion of the Agency's Internal Client Complaint Review Process if it is alleged that:
  - 1. Tikinagan has refused to proceed with the complaint;
  - 2. Tikinagan failed to respond to the complaint within timeframes required by regulation;
  - 3. Tikinagan failed to comply with the complaint review procedure;
  - 4. Tikinagan failed to comply with Clause 15(2) of the *Child, Youth and Family Services Act* which states that children, youth and their parents have an opportunity where appropriate to be heard and represented when decisions affecting their interests are made and to be heard when they have concerns about services they are receiving; or
  - 5. Tikinagan failed to provide reasons for a decision which affects the client's interests.

If a complaint that has been made to the Agency is submitted to the Child and Family Services Review Board or to the Ministry, the Agency may hold the complaint in abeyance pending completion of those proceedings.

Section 18 applies when it is alleged that rights of children in Tikinagan Child and Family Services' care, as set out in Part II of the *Child, Youth and Family Services Act*, have been violated or complaints by children in care or other persons affected by the conditions or

limitations imposed on visitors or suspensions of visits. When there is a complaint from a child in care, the child's parent, or another person representing the child, the *Child, Youth and Family Services Act, 2017*, requires the Society to conduct a review or ensure that a review is conducted by the direct service provider, ie. a residential facility. This review will be conducted using the Internal Client Complaints Review Panel process. Where the complainant is not satisfied with the outcome of the review, the complainant can request that the Ministry of Children, Community and Social Services appoint a person, not employed by the service provider, to conduct the review outlined in Section 19 of the *Child, Youth and Family Services Act*.

The Minister may take any action with respect to a complaint after receiving a report under Section 19(5). The Minister will advise the person who made the complaint and the service provider of the decision. The Minister's decision does not affect any other remedy which may be available.

### **Ombudsman:**

The Ombudsman's office is responsible for investigating complaints about services provided by children's aid societies and residential licensees to children and youth. You may complain to the Ombudsman at any time about your concerns.

The Ombudsman may investigate any matter concerning a child with respect to a children's aid society service. The Ombudsman may also investigate any matter concerning a child or young person with respect to a service provided by a residential licensee, including:

- a service provided by a residential licensee to a child placed with the licensee by a children's aid society or other entity
- a service provided by a residential licensee to a child committed to a secure treatment program
- a service provided by a residential licensee to a young person who is detained or committed to custody under the *Youth Criminal Justice Act* or the *Provincial Offences Act*.

For more information and to complain to the Ombudsman, complainants must fill out the Ombudsman's form available online <https://www.ombudsman.on.ca/have-a-complaint/make-a-complaint>

### **Office of the Information and Privacy Commissioner (IPC):**

The IPC acts independently of the government to oversee Ontario's access to information and protection of privacy laws. This includes Part X of the CYFSA, which applies to societies and other child and family service providers.

Societies are required by Part X of the CYFSA to protect privacy and enable access to, and correction of, records of personal information in their custody or control related to the provision of a service.

Any person can make a complaint to the IPC if they believe a society is not complying with these requirements. For example, if privacy is breached (e.g., the society viewed or disclosed your records inappropriately) or if unsatisfied with the society's response to a request for access

or correction of records. Complaints about compliance with Part X of the CYFSA should be made to the IPC and not through the society's internal complaints review process.

Please note that complaints about access and correction requests must be submitted to the IPC within six months after the society's response to a request (or failure to respond). All other complaints (for example, about a privacy breach) must be submitted within one year after the subject of the complaint first came (or should reasonably have come) to the complainants attention.

To file a complaint with the IPC, the complainant must fill out the appropriate IPC form for access/correction or privacy complaints about a child and family service provider, available online at [www.ipc.on.ca](http://www.ipc.on.ca).

### **Complaints Documentation**

All documentation and correspondence regarding complaints will be forwarded to the Intake Screener and the Executive Assistant for central complaint records and tracking. All documentation and correspondence will also be forwarded to the appropriate staff and service file(s).