



# SECWPEMC CHILD & FAMILY SERVICES AGENCY

300 Chilcotin Road, Kamloops BC V2H 1G3 Phone: (250) 314-9669 Fax: (250) 314-9609  
2-726A Sydney Avenue, Kamloops BC V2B 1M9 Phone: (250) 461-7237 Fax: (250) 461-7247

## COMPLAINT RESOLUTION POLICY

---

### Information on the Complaints Process

A copy of the complaints process brochure will be available wherever Secwepemc Child and Family services are delivered including, member band offices affiliated with the agency.

### Principles

Secwepemc Child and Family Services is committed to providing quality service to children, youth, families, and communities. As part of this commitment, the agency complaints process is guided by the principles that everyone has the right to be treated with dignity and respect, that confidentiality and privacy of individuals will be respected, and that there will not be any negative consequences to anyone, including children, youth, and families, as a result of making a complaint in good faith.

### Complaints

Secwepemc Child and Family Services follows the provincial Ministry of Children and Family Development complaints policy for programs that are provided by our agency under the *Child, Family and Community Services Act (CFCSA)*. Complaints are accepted when they are about a decision, act or failure to act related to the service provided by our agency under the *Child, Family and Community Services Act (CFCSA)*.

Complaints regarding other programs or services may be made to one of our complaints specialists but will follow a separate process.

### What is a complaint?

A complaint may arise if you:

- think that someone is being treated unfairly and/or in a disrespectful manner
- think that staff are not clear in stating their expectations of a child in care
- think that you are not being included in case planning and decision-making about yourself or a child in care
- are concerned about eligibility for or access to services, and/or
- if you think the rights of a child in care have been breached (see the booklet *Know Your Rights - a guide for young people in care*)

### When may a complaint not be accepted?

A complaint may not be accepted when:

- the child/youth, young adult or complainant does not want to proceed with the complaint,
- the matter is before the courts or the remedy sought would conflict with an order or decision of the court,
- the matter is eligible for a review panel hearing under the *Mental Health Act*,

- the matter is eligible for review under another enactment or regulation other than the *Ombudsperson's Act*,
- the complaint concerns matters related to youth justice services, and the person making the complaint is not authorized to access information under the *Youth Criminal Justice Act*, or
- the matter is eligible for a foster parent review or appeal.

## **Making a Complaint**

You are encouraged to work together with your worker to resolve disagreements. If the disagreement cannot be resolved, the complaint process is available.

The formal complaints process begins with the receipt of a formal complaint. The complaint may be made 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 any assistance possible to facilitate making the complaint. The complainant will be asked to put their concerns in writing using the Complaint Submission Form.

Our agency's complaints process provides two ways of addressing complaints – the resolution process and the administrative review process. During resolution, the complainant is offered the opportunity to be actively involved, with our agency staff, in a process which encourages problem solving and provides flexibility in finding and agreeing upon solutions that address the complaint. Resolution is completed in thirty (30) days unless the complainant agrees to an extension.

The administrative review provides an examination of the complaint issue by a review authority that is uninvolved in any matters related to the complaint. The review authority will review the complaint, come to a conclusion and may make some recommendations. The administrative review will be completed within thirty (30) days unless you agree to an extension. A complainant may make a request for an administrative review at any time during the complaints process.

More information about the process can be found on the Ministry of Children and Family Development's website: <http://www.mcf.gov.bc.ca/complaints/index.htm> or by contacting a complaints specialist at our office.

The goal of the complaint resolution process is to improve our system.

## **Receipt of a Complaint**

The Executive Director will be designated to receive the initial complaint. If there is a conflict of interest with the Executive Director, the complaint will be assigned to the President of the Board of Directors. The President may obtain external services to conduct the investigation.

## **Initiating the Complaints Process**

The Executive Director will initiate the complaint by:

- Determining whether the complaint is valid and is not in conflict with another process.
- If valid, sends a letter to acknowledge the receipt of the complaint that explains the steps in the complaints process, timelines and right to advocacy.
- If not valid, or if the complaint is considered vexatious or frivolous, sends a letter to the complainant explaining this determination.

- Ensures that there will be an unbiased review of the complaint.

## Conducting the Complaint Review

During the investigation, the following activities may be undertaken:

- Interview the complainant and anyone else relevant to the complaint, including children.
- Conduct a file review.
- Interview involved staff.
- Interview service providers.
- Include advocates.
- Involve external services, such as a mediator.
- Solicit written submissions from involved parties.
- Conduct the review by telephone or conference call.

or any other options which may be helpful or appropriate to the circumstances of the review.

When reviewing the complaint, the Executive Director must respect the principles of administrative fairness and natural justice. The Executive Director considers:

- The principles of legislation governing the provision of service to the complainant or any individual affected by the complaint.
- The reasons for a decision, action or failure to act on the part of a staff member.
- The reasons why the complainant is dissatisfied with the decision, action or failure to act.
- The views of the child, where a child is involved in the complaint, but is not the complainant, about the decision, action or failure to act.
- The views of the complainant.
- Available resources and budgetary limits.
- Any alternative resolution to the complaint.
- Whether immediate action is required.

## Completing the Complaint Review

The Executive Director must complete the complaint review process within 30 days after the complaint is formally made, with the option to request a 30 day extension, providing the complainant is available to participate with the investigation. If the complainant cannot be contacted or fails to participate in the complaint for a 30 day period, the complaint will be discontinued.

The Executive Director may designate the complaint as:

- **Founded** if the review confirms the substance of the complaint.
- **Unfounded** if the review confirms the decision, action or failure to act on the part of the agency staff member.
- **Withdrawn** if the complaint review process has not been completed, but the complainant notifies the Executive Director not to pursue the review of the complaint.
- **Settled** if the complaint review process may not have been completed, but the parties have agreed on a resolution.
- **Discontinued** if the complainant cannot be located or contacted to pursue the complaint review process; and decide on any appropriate remedy.

## Copy of the Decision

After completing the complaint review process, the Executive Director:

- Sends a letter containing the written finding(s) to the complainant with reasons to support the decision.
- Advises the complainant in the letter of the available external review processes.
- Ensures that if the complainant requires assistance with written communication, that the decision and information is communicated to the complainant by other appropriate means.
- Ensures that the complainant understands the decision.
- Asks whether or not the complainant is satisfied with the outcome.
- Provides a written copy of the decision to:
  - I. any staff member involved in or affected by the decision.
  - II. any other person whom the Executive Director considers should be informed in accordance with the provisions under the *Freedom of Information and Protection of Privacy Act* (FOIPPA).