



SECWPEMC CHILD & FAMILY SERVICES

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COMPLAINTS REVIEW PROCESS

1. Initiating the Complaints Process

- Complaint received.
- Complaint reviewed to ensure that it is
 - Valid (meets the criteria of being 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)*.)
- 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.
- Documentation sent to/received by Executive Director.
- 'Letter of Acknowledgment of Complaint' or 'Letter that Complaint has not been Accepted' sent to complainant – usually within 7 days.
- Consult with Complainant: Resolution or Administrative Review process? Note: 30 days starts on the date the Complainant chooses the option to proceed.
- Complaint of breach of a child's rights under S. 70, CFCSA or if the complaint involves some aspect of a child protection investigation, Aboriginal Deputy Director informed.
- Complaint constitutes criminal activity.
- Referred to police or crown.
- Complaint is a report under S.14, CFCSA.
- Referred to MCFD protection office.

(Office Code)

(Name of Social Worker, if known)

- Information obtained regarding local efforts to resolve.
- Complaint not vexatious or frivolous.
- Complainant informed of complaints process.
- Remind Complainant and Respondent of confidentiality, no retaliation and no individual investigation during the investigation.
- Unbiased approach to complaint ensured.
- Complaint is about a contracted service or a conflict of interest exists for Executive Director, review to be done by President of Board of Directors.
- Complaint to be resolved using MCFD/foster parent protocol.

2. Guidelines for Prioritizing a Complaint

The Executive Director may prioritize complaints using the following criteria as guidelines, or any other criteria which is considered relevant:

- The complaint involves risk to a child or other vulnerable individual.
- The complaint involves a breach of rights of a child in Care of the Director under S. 70, *Child, Family and Community Services Act* or a violation of rights under S.3 or S.11 of the Young Offenders Act.
- The complaint involves health and safety issues or the personal safety and security of the person(s) affected by the complaint.
- The Minister has requested a review.
- The Children's Commissioner has requested a review.
- The complaint involves systemic issues which may lead to additional complaints if not addressed immediately.

3. Resolution Process:

- If the Complainant chooses Resolution, the Executive Director will advise staff involved in the complaint of the details and whether there is an advocate.
- The staff contact the complainant and/or the advocate as soon as possible to acknowledge the complaint and confirm the complainant's issues; and to initiate resolution.
- A request to move to an administrative review can happen at any time in the Resolution process.

Resolution ends when:

- When the complaint is resolved to the satisfaction of the complainant,
- The 30 day period for resolution ends without an agreement, an extension, or
- The complainant requests an administrative review.

A letter is sent to the complainant outlining the outcome, including any agreements and actions to be taken and the complainant's right to request an administrative review of the matter.

4. Administrative Review Process:

- The Executive Director receives and documents the request for an administrative review, including the issues identified by the complainant.
- If the Executive Director has a conflict of interest or is not an uninvolved person, the President of the Board shall be tasked with the Administrative Review.

Conducting the Review

- The review is based on the administrative review conclusions and recommendations on relevant information:
 - Provided by the child/youth, or young adult, complainant, advocate, staff, or others as required
- Contained in files, letters, emails, and other documents.

Conclusions and Recommendations

- At the conclusion of the administrative review, the review authority can make recommendations provided that the recommendations can legally be done in the circumstances under review.

3. Scope of the Review

- File review.
- Interview involved staff.
- Interview service providers.
- Interview Complainant and/or their advocate.
- Facilitate a face to face meeting.
- Written submissions from involved parties.
- Telephone review or conference call.
- Relevant legislation and regulations
- Policies and Procedures
- Available resources
- Other: _____

4. Criteria to Consider During the Investigation or a Complaint

- Was there a decision, action or failure to act on the part of a staff member? Yes No
- If yes, was there a valid reason for the decision, action or failure to act on the part of a staff member?

- Reasons why the complainant is dissatisfied: _____

- Views of the child, where a child is involved in the complaint: _____

- Views of the complainant and views of any advocate assisting the complainant:

- Principles of the complaints policy.
- Principles of legislation governing the provision of services.
- Available resources: _____

Available budget: _____

Alternative resolution to the complaint: _____

Immediate action required: (May include group meeting, mediation, circle, Elder's involvement, etc.)

Post Action Status: (resolved, ongoing, unsolvable, withdrawn)

5. Status of the Complaint

- After 10 days: Open
- Investigation underway
- Completed

- After 20 days: Open
- Investigation underway
- Completed

- After 30 days: Open
- Investigation underway
- Completed

6. Completing the Review

- Complaint resolved within 30 day timeline
- Request for 30 day extension sent to the Complainant
- Date Resolved: _____

- Disposition of complaint:
 - Founded
 - Unfounded
 - Withdrawn
 - Settled
 - Discontinued

- Complaints resolution letter sent to complainant
- If complaint involves breach of a child’s rights under S. 70, CFCSA or if the complaint involves some aspect of a child protection investigation, Aboriginal Deputy Director informed

Date Sent: _____

- Result of complaint review logged into tracking system: _____

- Copy of decision sent to : _____

- Complainant requested external review authority (specify authority): _____

Signature of Executive Director

Date

References (Relevant legislation, other policies, standards and literature).

Legislation Applicable to all Program Areas:

Freedom of Information and Privacy Protection Act

Representative for Children and Youth Act

Legislation and Selected Regulations Applicable to Specific Program Areas:

Child welfare; Child/Youth Special Needs; Child/Youth Mental Health -

Adoption Act

Adoption Agency Regulations

Child, Family, and Community Service Act

Child, Family, and Community Service Act Regulation

Mental Health Act

Mental Health Regulation

Forensic Psychiatry Act

Child Care Programs and Services

Child Care Subsidy Act

Child Care Subsidy Regulation

Community Care and Assisted Living Act

Child Care Licensing Regulation

Youth Justice

Youth Justice Act

Youth Criminal Justice Act

Youth Custody Regulation

Policies:

Advocacy Protocol between MCFD and the RCY

Presumption in Favour of Collaborative Decision Making

Other Information:

Child Rights in Practice: Practitioner Resource (January 2012) MCFD

Hearing the Voices of Children and Youth (January 2010) Ombudsperson and Representative for Children and Youth Report.

UN Conventions:

United Nations Convention on the Rights of the Child

United Nations Convention on the Rights of Persons with Disabilities

United Nations Declaration on the Rights of Indigenous Peoples