

	Section: 17 Quality and Risk Management	Pages: 4	Policy Number: 17-8
	Subject: Complaint Resolution		

POLICY STATEMENT

Banyan is committed to providing quality service, as part of our commitment to quality Banyan will ensure all complaints are investigated and responded to in a timely manner.

The complaint resolution process will have regard for the person’s abilities and needs and will appreciate the significance of language barriers. No person will experience reprisals or duress as a result of a decision to access an internal or external complaints procedure.

This policy process is an important part of providing quality support that is responsive to people’s needs and that supports continuous improvement in service delivery. The information received through a complaints/feedback process can assist Banyan to take steps to better support individuals and/or improve administrative practices.

PURPOSE OF THE POLICY

The complaint resolution policy and process has been established to guarantee the freedom for persons to report problems, concerns, unlawful, legally questionable, ethical concerns and unprofessional misconduct. As employees and representatives of Banyan we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations. This policy provides employees with a consistent format on how they are to handle client and/or family member concerns and complaints.

A. DEFINITIONS:

- **Complaint:** An expression of dissatisfaction related to the services, supports and/or facilities provided by Banyan. A complaint does not include feedback on matters unrelated to the agency and the services, support, and facilities that it may provide.
- **Complainant:** Refers to the person who brings forward a complaint or feedback for resolution. The complainant may be an individual receiving Banyan services, persons acting on their behalf, and the general public. A complainant has the right to involve an advocate, relative, or friend to support them through the complaints process.

B. PROCEDURES:

1. Scope

- 1.1. Any Person may raise concerns or file a complaint where there is an honest belief that a member of the Banyan organization is engaged in serious misconduct, wrongdoing or illegal activity that constitute: a criminal offense; negligent, improper or gross mismanagement of Banyan or public funds; a serious, willful, or flagrant breach of federal, provincial, or municipal stature or ministry policy, board policy, operating

policy, procedure or regulation, and/or substantial and specific danger to the environment or public health and safety.

- 1.2. Banyan takes all complaints seriously and reviews and investigates all matters. The agency is not, however, expected to attempt to resolve complaints that it may determine to be frivolous and vexatious.

2. Confidentiality

- 2.1. Banyan will protect the confidentiality of individuals who make good-faith reports except where required by law. Banyan will not retaliate against any person who, in good faith, makes a complaint/disclosure or raises a concern in accordance with this policy, or discloses information to an external agency/body, against Banyan or any community member on the basis of a reasonable and honest belief that the information is true and in the public interest.

3. Communication

- 3.1. Individuals receiving service will be informed about Banyan's complaint resolution process, during initial intake, orientation, and when amendments to this policy are made.
- 3.2. Banyan will provide a copy of this policy to any person who requests it. Banyan's Complaint Resolution process is made readily available and in easy-to-understand format to a complainant, persons acting on their behalf, and the general public upon request.
- 3.3. The complaint, persons acting on their behalf, and the general public has a right to understand why and how a decision was made and will be provided with and given the opportunity to respond to the reasons for a decision and to the fullest extent possible, the information relied upon to reach that decision. Persons will be given information about the next stage in the process if they are not satisfied with the outcome of discussions.
- 3.4. **17-8 Complaints Resolution** will be posted on Banyan's website.
- 3.5. Information about Banyan's complaints process will be shared as part of the ministry's risk assessment processes, upon request by the ministry.
- 3.6. **17-5-1 Enterprise Risk Management Framework** clarifies the accountabilities, reporting and escalation processes, as well as the communication mechanisms for staff including the Board of Directors' roles and responsibilities.

4. Complaint Resolution Process

- 4.1. Complaints may be submitted verbally in-person, telephone or voicemail, written letter and/or email, Banyan's website contact form, teletypewriter (TTY), or visual aids. If in question, enquiries about who to direct a complaint to can be obtained by calling 905-545-0133, pressing zero (0) for assistance.
- 4.2. Banyan has a wide range of services and as a result, the complaints resolution process differs depending on the program. Each program will adhere to its own program specific procedures which identify response timelines and framework for action so that the complainant has a sense of when they can expect to receive response to their submission for each step of the process, including mechanism if the complainant is not satisfied with the response received. See *Cross Reference* section in this policy for program related complaint resolution processes.

4.3. Complaints are resolved in a progressive manner. If the review process is going to take longer than the complaint resolution time frames outlined, the complainant will be told the reason for the delay and when they will be contacted with a result.

- Step 1: The complainant discusses the matter with the person with whom the complaint is directed toward.
- The complainant may request the presence of another staff member.
 - If the complainant is uncomfortable discussing the issue with the staff member involved, or feel the issue to be very serious, they may contact the involved staff person's supervisor directly.

Within 24 hours of receiving the complaint, the staff person receiving the complaint will:

- Attempt to resolve to the satisfaction of the complainant.
- If the complaint is not within the capacity of the staff's responsibility, or are unable to resolve the issue, they shall notify their supervisor/designate who will attempt to resolve the complaint.
- Complaints identifying serious safety issues will be addressed immediately to eliminate / control the hazard in keeping with **14-1 Occupational Health and Safety**.

Step 2: If the complainant is not satisfied with the response received through Step 1, an appeal of a decision may be submitted within fifteen (15) days following completion of the review.

- Appeals may be submitted to the next subsequent reviewer to investigate:
 1. The Supervisor who oversees the program.
 2. The Manager who oversees the program.
 3. The Director who oversees the program.
 4. The CEO.
 5. The Chair of the Board of Directors.
 6. The Ministry Program Supervisor.
- The reviewer will:
 - Ensure the process for investigating the matter is free of conflict of interest that may arise between the complainant, and those who may be involved in the review, documentation, investigation, resolution and notification/confirmation.
 - Ensure that the review process is free of any coercion or intimidation or bias, either before, during, or after the review.
 - Provide their decision in writing to the complainant within 10 days of receiving the complaint and/or appeal.

4.4. The person receiving the complaint follows **17-2-1 Reporting Guidelines for Client and Organizational Incidents** which includes documentation procedures, such as investigation evidence gathered as well as resolution communicated with the complainant.

4.5. The complaint will be supported to participate fully in the complaints process and provide every opportunity to have their independent views heard, respected and considered without bias, coercion or intimidation.

- 4.6. Where necessary, a complaint or feedback is:
- Reported to the police (i.e. as in the case of alleged, suspected, or witnessed abuse) that may constitute a criminal offence. Staff are to report cases of abuse prevention and identification as follows:
 - **17-4 Zero Tolerance of Abuse (clients)**
 - **17-4-1 Identification and Reporting of Elder Abuse**
 - **17-4-2 Identification and Reporting of Abuse for APSW clients**
 - Staff/service providers may also contact the Ontario Provincial Police Indigenous Policing Bureau for additional information/direction if required at <https://www.opp.ca/index.php?id=115&entryid=56b7838d8f94ace85c28d172#sec4>.
 - Reported to the ministry as a serious occurrence through the ministry's serious occurrence reporting process (based on the nature of the complaint/feedback).
- 4.7. The process for investigating the matter will be free of conflict of interest that may arise between the person who makes the complaint or provides feedback, and those who may be involved in the review, documentation, investigation, resolution and notification/confirmation. Banyan will also ensure that the review process is free of any coercion or intimidation or bias, either before, during or after the review.
- 4.8. All decision making with respect to complaints must comply with Banyan's policies and procedures.

5. The Ombudsman of Ontario

- 5.1. The Ontario Ombudsman's work includes matters related to services for children and youth, from developmental, health, social and educational programs to those related to the youth justice system. The complainant receiving such programs or service by Banyan may call the Ontario Ombudsman for assistance with their complaint at any time.

Office of the Ombudsman of Ontario
483 Bay Street 10th floor, South Tower
Toronto, ON M5G 2C9
Toll-free (inside Ontario only): 1-800-263-1830
Outside Ontario: 416-586-3300
TTY: 1-866-411-4211
Fax: 416-586-3485
Email: info@ombudsman.on.ca

Additional information about the Ombudsman Ontario complaints process can be obtained from the website at: <http://www.ombudsman.on.ca/Make-A-Complaint.aspx>.

6. Human Rights Complaints

- 6.1. The Human Rights Tribunal of Ontario (HRTO) deals directly with all claims of discrimination filed under the *Human Rights Code*.
- 6.2. The HRTO application form and the [Applicant's Guide](#) to the Tribunal's application process can be obtained from the HRTO website at: www.hrto.ca. The HRTO can be contacted as follows:

Human Rights Tribunal of Ontario
655 Bay Street, 14th floor
Toronto, ON M7A 2A3
Toronto Area: 416-326-1312
Toll Free (outside Toronto): 1-866-598-0322

TTY (Toronto): 416-326-2027
TTY (Toll Free): 1-866-607-1240
Fax (Toronto): 416-326-2199
Fax (Toll Free): 1-866-355-6099

7. Training

- 7.1. All new employees will receive training during orientation on program specific complaint procedures.

8. Continuous Quality Improvement

- 8.1. All formal complaints will be entered on the Banyan Risk Database in accordance with **17-2 Incident Reporting & Investigation**. Following completion of the investigation and final update, all client complaints are to be assessed and assigned an Incident Severity Level. Any complaints that are designated Critical are reported immediately to the CEO and Board Chair.
- 8.2. Complaints will be tracked using the Balanced Scorecard.
- 8.3. Complaints will be a standing agenda item on the Quality and Risk Management Committee. The committee will be responsible for reviewing patterns and themes of the complaints and monitoring the outcomes each quarter.
- 8.4. A summary of the frequency and patterns of formal (written) complaints is included in the quarterly Quality and Risk Management Report to the Board of Directors who are guided by Banyan's bylaws to govern and supervise the management of the activities and affairs of the Corporation.

C. REFERENCE SOURCES:

- Human Rights Code
- Personal Health Information Protection Act (PHIPA).
- Ontario Regulation 299/10 – Quality Assurance Measures
- Policy Directives for Service Agencies made under the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008 (SIPDDA)
- Service and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008 and its regulations.

D. CROSS REFERENCES:

- 04-3 Internal Complaints and Reviews (YJ Out-of-Home)
- 04-4 External Complaints Mechanisms (YJ Out-of-Home)
- 14-1 Occupational Health and Safety
- 17-1F Incident Report
- 17-2 Incident Report and Investigation
- 17-2-1 Reporting Guidelines for Client and Organizational Incidents
- 17-5-1 Enterprise Risk Management Framework
- 17-10F SNAP Complaint Resolution Process
- 17-11F Grocer Ease Complaint Resolution Process

- 17-12F Clinical Program Complaint Resolution Process
- 17-13F Reintegration Complaint Resolution Process
- 17-14F Bridge Complaint Resolution Process
- 17-15F PAC Complaint Resolution Process
- 17-18F SURE Complaint Resolution Process
- 17-22F PAR Complaint Resolution Process
- 17-23F APSW Complaint Resolution Process
- 17-4 Zero Tolerance of Abuse (clients)
- 17-4-1 Identification and Reporting of Elder Abuse
- 17-4-2 Identification and Reporting of Abuse for APSW clients
- Bylaw 4.2 Duties and Responsibilities

E. REVIEW CYCLE: This policy is to be reviewed every 3 years.

Approved By:	Senior Management Team
Effective Date:	September 2017
Revised Date:	January 2021 (formatting), May 2021, August 2021, June 2024
Reviewed Date:	