



COMPLAINTS POLICY

Version Date: June 30, 2023

Date Revised: N/A

Department: Quality Assurance

Approved by: Interim Leadership Circle

POLICY OVERVIEW

Complaints Policy Overview

Native Child and Family Services of Toronto (NCFST) strives to provide a life of quality, well-being, caring, and healing for our children and families within the Aboriginal Community. We continue to do this in alignment with our service model that is culture-based and respects the values of First Nation, Inuit, and Métis people.

Our culture and values teach that we all sit together in a great circle, and that we all have reciprocal rights and responsibilities within that circle. We acknowledge, too, that everyone and everything is related and connected. Our interactions, therefore, are not just transactions. To help us govern ourselves during those interactions, we have been given the Seven Grandfather Teachings regarding: Truth, Honesty, Courage, Respect, Humility, Love, and Wisdom. The principles that these teachings impart help maintain harmony and balance between us as individuals and as a community.

Unfortunately, sometimes our words or actions or inactions upset this harmony and balance so that conflict occurs. When a conflict does occur, it may ultimately manifest itself as a complaint. When conflict occurs leading to a complaint, the purpose of this pathway is to provide a means to see if a Teaching was broken, to understand how and why it was broken, to acknowledge any harm caused, to provide redress, to correct behavior, to change policies, and to restore balance and harmony by reconciling the parties involved in the conflict.

Another purpose of this Policy is to provide a diagnostic means to see if the conflict is a by-product of unresolved trauma. Trauma is typically understood as an injury that results from an experience that overwhelms a person's ordinary coping mechanisms and ability to protect themselves. For people who live with the effects of unresolved trauma, typical life stress can be profoundly threatening and can activate a cycle of physical and psychological reactivity that erodes their wellbeing and ability to cope. This can lead to conflicts when ordinarily it would not. Thus, this Policy can also be a means by which a person's unresolved trauma is identified and healed, so that further conflicts do not occur.

Recognizing the power imbalance between community members and the organization, this Policy places a lot of responsibilities on the organization and its representatives to receive and process complaints well and with transparency.



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APPLICATION AND SCOPE

This Policy applies to all Employees of the Agency, whether unionized or not, regardless of their role or usual work location. It also applies to students, contractors, and volunteers.

This Policy is intended for complaints originating from any and all of NCFST's services irrespective of department or location. Regarding the rights of a person in care, anyone may initiate a complaint. Regarding the receipt of services though, only the person receiving services or their agent may file a complaint. In addition, there are a few other exceptions as noted below.

For complaints regarding Accessibility Standards, the matter will be re-directed and addressed through NCFST's AODA Customer Service Standards Policy.

For complaints regarding Privacy, the matter will be re-directed and addressed through NCFST's Privacy Policy.

For complaints about decisions to remove a child in extended society care from a foster home, residential placements, emergency admissions to a secure treatment program, or decisions to refuse an adoption of a particular child or to impose a term or condition on an adoption or to remove a child from an adoption placement, the matter will be re-directed and addressed through Ontario's Child and Family Services Review Board.

Unfortunately, there are some complaints that cannot be handled by this Policy such as:

- Complaints about services you have sought or received from other agencies
- Complaints about issues covered by a collective agreement and subject to the Ontario Labour Relations Act (1995)
- Complaints about issues that are subject to another decision-making process under the Canadian Child Youth and Family Services Act or other Acts
- Complaints about issues that are before a Canadian court, or have been decided by a Canadian court
- Complaints about issues that have been decided by a First Nation, Metis Nation, or Inuit Nation



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NCFST'S COMMITMENT TO THE COMMUNITY

NCFST will provide a copy of this policy to all service recipients and their guardians or agents, and this policy will be readily accessible to the public on the agency's website. Complaints made in good faith are welcomed and encouraged; a community member who makes a complaint will never face retaliation or barriers to service.

NCFST will actively offer supports to community members making a complaint so that they can fully participate in the process. In addition, community members are welcome to have a support person of their choice assist them in making a complaint and in being involved in any part of the complaints process. Also, and in the same manner, a complainant's FNMI community may involve a representative at its discretion at any point of the complaints process.

Complainants should know that they will be treated fairly and courteously. They should feel like they are being taken seriously and that their complaint is being dealt with in a respectful way.

To maintain the integrity of this policy, no one who is subject to a complaint will be involved in its investigation.

Privacy will also be protected when making a complaint. Any information provided will only be shared to the degree necessary to resolve the complaint and will be kept confidential thereafter.

Certain complaints may be made anonymously. By their nature, however, anonymous complaints can be more difficult to investigate and substantiate. Still, the means whereby anyone can make an anonymous complaint will be made available.

OTHER REQUIREMENTS

This Policy must be read in conjunction with the other applicable policies of the Agency. It is also subject to the relevant requirements of the Collective Agreement and any other applicable Canadian legislation.



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RELEVANT INFORMATION

Definitions

Below is a list of terms used within this document and other policies, procedures, and processes and can be used in reference to these documents:

Complaint means an expression of dissatisfaction made to or about an organization regarding some aspect of its programs, services, or people and where a response is explicitly or implicitly expected.

Formal Process means a series of proscribed steps taken by NCFST to resolve a complaint. This process involves making written statements, participating in a Talking Circle, and abiding by the decision rendered.

Informal Process means a series of improvised steps followed, suited to the situation, in order to resolve a complaint quickly and efficiently and to the satisfaction of all parties involved.

Employee (or Employees, as applicable) means all employees, students, contractors, and volunteers of NCFST.

Complaints Officer is an employee who is designated by NCFST to be a complainant's first point of contact, as well as to be the person who is overall responsible for the administration and tracking of Complaints.

Different Types of Complaints

This pathway acknowledges four categories of complaints: Point-of-Relationship Complaints, Complaints Needing Internal Review, Complaints Needing Systemic Review, and Complaints Needing External Review.

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Category 1: Point-of-Relationship or "Informal" Complaints

These types of complaints usually result from community members' interactions with program staff or supervisors and are suitable for review through an Informal Process. They are typically less serious, are more straightforward, and are simpler to address. Issues suitable for resolution in this way include matters like a failure to provide a service or return a phone call, disrespectful or unhelpful treatment by a staff member, or the service provided falls below the normal standard expected from the organization.



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The goal is to resolve a Point-of-Relationship Complaint quickly and to everyone's satisfaction so that good relations can be restored. Unfortunately, that is not always possible. A manager may determine that the organization acted well, and that the complaint is not substantiated. In this case, the manager will tell the complainant why and may offer further cultural support if warranted.

Sometimes, depending on the nature of the complaint, a manager may feel that they cannot resolve the matter themselves and so they will refer the complaint for internal review. If this is the case, the manager will advise the community member of this.

Likewise, if a community member is not satisfied with how their complaint was handled or its outcome, they may have their complaint referred for Formal Review by contacting the Complaints Officer.

Finally, a community member is not obligated to have their Point-of-Relationship complaint heard through this Informal Process. By contacting the Complaints Officer, they may ask to make use of the Formal Review process instead.

Category 2: Complaints Needing Formal Review

Not all complaints can be handled, or should be handled, at the Point-of-Relationship by way of an Informal Process. Sometimes complaint resolution requires the use of a Formal Process. Examples of complaints in this category include repeated failure to provide a service or return a phone call or repeated disrespectful or unhelpful treatment by a staff member despite the matter having been previously addressed by way of a Point-of-Relationship complaint. Other examples might include problems with a Foster Placement, disagreements over decisions made, issues with case management, or experiences of harassment or discrimination or violence (whether physical, mental, emotional, or spiritual) by a community member. If the nature of an Informal Complaint is deemed to be serious by the department manager receiving it, they will refer it for a formal Internal Review.

In addition, community members not satisfied with the result of an Informal Review of their complaint or who do not wish to participate in the Informal Review process may request a Formal Review of their case.

Lastly, a complaint about the violation of the rights of children or young persons in care or a violation of the rights of children or young persons receiving services are much more serious in nature. On account of this, these types of complaints must always be received and reviewed as part of the Formal Process. Reviews at this level will involve the use of an Internal Complaints Review Panel (ICRP).



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Also, while direct complaints by community members are preferred, it is acknowledged that not everyone is comfortable doing so. With that in mind, NCFST allows the placing of anonymous complaints for an alleged violation of the rights of children or young person's receiving services or a violation of the rights of children or young persons in care. It should be noted that public protests, while a 'complaint' of sorts, cannot be tracked or responded to as an official complaint unless the protest is the direct result of a specific incident involving NCFST clients and staff. Given the nature of these types of 'complaints', the scope and depth of any investigation will be more limited.

Category 3: Complaints Needing Systemic Review

Sometimes, complaints reveal systemic problems that affect or could affect other community members. When concluding the review of a complaint, whether they be done informally at the Point-of-Service or formally through an Internal Review, it is important to consider this possibility.

As part of this exercise, department managers and ICRP's should consider questions such as these when reviewing any complaint:

- What caused the problem for the community member who made the complaint, could it have been prevented, and could others be similarly affected?
- Are there policies or processes that need to be created or improved?
- Do staff need additional training or support, for instance, so they can provide more helpful services or accurate information to community members?
- Does the organization need to update or improve publicly available information about its programs, services, or policies?

If the answer to any of these or similar questions is "yes", then the department manager should prepare a written report and discuss their findings with the Complaints Officer. ICRP's should make a note of their findings in the written report that is a product of their meeting and which is sent to the Complaints Officer. The Complaints Officer will integrate the findings and recommendations presented to them into an anonymized monthly report, and into an anonymized annual report as described below in the section titled "Ongoing Reporting of Complaints".

Category 4: Complaints Needing External Review

This Policy has been designed so that conflicts between a community member and the organization manifesting themselves as a complaint can be handled in a good way. To protect the community and the integrity of this Policy, a community member who believes their complaint has not been handled in a good way by NCFST can make a Complaint by way of External Review through the Child and Family Services Review Board of Ontario (CFSRB). Note that while it is suggested that a complainant first use



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the other methods of making a Complaint as outlined in this Policy before making a complaint to the CFSRB, they are not obligated to do so. In addition, a complainant may file a Complaint with the CFSRB even if they have an open and active Complaint underway with NCFST under this policy.

The CFSRB will consider hearing a Complaint by way of External Review if the organization:

- did not give you a chance to be heard when you raised your concerns
- did not give you a chance to be heard when decisions that affected your interests were made
- did not give you reasons for its decisions that affect your interests
- refused to proceed with your complaint
- did not follow its complaint review process or timelines

Also, if your Complaint with NCFST was heard and the review process is now complete, you can appeal to the CFSRB and ask them to review the decision made by the agency's ICRP.

If the CFSRB hears your complaint or appeal, some of the possible remedies include:

- Granting your application
- Dismissing your application
- Ordering NCFST to respond to your complaint
- Ordering NCFST to provide detailed written reasons for a decision they made
- Ordering NCFST to consider your complaint through its internal complaints process.

As the complaint process through the CFSRB is independent and separate from NCFST, community members are encouraged to contact the CFSRB directly for further information on how to file a complaint.

ONGOING REPORTING OF COMPLAINTS

It is very important that community members' complaints are reported and tracked, so that issues facing community members are better understood and addressed. With this information, management will be able to adjust policies and procedures to help minimize complaints in the future.

In light of this, within 4 days after a month-end, a report will be prepared by the Complaints Officer that summarizes all Complaints Needing Formal Review received



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during that period. If any systemic issues are made evident through this report, a plan on how those matters will

be addressed must also be prepared. A copy of this report will be forwarded to NCFST's Interim Leadership Circle, as well as to the Ministry of Children, Community, and Social Services (MCCSS) as required under the CYFSA.

Furthermore, at the conclusion of a fiscal year, the Complaints Officer will prepare an anonymized annual report that lists all:

- Complaints Needing Formal Review, Systemic Review, and External Review received, the outcomes, and the findings
- Actions taken by management throughout the current year in response to these Complaints from the prior year
- Trends, demographic data, and any other analysis deemed appropriate by the Complaints Officer

This report will be made public at NCFST's Annual General Meeting, and a copy will be published on the agency's website.

ANNUAL REVIEW OF THIS POLICY

At the end each fiscal year, with the assistance of the Complaints Officer, management will conduct a review of this Complaints Policy and will make adjustments as necessary.

PRIVACY AND CONFIDENTIALITY

The Agency shall ensure that all information collected pursuant to this Policy is used only for the purposes of this Policy as described, stored securely, and securely deleted when no longer required.

BREACH OF THE POLICY

Except as otherwise indicated, an Employee who violates this Policy may be subject to progressive performance management, up to and including termination of employment. Examples of actions that might violate this policy include ignoring complaints, rationalizing the situation or deflecting responsibility in order to discourage a complaint, retaliating against a complainant by restricting their access to programs and services, etc.



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FORMS

Formal Complaints (ICRP) Form – [Click Here](#)

Anonymous Complaints (ICRP) Form – [Click Here](#)

Formal Complaints (ICRP) Meeting Results Report Form – [Click Here](#)

Anonymous Complaints (ICRP) Meeting Results Report Form – [Click Here](#)

Formal Complaints (ICRP) Debriefing Form – [Click Here](#)

Anonymous Complaints (ICRP) Debriefing Form – [Click Here](#)

MCCSS Monthly Complaints Report Form – [Click Here](#)

MCCSS Annual Complaints Report Form – [Click Here](#)

RELATED POLICIES

Accessibility for Ontarians with Disabilities Act (AODA) Customer Service Standards Policy – [Click Here](#)

Privacy Policy – [Click Here](#)

Privacy Breach Policy – [Click Here](#)