

HAMILTON URBAN CORE COMMUNITY HEALTH CENTRE			
POLICIES PROCEDURES & GUIDELINES			
Section: D	ADMINISTRATIVE – Operational & Financial	Effective	2000
Policy Name:	Complaints and Allegations	Reviewed	2018
Issued to:	All Staff	Revised	2018
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6.0 COMPLAINTS AND ALLEGATIONS

6.1 General Principles

Clients, program participants and community members have the right to complain about Hamilton Urban Core programs, services, treatment, or care they have experienced.

The responsibility for handling complaints or allegations rests with the Executive Director.

Informal resolution of difficulties should be sought between the staff member or provider and the Complainant (whenever possible) before the formal procedures are put into place. The resolution of the complaint should be timely so as not to delay appropriate action for the Complainant or cause undue stress for the staff member.

It is assumed that the policy for complaints and allegations applies to staff involved in direct care or service and/or program provision either at the Centre or in the community.

6.2 Confidentiality

All complaints and investigations will be handled as confidentially as practicable and appropriate under the circumstances.

Hamilton Urban Core shall make every effort to safeguard the confidentiality of all records relating to complaints, including contents of meetings, interviews, results of investigations and other relevant material.

All records are subject to the provisions of the Freedom of Privacy Act.

6.3 Provincial Bodies Dealing with Health Care Issues

The College of Physicians and Surgeons of Ontario, the College of Nurses of Ontario and the Royal College of Dental Surgeons of Ontario, through their Complaints Committees, the Colleges investigate specific complaints about doctors, Registered Nurses, Registered Nurses' Assistants and dentists. The Committees are guided by the Health Disciplines Act. In addition, the Ontario College of Certified Social Workers and the Board of Directors of Physiotherapy exercise some disciplinary authority over their members.

Health Disciplines Board: This is a government appointed body which has a review process available both to Complainants and those health professionals governed by the Health Disciplines Act.

Civil Courts: Issues of negligence and malpractice are the responsibility of the Civil Court when lawsuits commence. Civil Courts may award damages. Generally speaking, the liability insurer for the particular health centre employing the health professional who is sued would appoint and instruct legal counsel to defend the lawsuit, and would pay for any settlement or judgment.

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6.4 Complaints to the Executive Director by Telephone or in Person

The Executive Director will determine if the Complainant has discussed their concern with the appropriate staff member. If not, the person will be encouraged to contact the staff, and if satisfaction is not achieved, return to the Manager for assistance. At the client, program participant or community members' preference and/or request, the Manager and/or Executive Director may be involved immediately.

If the Manager and/or Executive Director becomes involved, the staff member is notified of the complaint and asked for their comments regarding the issue. Usually the concern can be resolved by the Manager and/or Executive Director acting as a liaison between the staff member and Complainant.

If the issue is not resolved to the Complainant's satisfaction, the Executive Director, in his/her discretion, may engage the assistance of another professional from the Centre to review the case as an impartial advisor. A decision will be reached regarding the complaint and this will be orally communicated to the Complainant.

6.5 Complaints to the Executive Director by Letter

A copy of the letter will be forwarded to the staff member and he/she will be asked to contact the Executive Director with comments. A letter of acknowledgement will be forwarded to the Complainant within five (5) days of receipt of the letter of complaint.

If the Executive Director has not received a response from the staff member within five (5) working days, the staff member will be contacted and required to provide an immediate response. The Executive Director will review responses from the staff member. A decision will be reached and this will be communicated to the Complainant in writing.

The Executive Director may, in their discretion, inform or involve the Manager or the Board of Directors, particularly if the complaint represents a real or potential issue of liability for the Board.

The Executive Director is responsible for contact and follow-up with the Complainant. The onus is on the Complainant to take further action if not satisfied with the outcome.

6.6 Complaints in General

6.6.1 Discussion with a Staff Member

First, the Complainant should talk to a Hamilton Urban Core staff member as soon as there is a problem. They may choose to talk to the staff person over the telephone or in person. In most cases, talking over the concern with the staff member will result in a satisfactory solution. Depending on the nature of the complaint, staff may arrange for the Complainant to speak directly to the Executive Director.

6.6.2 Discussion with a Manager or Team Leader

Managers are responsible for various areas of the programs and services and communication amongst Team Members. If the Complainant is not satisfied after Step 1

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(6.6.1) they may ask to speak with a Manager directly, over the phone or ask to meet with him/her in person. The Manager will ask the staff what has already been done to resolve the problem. The Manager may ask the member of staff to be present at a meeting with the Complainant. Other people who have knowledge of the situation may also be asked for information. Within two weeks or 14 business days, the Manager will follow up and send a letter outlining the result of the meeting.

6.6.3 Discussion with the Executive Director

The Executive Director is responsible for the operation of the entire organization, reports directly to the Board of Directors and is responsible for all agency policies and practices. If a complaint is still not resolved after using step 1 (6.6.1) and step 2 (6.6.2), a meeting with the Executive Director may be requested. Before the meeting, the Executive Director will ask for a report from the staff members and/or Manager involved, outlining all the steps which have already been taken to resolve the problem.

6.6.4 Discussion with the Board of Directors

If the previous steps have not led to a satisfactory response, the Executive Director may arrange a meeting with representatives from the Board of Directors. Before this meeting, the Board members will be given a report from the Executive Director, which outlines all previous efforts. The meeting may be arranged with the whole Board or representatives of the Board of Directors. During the meeting, the Board will consider the complaint and discuss other possible solutions. Within four weeks, the Board will forward a letter outlining their decision.

6.7 Professional Misconduct / Incompetence / Incapacity

If sufficient evidence exists to indicate possible professional misconduct, incompetence, or incapacity, the Executive Director will:

- Inform the staff member that they are required to prepare a written report to the particular incident.
- Inform the staff member of his or her right to legal advice.
- Seek legal counsel regarding the incident.
- Inform the Board of the alleged incident and steps which have been undertaken, particularly where real or potential liability exists.

Following legal advice, a decision will be made on how to proceed with further investigation of the allegation. The Executive Director may choose to inform the staff member at his or her discretion.

In the event the incident calls into question the ability of the staff person to function competently, the person may be suspended from work by the Executive Director. Depending upon the circumstances, the suspension may be with or without pay during the period of question or investigation.

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Upon completion of all investigative procedures, depending on the outcome and the damages to the staff member, the Complainant or the agency, one of the following will be invoked:

1. Re-instatement of the staff member with or without restrictions,
2. Leave of absence for therapy,
3. Provision of therapy while on the job,
4. Relocation or Termination.

If the outcome is the termination of the staff member's employment, the Executive Director shall prepare a report and forward it within thirty days to the appropriate professional college.

6.8 Litigation and Insurance Coverage

Where the client, program participant or community member provides notice, oral or written, of an intention to commence a lawsuit against the Centre or any of its staff, the Executive Director shall be immediately informed.

Upon receipt of such information, the Executive Director shall (as soon as is possible) provide written notice to the Centre's insurer of the claim, or possible claim and forward the appropriate information to legal counsel.

A physician who is a member of the Canadian Medical Protective Association (CMPA) shall contact that Association, and a Nurse Practitioner who is a member of the Registered Nurses Association of Ontario (RNAO) shall contact that Association to inform them of a claim or possible claim.

All staff members are expected to co-operate fully in providing statements and any other information to the Centre insurer, the adjusters and its lawyers in respect of a claim.