

## FAMILY / GUARDIAN PROBLEM RESOLUTION OP 7.7

### POLICY STATEMENT

1. Community Living Dufferin takes all complaints seriously and as such shall provide a problem resolution process for families/guardians and others acting on behalf of a person supported that:
  - a. Provides a means for families/guardians and others acting on behalf of a person supported to deal expressly with problems they are experiencing and wish to resolve
  - b. Ensures they and their family member/the person supported by the Association, are not subject to reprisal or that their service will not be negatively impacted as a result of asking for help
  - c. Ensures there is no conflict of interest between parties expressing the concern and the staff member addressing the problem/concern
  - d. Ensures appropriate levels of investigation occurs during the problem resolution process
  - e. Is accessible
  - f. Allows the family/guardian/others acting on behalf of a person supported to seek and receive assistance during the process, from any person of their choosing
  - g. Provides clear steps to address problems
  - h. Includes an appeal process.
  
2. Community Living Dufferin will do everything it can to prevent any conflict of interest or any type of coercion/intimidation from impacting on the Problem Resolution process by:
  - a. Ensuring that the staff member involved in the resolution does not have a **direct** involvement in the, program or with person(s) involved in the complaint
  - b. Ensuring there are no external factors that may contribute to a conflict of interest with the staff member
  - c. Assuring people expressing a concern or providing feedback will not experience any type of intimidation or coercion during the process and if they do experience any negative impact , they can bring concerns forward to the Executive Director. If the concern is with the Executive Director, they may bring their concern forward to the chair of the Board of Directors.
  - d. If it is found that there is a conflict of interest, there will be an alternative staff member who will step in to facilitate the problem resolution process
  - e. If there is a complaint that there is coercion/intimidation from anyone within the Association directed to the person providing feedback or a complaint an investigation will be made into the allegations. If the allegation is found to be true the association will make efforts to protect the person and address the concerns with the person that was the source of the coercion/intimidation.
  
3. The family/guardian problem resolution process may be used to deal with problems that the family/guardian/others acting on behalf of a person supported feels he/she cannot resolve through regular channels and processes, such as:
  - a. Issues related to type and level of support services
  - b. Issues related to the implementation of Association policies.
  
4. The family/guardian problem resolution process may not be used by a third party to a problem.

5. The Association will not pursue any complaint that is found to be frivolous or malicious.
6. The Association will make this policy and related forms available to anyone requesting them.

## **PROCEDURES**

1. Where a family/guardian/others acting on behalf of a person supported has a problem he/she shall try to address it through the following regular channels using "Family Problem Resolution" policy OP 7.7 to guide them through the process:
  - a. Discussing the issue directly with the support staff
  - b. Discussions with the manager of the applicable program
2. Where the family/guardian has tried both of the above options and is unable to resolve the problem he/she may use the Family/Guardian Problem Resolution Process.
3. The Manager of the program where the problem has been identified will initiate the completion of the Family Problem Resolution Form (OP 1.4) and will ensure that the form is forwarded to the service director within 3 business days if the problem reaches that stage of the process.

### **Family / Guardian Problem Resolution Process**

The Steps of the Family/Guardian Problem Resolution Process are:

#### STEP 1: Consultation with the Service Director

1. A family member/guardian/others acting on behalf of a person supported who has a concern and who has been unable to resolve it through discussions with support staff, the Manager of the applicable program and the person's support circle, may discuss it with the Service Director who shall assist the family/guardian/others acting on behalf of a person supported to find a resolution to the problem.
2. The Director will, if necessary, review the concern and investigate any allegations in an effort to find resolution.
3. In the event that a resolution cannot be found, the Service Director shall ensure the family/guardian/others acting on behalf of a person supported is/are advised to proceed to the next step of the process.
4. Depending on the concern, they may be directed to step 2 (informal assisted Mediation) or step 3 First Stage Appeal. The next step in the process must be initiated within 10 business days from the completion of Step 1 in the process.

#### STEP 2: Informal Assisted Mediation

1. The family/guardian/others acting on behalf of a person supported and the other party(ies) to the dispute or problem shall meet face to face at a mutually agreeable time and in a location that provides for confidential discussion. Their discussion shall be facilitated by an Association employee trained in the seven elements of interest-based dispute resolution. These seven

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elements include: Relationship, Interests, Options, Legitimacy-Objective, Standards, Alternatives, Commitment.

2. The two parties, with the help of the facilitator, shall work to identify:
  - a. Any additional information that is needed to fully describe and understand the issue
  - b. Their own different interests and/or the different interests of other people involved or affected by the issue
  - c. The relationships that exist between themselves and among other people affected
  - d. Their own values pertaining to the issue and the values of other people affected
  - e. The resolution that is desired by the parties.
3. The family\guardian, other party(ies) and the facilitator shall schedule as many meetings as they deem suitable in an attempt to resolve the issue.
4. If the parties are unable to resolve the problem using informal assisted mediation they may refer the matter to the Executive Director for a binding decision.

### STEP 3: First Stage Appeal

1. If the parties concern has not been resolved either party may elect to appeal the matter to the Executive Director. The party(ies) to the problem shall make a verbal request to the Executive Director for assistance with resolution.
2. The Executive Director shall request such information as may be required to provide background to the problem.
3. The Executive Director shall ensure a meeting is scheduled with both parties within ten (10) business days of receiving the request or at another time mutually agreed by the parties.
4. The Executive Director shall hear the arguments of the party(ies) and shall issue a decision within seven (7) business days.
5. If the matter is resolved, the parties to the problem shall sign a memorandum of understanding. If the parties require time to consider the memorandum, they shall be allowed to study it for three (3) days before signing it.
6. If the matter remains unresolved, the parties shall be advised by the Executive Director that they may make a final appeal to the Appeal Committee.

### STEP 4: Final Appeal

1. The parties shall advise the Executive Director that they wish to appeal the problem to the Appeal Committee
2. The Executive Director shall, in consultation with the President, convene an Appeal Committee of at least two and not more than four board members. The Executive Director shall be a member of the Appeal Committee.

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3. The Appeal Committee shall meet with the parties within ten (10) days of receiving the request or such other time as mutually agreed.
4. The Appeal Committee shall render its decision within seven (7) business days of the meeting and forward it to the parties through a letter, email as agreed upon by the parties involved.

### Recourse to the Ministry of Community and Social Services

In the event that the family / guardian feel the problem remains unresolved to their satisfaction, they may discuss the matter with the Program Supervisor of the Ministry of Children, Community and Social Services. The Executive Director shall provide contact information if requested.

If at any time during the process the Association feels that police intervention is required they will report the concern to their local Police Service (ie suspected or alleged abuse or other actions that requires reporting as outlined in Ontario Regulation 299/10). In the event of police involvement all reporting requirements outlined by MCSS legislative guidelines must be followed.

If any complaint is deemed to be reportable under Regulation 299/10 the Association must ensure all appropriate documentation is completed and submitted using the Serious Occurrence Reporting Form (OP 6.6).

### Concern Review Process

All concerns and resolution outcomes will be reviewed to address any systemic issues found during the review process. Information stemming from this process will be taken to the leadership team to determine a process to address the issues.

## REFERENCE MATERIAL

OP 7.3 Appeals Process

## FORMS FOR USE WITH THESE PROCEDURES

OPF 1.4 Family Problem Resolution Form  
ADPF 7.1 Feedback and Concerns Form  
OPF 1.5 External Concerns/Feedback Tracking Form  
OPF 7.3 Appeal

Procedures Approved by Executive Director:	Policy Approved by the Board of Directors:
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