

# Complaints Management

## 1.1 Introduction to Policy

### 1.1.1 Guiding philosophy

Service excellence is a fundamental guiding principle of Family Justice Services Division (FJSD). A key to this approach is making sure an accessible and transparent complaint process is available. The following policy will guide the management of complaints regarding services provided by FJSD employees.

### 1.1.2 Principles

To encourage continuous improvement and service excellence within FJSD, this complaints process is governed by the principles of:

- **Accountability:** The complaints process is an important part of overall performance and quality improvement.
- **Consistency:** Our commitment is to treat parties respectfully and fairly, regardless of where service is being provided.
- **Timeliness:** All complaints will be dealt with in a timely manner, consistent with any timelines specified in policy.
- **Confidentiality:** When addressing complaints, the principle of confidentiality will be respected. Personal information relating to complaints will be kept confidential and will only be used for the purposes of addressing the complaint and any follow-up actions.

### 1.1.3 Access

Information regarding the process to submit a complaint will be available at Family Justice Centres and Justice Access Centres and will also be posted online.

### 1.1.4 Audience

This policy applies to the management of complaints from the public regarding the services provided by FJSD employees. Complaints made by employees are excluded from this policy.

### 1.1.5 **Allegations of employee misconduct**

Where the complaint concerns allegations of negligence or misconduct on the part of an employee, management of the complaint will be consistent with all relevant collective agreements, personnel policies and advice of the BC Public Service Agency (BCPSA).

### 1.1.6 **Policy limitations**

FJSD will not accept complaints related to:

- Actions or decisions of the judiciary;
- Actions of members of the Law Society;
- The outcome of a court hearing/process; or
- Services delivered by another agency.

## 1.2 **Informal Complaints**

Informal complaints involve minor incidents where resolution can be achieved informally by a staff member. Informal complaints will typically be made verbally. The goal of informal complaint resolution is to find a mutually agreeable outcome through discussion, education and, where applicable, repairing harms. Informal resolution is not available for complaints that:

- allege serious physical, emotional or psychological harm or significant financial loss to the complainant;
- allege violation of the complainant's dignity or privacy, or rights recognized by law;
- allege a breach of the public service standards of conduct; or
- in any other way is deemed by the local manager to require a formal investigation in order to maintain public confidence.

When staff are unclear about how a complaint should be managed (informally/formally), the local manager must be consulted. This may include instances where the client believes the relationship with the staff member has broken down.

Informal resolution is a voluntary process and will only be considered if the affected person consents to the process. The complainant can choose to go directly to the formal complaint process.

Where a complainant is not satisfied with the outcome of the informal resolution process, the complainant has the right to request a formal review of their complaint.

Whenever possible, resolution of informal complaints should occur within 15 business days of the complaint coming to the attention of FJSD.

### **1.3 Formal Complaints**

Complaints of a serious nature or complaints that cannot be resolved informally, or any complaint that gets escalated, will ordinarily be reviewed following the process below.

Where the formal complaint is initiated, the complaint can be submitted in writing to the local manager or designate. Staff may assist with writing the complaint if requested.

If the complaint is made verbally, staff will record a summary of the complaint.

#### **1.3.1 Accepting/dismissing complaints**

The local manager or regional director or FJSD headquarters (depending on the level of escalation) will make a preliminary determination to accept or dismiss a complaint.

A complaint may be dismissed for the following reasons:

- the allegations involved in the complaint is before the courts or the remedy sought would conflict with an order or decision of the court;
- the complaint involves a past employee;
- the complaint was submitted anonymously;
- the complaint is deemed to be vexatious; and/or
- the incident occurred more than 12 months before the initial complaint was received [exceptions to this timeline will be considered on a case-by-case basis].

If the complaint is not accepted, a written notification (if contact information is available) will be provided within 10 working days from the date the complaint is received and will include the reasons for non-acceptance.

Complaints by employees are excluded from this policy and will be managed by supervisors in consultation with the BCPSA, as necessary.

#### **1.3.2 Complaint response**

1. The local manager will contact the complainant to inform them that the complaint has been accepted and will be reviewed.
2. The local manager will obtain information from the staff member regarding the complaint, including a review of FIS notes.

3. The local manager will try to resolve the complaint through discussion, education and, where applicable, repairing harms.
4. Where the complaint involves VIND, the local manager of the VIND staff will deal with the complaint.
5. At the conclusion of the complaint review, the complainant will receive a clear and plain language explanation of:
  - How their complaint was responded to;
  - A response to each of the concerns/issues they raised in their complaint;
  - The reason the review of their complaint is concluding; and
  - Next steps the complainant can pursue if they continue to disagree with the outcome.
6. The complaint response format set out below is followed.

### 1.3.3 **Formal complaint resolution timelines**

The local manager will respond to the complainant within 2 business days to advise that the complaint has been received.

The complainant will be notified if the complaint is not accepted within 10 business days.

The review of the complaint will conclude within 20 business days.

Any review requiring an extension of the 20-day period will require written notification to the executive director with the reason and the anticipated time frame for completion.

### 1.3.4 **Complaint decision format**

The decision on a complaint is provided to the complainant in the following format:

1. **Summary of complaint:**
  - Summarize the issues as presented by the complainant; and
  - Identify issues that fall outside the scope of the investigation.
2. **Investigation process:**
  - Outline steps taken to address the issues; and
  - Identify materials reviewed and people interviewed.

### 3. **Findings:**

- Summarize results of the investigation in relation to the issues identified by the complainant; and
- Note policy section(s) and/or procedure(s) that have been referenced in addressing the issue, if applicable.

### 4. **Outcome:**

- Summarize the results of the findings;
- State actions that will be taken to address the issues that have been substantiated; and
- Conclude involvement and/or state the next steps for the complainant.

#### 1.3.5 **Complaint escalation**

If the complainant disagrees with the outcome, they may appeal to the regional director who will follow the complaint response above.

If the complainant disagrees with the outcome of the review by the regional director, they may submit their complaint in writing to the executive director of FJSD.

## **1.4 Documentation**

1. For all complaints, the following details should be recorded in FIS2 (the case management database system):
  - Name, date of birth (where available), contact information of complainant
  - Summary of formal complaint
  - Response provided by local manager, regional director, or executive director
  - Date of complaint and date of response
2. Complaint information recorded in FIS2 is to be kept confidential as per the Freedom of Information and Privacy Protection Act and is only accessible by management staff.
3. For formal complaints, a copy of the original complaint, and the outcome response to the client will be filed in the FJSD Complaints share drive.