



CHILD IN CARE

Legislation, CCAS Operational Policy, Procedures: 13:02:15 - Service Complaints of Children and Youth in Care

Active

CCAS OPERATIONAL POLICY

1. All children and youth in care have a right to raise concerns freely and safely about what matters to them and to be heard, respected and validated. They have a right to request a review and resolution to any concerns or issues related to the services provided to them by the Society. The Society is committed to actively working with children and youth in care to resolve identified issues in relation to service delivery.
2. This policy sets out the complaints procedures for children and youth in the care of the Society in accordance with the Child, Youth and Family Services Act. Society staff working with children and youth in care, foster parents and resource caregivers are required to follow the procedures to ensure that the children and youth in care are aware of their rights and of the complaints procedures should they have a concern related to the Society's services.
3. The complaint procedures described in this policy apply if the complaint is about violation of a child or youth's rights by Society's staff or internal foster homes and resources, and it is non-protection and does not require investigation. If the child or youth is placed in an Outside Paid Resources (OPR) and the complaint is about the violation of a child or youth's rights by the OPR, the OPR is responsible for conducting the complaint review.
4. If the complaint discussed in this policy involves matters regarding information and privacy management, conduct of a Society staff, services provided to or by Society's service providers (e.g. a foster parent, an adoptive parent), other Society's policies and procedures may be considered and/or applied in conjunction with this policy.

PROCEDURES

1. **Review of Complaints Procedures**
 - a. The placing and the child or youth's worker review with the children and youth in

care about their rights and responsibilities, including how to make a complaint both internally and externally, appropriate to their level of understanding. This includes their right to contact the Residential Placement Advisory Committee (RPAC) if they object to their current placement (Operating Document 13.05.03) and the Ontario Ombudsman for concerns about alleged violation of rights, and/or to seek the assistance of their lawyer or a support person. Please see also Operating Document 13:02:01 Rights and Responsibilities of Children and Youth in Care.

b. **Time intervals**

The worker reviews the rights and responsibilities and the complaints procedures at the following time intervals and documents the review in a contact log in the Child in Care case:

- i. At the time of placement and replacement;
- ii. Within 30 days after placement;
- iii. 90 days after placement;
- iv. 180 days after placement; and
- v. Minimally every 180 days thereafter.

c. **Lodging complaints**

The worker explains to the child or youth that:

- i. A complaint can be made **verbally or in writing**;
 - ii. A complaint can be made by **a child or youth themselves, their parent(s) or anyone acting on their behalf**;
 - iii. A verbal complaint may be made in the presence of other children or youth and the foster parent(s) or resource caregiver(s) in a placement, or in private to a worker, supervisor or manager, the foster parent(s) or resource caregiver(s), or the service provider or designate;
 - iv. If a written complaint is preferred, and if assistance is required, the complainant may seek support from the Society. A letter can be sent to the Executive Office of the agency, or by completing the form available on the Society's website.
- d. Within seven (7) days of the child or youth's placement, the worker informs the child or youth's parent(s) or the individual with lawful custody prior, or other individuals representing the child or youth that any concerns about alleged violations of rights may be expressed verbally or in writing to the foster parent(s) or resource caregiver(s), service provider, or a worker, supervisor or manager.

2. **Process**

a. **Receipt of complaint**

- i. When a staff receives a complaint, verbal or in writing, from a child or youth in care or from any other individual acting on their behalf, if the staff is not the child or youth's worker, the staff immediately forwards the complaint to the child or youth's worker or designate if the worker is not available.
- ii. If a foster parent(s) or resource caregiver(s) receives a complaint from a child or youth in their care, or from someone on behalf the child or youth, the foster parent(s) or resource caregiver(s) immediately notifies the child or

- youth's worker, or the covering worker if the child or youth's worker is not available. In situations where the foster parent(s) or resource caregiver(s) is unsure if the issue of concern raised by the child or youth constitutes a complaint, the foster parent(s) or resource caregiver(s) consults the worker.
- iii. If the complaint is received during non-office hours by a foster parent or an After Hours (AH) worker, the foster parent notifies AH of the complaint as soon as possible. The AH worker consults the supervisor and determines if any immediate actions need to be taken, and the complaint will be addressed by the daytime worker within the next business day following para.2(c) below.
 - iv. **Exception:** If the complaint is about a staff, the staff who received the complaint forwards the complaint to the reporting supervisor of the staff being complained about. If the staff who receives the complaint is the one being complained about, the staff forwards the complaint to the supervisor.
- b. **Acknowledgement**
Acknowledgement of the complaint needs to be provided to the complainant within 24 hours by:
- i. Child or youth's worker or designate;
 - ii. Child or youth's worker or staff's supervisor, if the worker or a staff is being complained about; or
 - iii. AH worker if the complaint is received through AH Services.
This does not apply if the complaint was made anonymously.
- c. **Consultation**
- i. Within 24 hours of receipt of the complaint, the child or youth's worker and/or the supervisor forward the complaint to Society's complaints supervisor for consultation.
 - ii. Representatives from other Services, such as Equity Services, Legal Services, Resource Services, Intake Services and/or others may be invited to the consultation as appropriate and as the circumstances required.
 - iii. In the consultation, the following is reviewed:
 - 1) Review and determine the **nature of the complaints** – violation of rights of children and youth in care, complaints that warrant child protection investigation, quality of care complaint against foster parent(s) or resource caregiver(s), and/or others;
 - 2) Determine **policies and procedures** to follow and course of actions based on the nature of the complaint;
 - 3) **Designation of staff** responsible for the complaint review and roles and responsibilities for follow up and debrief. The complaint should not be handled and responded by the staff of whom the complaint is made or who is involved in the complaint;
 - 4) Determine if any **immediate action** needs to be taken or if any support is required during the review process for the child or youth in care or the person making the complaint. This does not apply if the complaint was made anonymously;
 - 5) Determine about **informing the child or youth** of the complaint in the event that the complaint was made on behalf of the child or youth by

another individual and the child or youth may not be aware of the complaint lodged; and

- 6) Determine if a **serious occurrence** to the Ministry of Children, Community and Social Services and/or **notification to the Ontario Ombudsmen** is required. Please refer to Operating Document 10:01:07 Serious Occurrences and Contentious Issues for details.

3. **Providing Updates**

The assigned worker responsible for the complaint review follows the course of actions determined in the consultation to review the complaint and provides an update to the complainant regarding the status of the complaint at least **every 15 days** until the results of the review have been provided to the complainant, and when an update is requested by the complainant, and that the complainant understands the updates and/or results being provided. This does not apply if the complaint was made anonymously.

4. **Concluding Complaint Review and Resolution**

The following is completed within twenty-one (21) days of receipt of the complaint.

a. **Concluding the review**

Based on the complaint review plan developed in the consultation as described in para.2(c) above, the assigned worker gathers information from the child or youth and any other individuals as deemed necessary. Once sufficient information is gathered, the worker and the supervisor determine:

- i. Conclusions to the review as to whether the child or youth's rights have been violated;
- ii. Follow up actions, including informing complainant of the conclusion, setting up debriefing meetings, and determining timelines and roles and responsibilities; and
- iii. Recommendations and implementation plans to prevent same violation from recurring.

This may require further consultation with the complaints supervisor and/or other departments such as Equity Services, Legal Services, Resource Services, Intake Services and/or others to support decision making.

b. **Informing child or youth and/or complainant**

- i. The worker informs the child or youth in person unless not feasible, the complainant, if the child or youth was not the complainant, and any other individuals who as determined by the worker and the supervisor should be informed, of the conclusion of the complaint review.
- ii. In the same conversation, the worker reviews with the child or youth, the foster parent(s) or resource caregiver(s), and others where applicable, the rights of children and youth in care. The child or youth is advised of their rights to contact any individual(s) they wish, including their lawyer and/or the Ontario Ombudsman.
- iii. If the child or youth or the complainant if the complaint was not the child or youth does not feel that their complaint has been addressed to their satisfaction by the service team, at any time, they may request the Society's

Internal Complaints Review Panel (ICRP) to review their complaint. Please refer to Operating Document 10:01:06 Child Protection Service Complaints: Review and Resolution for details of review by the ICRP.

c. **Developing a resolution plan**

The worker, in collaboration with the child or youth, their caregiver(s) and other individuals where applicable, develops a resolution plan. The resolution plan addresses the specifics of the complaint, the right(s) that was/were violated, the steps required to address the situation, the individual(s) responsible for carrying out the identified tasks, and follow-up timeframe to ensure that the complaint has been resolved.

5. **Debriefing**

- a. At the conclusion of a complaint review and within seven (7) days, the worker responsible for the complaint review sets up debriefing meetings with the following individuals:
- i. The individual to whom the complaint relates and in the absence of any children or youth;
 - ii. The child or youth, who is the subject of the complaint or who made the complaint, and in the absence of the individual to whom the complaint relate. The child or youth may identify an adult and request the adult's presence as support person in the debriefing; and
 - iii. Any other children or youth who have witnessed the incident or conduct that gave rise to the complaint and they wish to participate in debriefing.
- For (ii) and (iii), the debriefing process must take into consideration of the age, level of understanding, psychological and emotional needs of the children and youth involved, and focuses on their experiences related to the complaint and their recommendations.
- b. The worker may, with the consent of the individual(s) the debriefing is set up for, invite another worker or individual to the debriefing meeting. For instance, if a child or youth's worker was not the worker assigned to review the complaint and this worker was not related to the complaint, consideration should be given to inviting this worker to the debriefing meeting involving the child or youth.
- c. If the circumstances do not permit the debriefing meeting to be held within the timeline, it must be held as soon as possible and the reason for the delays needs to be documented.

6. **Documentation**

- a. The followings are documented in a contact log with Purpose: Complaint – Child's Rights in the Child in Care case by the child or youth's worker or the AH worker, where applicable, the supervisor if the complaint is about a staff:
- i. Receipt of complaint: verbal or written; in case of a written complaint, it is documented in a contact log Contact log with Purpose: Complaint – Child's Rights and Complaint in Writing, and the written complaint received is attached following the Internal Attachment Management Document Roles;
 - ii. 24-hour acknowledgement; and

- iii. 24-hour consultation.
- b. Upon confirmation that the complaint is to be reviewed as a violation of the rights of a child or youth in the 24-hour consultation, the worker:
 - i. Adds the Non-Protection Legal Action: Child in Care Complaint (part II) in the Child in Care case; and
 - ii. Creates a “New Incident” is created under the “Issues and Proceedings” tab in the child or youth’s Person record.
- c. Upon conclusion of the complaint review and within thirty (30) days from the receipt of the complaint, the staff responsible for the complaint review completes the offline “Child in Care Complaint Process” form in consultation with supervisor and the form is to be approved by the manager. The form is uploaded to the “Incident” tab in the Person record of the child or youth as per the “Internal Attachment Management Document Rules” and a copy of the approved form is forwarded to the Society’s complaints supervisor.
- d. If the child or youth is placed in an Outside Paid Resources (OPR) placement and the complaint is about the services provided by the OPR, the OPR is required to review the complaint and provide a copy of their complaint report to the child or youth’s worker. The report is uploaded to the Incident in the child or youth’s Person record.
- e. If a child or youth under the care of another child protection agency is placed in an internal foster home and the alleged violation of the child’s rights is by the foster home, the Society needs to provide a copy of the approved “Child in Care Complaint Process” form to the placing agency.
- f. Please refer to “Child in Care Complaints and Quality of Care Workflow” that captures the Business Harmonization process involving the creation of an Incident record and all the required documentation to reflect the review of the complaint, actions taken, conclusion, and the debriefing sessions.

7. Policy Review and Reporting

As required by legislation,

- a. This policy including the written complaint procedures is required to be reviewed at least once every twelve (12) months to assess its effectiveness and the need for any changes;
- b. The complaints supervisor provides to the Ministry of Children, Community and Social Services a written report which analyses all the complaints pursuant to this policy received in the month prior and sets out the determination if any changes the Society requires to observe a child or youth’s rights in service delivery; and
- c. This policy is available to the public through the Society’s website and the complaints procedures are also published in the format of brochures for distribution to children and youth in care.

CROSS REFERENCES

CROSS-REFERENCES 

10:01:06 Child Protection Services Complaints Review and Resolution
10:01:07 Serious Occurrences and Contentious Issues
13:02:01 Rights and Responsibilities of Children and Youth in Care
13.05.03 Child's Right to Residential Placement Advisory
Ontario Regulation 155/18, s.22 Complaints procedure re residential care, placements, Ontario Regulation 155/18, s.23.1 Debriefing
Ontario Regulation 155/18, s.23.2 Reviews respecting complaints and complaints procedures

SUPPLEMENTARY DOCUMENTS:
ACCREDITATION STANDARDS: 

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