

Title: ADMINISTRATIVE COMPLAINTS POLICY	Policy Number: HR-0001.11
	Policy Area: CORPORATE
	Policy Approved By: Senior Leadership Team
	Effective Date: May 14, 2018

I PURPOSE

To set out the RHRA’s policy and procedure for addressing Administrative Complaints.

II APPLICATION

This policy applies to all RHRA staff members.

III DEFINITIONS

Administrative Complaint A written complaint or concern regarding the conduct of RHRA staff, RHRA policies and procedures, and/or the application of RHRA policies and procedures. Complaints that express dissatisfaction with a decision made by the Registrar, relate to an inspection finding, or that pertain to regulatory policy or legal interpretation, are not administrative complaints.

Minor Concern A complaint or concern that qualifies as administrative complaint in its orientation, but that has low severity will not be tracked as a formal Administrative Complaint. Concerns such as these will be characterized by being easily and/or quickly corrected; process oriented in nature; typically not involving issues related to staff member behaviour; and generally have a low severity of impact to the Complainant.

Respondent An RHRA staff member against whom an administrative complaint is received.

Complainant An external party or individual making a claim or charge against RHRA

VI POLICY

Guiding Principles

1. The following principles guide all decisions made under this policy.
 - a) *Compliance with reporting obligations* – following Administrative Complaints procedures supports the RHRA’s reporting on how administrative complaints are responded to and resolved, in accordance with [subsection 10\(7\) of the Memorandum of Understanding](#).

- b) *Fairness and consistency* – Administrative Complaints are dealt with according to the principles, criteria, and procedures set out in this policy in order to maintain fairness and consistency in decision-making.
- c) *Accountability* – All RHRA staff are expected to conduct themselves in accordance with RHRA policies and procedures, including the RHRA Code of Ethics. Administrative Complaints are to be taken seriously.
- d) *Confidentiality* – All personal, personal health, or privileged information collected by the RHRA in connection with an Administrative Complaint is kept confidential unless disclosure is permitted under this policy or otherwise required by law.

Identifying Potential Implications of an Administrative Complaint

- 2. Upon receipt, all Administrative Complaints are reviewed and assessed to identify potential implications as follows:
 - a) Human resources implications: the allegations may impact on a person’s employment relationship with the RHRA (i.e. disciplinary action) or affect the safety and well-being of anyone working for the RHRA.
 - b) Insurance implications: the allegations may trigger notification obligations or affect coverage under an insurance policy held by the RHRA.
 - c) Legal implications: the allegations may create legal exposure and/or the need to obtain legal advice.
 - d) Reputational implications: there may be publicity related to the Administrative Complaint or some aspect of it.
- 3. Where one or more of the above implications are identified, a more formal investigation may be required.
- 4. Complaints received that are considered Minor Concerns in accordance with the definition above will be dealt with by the responsible manager informally. Should new information be obtained during this process that would escalate the issue to an Administrative Complaint, the manager will be responsible for returning the matter to the Director, Human Resources in a timely fashion for review as an Administrative Complaint. The Director, Human Resources then determines whether the complaint remains a minor concern or becomes an administrative complaint.

Confidentiality, Timeliness and Record Keeping

- 5. All Administrative Complaints are kept confidential, with the following exceptions:
 - a) Where applicable, the staff member about whom an Administrative Complaint is made will be advised in order to fully and fairly review and respond to the allegations;
 - b) information provided by a Complainant may be shared with other RHRA staff members or with legal counsel for the purposes of investigating and resolving the Administrative Complaint; and
 - c) where necessary, other concerned parties are advised of the results of the review, to the extent that privacy and confidentiality considerations allow.
- 6. The Complainant and the Respondent are provided with a timely response about the outcome of the investigation as is reasonable in the circumstances, considering matters of privacy and confidentiality.

Exceptions to this communication may be made when appropriate. This may include, but not be limited to, matters where subsequent legal action may arise, where a complaint is abandoned or retracted during the process, or where the complaint is deemed frivolous or vexatious in nature.

7. The Director, Human Resources is responsible for maintaining a confidential database of all Administrative Complaints that documents how the RHRA responds to and resolves all Administrative Complaints. This information is used to report internally on complaint volumes, and to track open complaints to ensure completion, and as well to fulfil the RHRA's reporting obligations under the Memorandum of Understanding.

Accountability for Implementation

Primary responsibility for the implementation of this policy lies with the Director, Human Resources.

VII PROCEDURE

Receipt and Review of Administrative Complaint

1. Potential Administrative Complaints may be received by any staff member, and the mode of communication may arrive in any verbal or written format. An i-Sight record (for example, an Intake incident) may be created in the course of normal business interaction with the Complainant, but it is not mandatory to create an I-Sight record of the complaint.
2. The RHRA staff member will direct the potential Administrative Complaint to the manager of the Respondent, or to their own manager, if ownership for the issue is uncertain. If the Administrative Complaint is general in nature and does not relate to a specific employee, direct it to the functional manager who can best address the issue(s) raised.
3. Upon determining that the individual wishes to make a formal complaint, the Complainant will be directed to the Administrative Complaints process which requires the completion and submission of a complaints form. Anonymous administrative complaints will not be considered.
4. Once a completed Administrative Complaint form is received, it will be reviewed by the Director, Human Resources to assess whether the complaint meets the threshold for an Administrative Complaint or whether it is a minor concern or excluded for consideration under the Administrative Complaints policy.
5. For minor concerns, the manager of the Respondent (or functional manager in the case of general concerns) will be responsible for following-up on the matter as necessary to resolve the issue. This may include making inquiries of the Complainant and the Respondent and working with both parties to resolve the concern.
 - a) If during this initial process additional information is discovered that raises the evaluation of the severity of the matter, the matter should be referred to the Director, Human Resources for re-assessment as a potential Administrative Complaint.
 - b) If no information is found to escalate the concern, and the manager is able to address the concern, she/he should do so and close the matter. No additional tracking is required beyond notes in the applicable i-Sight case file as to the action(s) taken.

6. If a matter meets the criteria for an Administrative Complaint, any related i-Sight records will be updated to indicate the referral as such, and will be closed in i-Sight, as appropriate.
 - a) If deemed as an Administrative Complaint, a file will be opened, and the complaint will be logged in the Administrative Complaints Tracking File.
 - b) A communication will be sent to the Complainant providing the file number and an estimate of the anticipated time within which an investigation will be conducted and a response will be provided.
7. If the complaint falls outside of the scope of the Administrative Complaints policy, the complainant will be directed to the appropriate feedback mechanism.

Investigation

8. The complaint will be assessed by the Director, Human Resources for potential implications and the appropriate investigative process determined, including the appropriate staff to be involved (e.g. involving the RHRA's human resources department). In rare circumstances it may be appropriate for the RHRA to contract to an independent investigator. The Director, Human Resources will make this determination in consultation with the General Counsel and CEO/Registrar. Note that each situation may be unique, and the scope of the investigation will be tailored to the particular circumstances.
9. Where applicable, the staff member identified as part of the complaint will be notified. Such notification may be delayed when appropriate if additional information is being sought as part of the initial stages of investigation. When appropriate, the RHRA may take steps to prevent further interaction between the staff member and the Complainant as a precautionary measure pending the resolution of the Administrative Complaint.

Decision, Follow-up, and Record Keeping

10. The Director, Human Resources or assigned designate will determine the outcome of the investigation in accordance with the principles set out in this policy.
11. The Director, Human Resources or assigned designate will notify the Complainant and the Respondent of the outcome in a timely manner. This notification will normally be in written form.
12. As part of the decision, action items may be identified for follow-up (e.g. correction of errors, staff training, employee discipline). The Director, Human Resources or assigned designate will be responsible for assigning to relevant staff and their managers any internal follow-up, and documenting its completion where appropriate.
13. The Director Human Resources or assigned designate will complete the storage of relevant documents, and ensure the Administrative Complaints Tracker is updated. The file should include the Administrative Complaint, a summary of the investigation (or a record of the formal investigation), the outcome, and a record of the RHRA's notification to the Complainant and Respondent.

Process Diagram and Form

See attached Appendix A for Process Diagram.

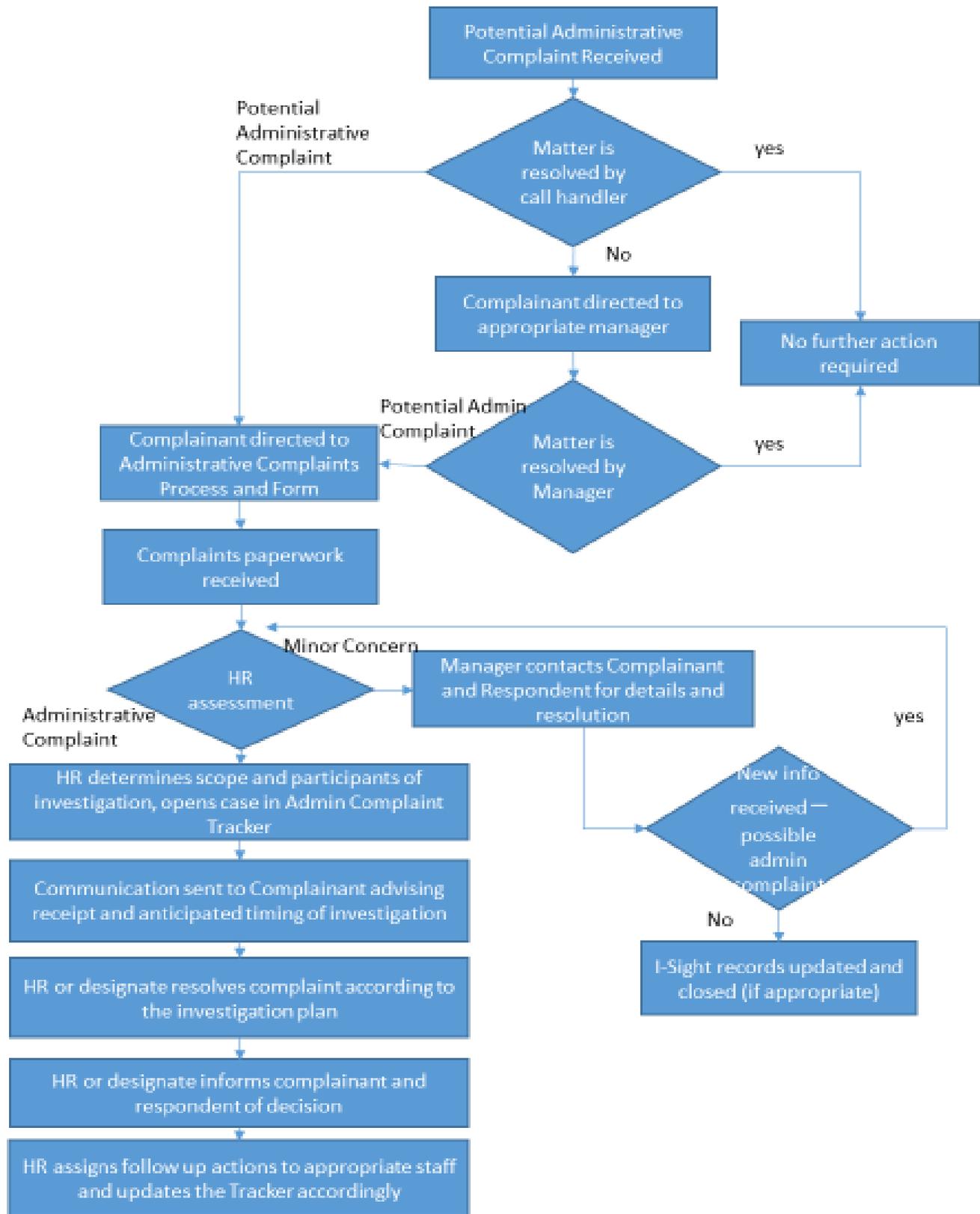
See attached Appendix B for Complaints Guideline and Form

Document Approvals:

Approver Signature	Approver Title	Approval Date
	CEO/Registrar	May 2018

Document Change History:

Date	Description
November 2017	Initial release of document
September 2018	Updated to reflect Director Human Resource as owner



Administrative Complaints Guidelines and Form

What constitutes an Administrative Complaint?

An Administrative Complaint is a complaint regarding:

- The conduct of RHRA staff
- RHRA policies and procedures, and/or
- The application of RHRA policies and procedures

This form should not be used for complaints related to the results or outcomes of an inspection, dissatisfaction with a decision made by the Registrar, or that pertain to regulatory policy or legal interpretation.

For other matters that are not within the RHRA's mandate, our staff may be able to provide you with information about other possible sources of help or assistance.

Some issues the RHRA does not oversee:

- Employer/employee relationships – the RHRA does not have the authority to mediate workplace disputes or to terminate employees in a home. For more information about employee rights contact the [Ministry of Labour](#) or the [Human Rights Tribunal of Ontario](#).
- Rent rebates, notification periods, and evictions. The RHRA does not have the authority to provide financial compensation to residents, families or complainants in these matters. For more information contact the [Landlord Tenant Board](#).
- Power of Attorney disputes. Contact the [Ontario Public Guardian and Trustee](#)

How do I file an Administrative Complaint with the RHRA?

All complaints must be submitted in writing by completing the [RHRA Administrative Complaint Form](#) and send it to:

fax: 1-888-631-0170

mail: 55 York Street, Suite 700, Toronto, ON M5J 1R7

email: info@rhra.ca

If you need help submitting a complaint or have any questions about the process, call us at 1-855-275-7472.

While Administrative Complaints may not be submitted anonymously, all Administrative Complaints will be kept confidential, with the following exceptions:

- Where applicable, the staff member about whom an Administrative Complaint is made will be informed
- For investigation and resolution purposes, information provided by you may be shared with other RHRA staff members or with legal counsel; and
- As necessary and to the extent that privacy and confidentiality considerations allow, other concerned parties may be advised of the results of the review.

What can you expect after submitting a complaint?

The RHRA will process your complaint as quickly as possible. Once received, your complaint will be reviewed and assessed to determine next steps. You may be contacted to discuss your complaint in more detail. Your complaint will be given a file number and we will provide you with information regarding the anticipated timeline for investigation and resolution. Please note that each situation may be unique, and the scope of the investigation will be tailored according to the particular circumstances.

ADMINISTRATIVE COMPLAINT FORM

Please complete the following form. If you have questions or require assistance to complete the Administrative Complaint Form, contact the RHRA at 1-855-ASK-RHRA (1-855-275-7472) and speak with a Client Services Representative.

Section 1: Complainant Information

Name: _____

Mailing Address: _____

Phone Number: _____ Email Address: _____

Please indicate best time and manner in which to contact you: _____

Section 2: Details of Complaint (Please add additional pages as needed)

Please describe your complaint below including the information requested below:

- a) Please provide a one-paragraph summary to tell us about your complaint (if applicable, attach supporting documents – copies only)
- b) Please provide a chronology of the events of your complaint, referencing supporting documents specific to the actions and conduct of the RHRA or its representative(s)
- c) Please provide a description of any efforts you have made to resolve this matter
- d) Please state what you hope will happen as a result of your complaint

Section 3: Acknowledgement, Consent & Signature

If you have any questions about how to file your complaint, please call 1-855-275-7472. Please note that we cannot discuss your situation in detail or any resolution until after a complaint form has been submitted.

I have read and I understand the following:

- I have attached copies of documents that relate to my complaint.
- I am filing the complaint for investigation and consideration by the RHRA and not for personal gain or any other purpose.
- I have attached copies of documents that relate to my complaint.
- I understand that all of the information that the RHRA receives from me and from other parties in the course of the investigation of this complaint may also be provided to the named RHRA representative(s).

Date Signed

Signature of Complainant

Completed forms may be mailed/faxed or emailed to:

Retirement Homes Regulatory Authority
Attention: Administrative Complaints Intake
55 York Street, Suite 700
Toronto, ON MJ5 1R7
Fax: 1-855-631-0170
Email: info@rhra.ca