

May 2020

**Retirement Homes Regulatory Authority  
Response Regarding the RHRA 2019 Risk Officer Annual Report**

**Introduction**

Nav Sandhawalía was appointed as Risk Officer in March 2018. The Risk Officer reports to the Board of Directors and exercises an independent role in assessing the effectiveness of the RHRA’s administration of the Retirement Homes Act, 2010, and O. Reg. 166/11.

The Board accepted the Risk Officer’s annual report in December 2019. The report focused exclusively on RHRA’s Complaints Process.

As outlined in Section 82 of the Act, RHRA has developed a process for handling complaints that the Registrar receives about an alleged contravention of a requirement under the Act with response to a retirement home. The Complaints Process is made available to residents, families of residents, or others who believe that aspects of the Act have been contravened.

In developing the report, the Risk Officer review included discussion with RHRA management and staff, the Complaints Review Officer, a number of retirement home operators and complainants.

The Board commends Mr. Sandhawalía for his work and welcomes his report which provides opportunity for further continuous improvements within RHRA to advance the safety and protection of retirement home residents.

The Board notes that management has advised that work is planned and currently underway or complete to address recommendations in the Risk Officer’s Annual Report. However, the organization’s prioritization of COVID-19 response activities has necessarily resulted in the delay of some of this work.

Risk Officer Annual Report 2019 Recommendations	RHRA Response to Risk Officer Annual Report
<p>1. Consider developing ‘internal use only’ service level targets for the Complaints Process. The targets should be based on an assessment of risk and complexity of each type of complaint as these variables significantly impact the time required to complete the various phases of the Complaints Process. These internal targets will, in-part, help RHRA management assess resource needs and manage complainant expectations with regard to turnaround times.</p>	<p>The RHRA has formed a project team to review, update and enhance the complaints process in support of continuous improvements. A number of strategies have been identified and are currently in development. These strategies align with the Risk Officer recommendations and will be implemented throughout 2020-21.</p> <p>This includes the development of a policy that will define triage principles and set internal service level targets. This will support the RHRA in maintaining clear, structured organizational protocols for its internal complaints process.</p>
<p>2. RHRA should consider opportunities to work with the operator / home and complainant to mediate both complaints that contravene the Act and</p>	<p>The RHRA has been working with homes and complainants to mediate complaints that are relevant to compliance with the Act. Work is underway to develop a more</p>

<p>those complaints that do not contravene the Act. Mediation should focus on trying to resolve those issues for which the complainant has already endeavoured to resolve the issue through the home’s Complaints Process. This suggested approach also ties back to subsection 84(3) of the Act, which affords the Registrar to, amongst other actions, attempt to ‘mediate or resolve the complaint’.</p>	<p>formalized mediation process that takes an expansive view of what issues pertain to compliance with the Act i.e. issues of significance to the welfare of residents. This includes the development and implementation of a policy that defines mediation strategies, principles, eligibility criteria, and promotes mediation and resolution of complaints where appropriate. Implementation is expected in early 2021. These activities align with the Risk Officer recommendations and will support complainants and homes understanding and confidence in the dispute resolution process for complaints.</p>
<p>3. Formalize guidelines for which the complainant is contacted on regular intervals throughout the Complaints Process. This will help complainants feel as though their concerns are being appropriately reviewed and will in-turn reduce their anxiety and frustration. This proactive outreach may require additional resource time; however, it will increase complainants’ satisfaction of the Complaints Process.</p>	<p>The RHRA has updated its process guidelines to include contact with complainants on regular intervals throughout the complaints process. This includes contact with the complainant during initial review of the complaint to verify our understanding of their concerns and after relevant inquiries have been made with the Home and/or an inspection has been conducted, to discuss findings.</p>
<p>4. Consideration should be given to enacting a Deputy Registrar who, at minimum, is able to make decisions on certain complaints. Parameters should be developed which guide the types of complaints on which the Deputy Registrar can opine. This analysis should take into account, amongst others, the risk and complexity of the complaint. This suggestion may also help improve the turnaround time for some types of complaints given the shared workload between the Registrar and Deputy Registrar. It should be noted that section 23.1 of the Act allows for the RHRA Board of Directors to appoint a Deputy Registrar.</p>	<p>The RHRA agrees with this recommendation and it will review options for implementation as part its ongoing evaluation of the organization and capacity planning.</p>
<p>5. Consideration should be given to whether anonymous complaints, based on credibility and a risk analysis, should be followed-up. This may include, reaching out to the complainant or inspecting a home. Depending on the particulars of an anonymous complaint, there also may be an opportunity to re-direct the issue to another process within the RHRA (e.g. tips).</p>	<p>The RHRA receives anonymous complaints, where the complainant is known to the RHRA but do not want their identity revealed to the licensee. The RHRA’s current practice is to act on these complaints to the extent we can without compromising the anonymity of the complainant. It should be noted that the RHRA currently does seek opportunities to re-direct issues to other RHRA processes such as inquiries and mandatory report inspections as appropriate based on the nature and severity of the issues.</p>
<p>6. Develop parameters to guide how complaints are pursued in those situations where the complainant is, or has become, non-responsive. This should include an assessment of risk and complexity of the complaint. This will help alleviate some resource constraints, while still allowing the RHRA to focus on those complaints which are higher risk.</p>	<p>The RHRA agrees that parameters to guide how complaints are pursued in situations where the complainant is non-responsive should be developed and will be considered as part of future work on complaints process.</p>
<p>7. Evaluate opportunities to incorporate the contextual feedback from complaints for the benefit of consumers, in addition to assessing how the</p>	<p>To benefit consumers, the RHRA implemented a complaints transactional survey in January 2020. This anonymous survey allows individuals who interact with the RHRA an</p>

<p>Complaints Process can inform the broader risk assessment of an operator or home. Both of these recommendations help to better meet the Fundamental Principle of the Act, which includes ensuring residents live ‘in security, safety’ and ‘can make informed choices’. Furthermore, RHRA should consider the value of including information obtained during the Complaints Process to inform educational outreach.</p>	<p>opportunity to let us know how we’re doing and what we could be doing better. Survey feedback is used to support continuous improvements and inform our educational outreach.</p> <p>The RHRA agrees that we should assess how complaints process can inform our broader risk assessment and will evaluate opportunities as part of our work in 2021.</p>
<p>8. Enhance the ease of use in relation to the Complaints Process. In particular, consider developing a more robust ‘self-help’ online presence which consumers can use as an initial tool to help resolve their issue. This approach would help guide consumers as to how their concerns could best be resolved and may eliminate some of the complaints which are submitted to the RHRA. Privacy and consent would have to be considered, but the RHRA may also consider whether there is an opportunity to refer individuals to relevant 3rd parties which can better address their concerns / issues (e.g. relevant health college for Regulated Health Professionals).</p> <p>Additionally, the RHRA should consider how complaints can be submitted via various channels, including phone and other electronic means. It is acknowledged that for legal purposes this initial intake may require a subsequent written consent form.</p>	<p>The RHRA has enhanced its website to include more consumer self-help tools and resources (e.g. resources to support informed decision making when selecting a retirement home). The RHRA is currently developing a plain-language complaint form that will be available in late 2020. The new form will include user-friendly instructions and be AODA compliant. The RHRA will continue to develop additional tools and resources to help guide consumers on how best to resolve concerns, as part of our work in 2021.</p> <p>The RHRA is reviewing our ability to make referrals to health regulatory colleges. For example, in 2019-20 the RHRA has been engaging and working with the College of Nurses of Ontario to seek opportunities for collaboration. Work on this initiative will continue through 2021-22.</p> <p>In addition, the RHRA will be reviewing opportunity to have complaints submitted via various channels, as part of our future work in 2021-22.</p>