

FIFE HOUSE
POLICIES, STANDARDS AND GUIDELINES – ALL PROGRAMS

PROGRAM – Client Bill of Rights & Complaint Procedures

Section: 13.07

Subject: Overview

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Policy Rationale

Fife House receives funding from the Toronto Central Local Health Integration Network (TCLHIN), the Ministry of Health and Long-Term Care (MOH-LTC), and must comply with certain requirements under the Long-Term Care Act, 1994 and subsequent legislation Excellent Care for All Act, 2010. Under those Acts, Fife House must adopt and provide clients with a copy of a Client Bill of Rights, inform clients about the services that Fife House provides, and adopt a complaints policy and make clients aware of that policy. Fife House must also log client complaints, and report information about client complaints to the TCLHIN and MOH-LTC.

Fife House also receives funding from the AIDS Bureau – MOH-LTC. Under the Ministry Expectations – AIDS Service Organizations, each funded agency must have a complaints policy.

Fife House also receives funding from the City of Toronto, Community and Neighbourhood Services, Shelter, Housing & Support division. The City of Toronto publishes Shelter Standards, which apply to some Fife House programs. Under the City of Toronto - Shelter Standards, Fife House is required to have a client complaints and appeals policy, inform clients of the complaints and appeals process, and record complaints and outcomes in writing.

This policy describes and outlines the formal complaint policy that is available to clients after they have sought and attempted unsuccessfully to find informal resolution to program service complaint.

Definitions and Application

For the purposes of policies 13.07 to 13.13, the word “client” means those people who receive “community services” from Fife House. Under the Act, a “community service” means: (1) community support services; (2) homemaking services; (3) personal support services; or (4) professional services.

The word “client” includes people who access services at the residential programs of Fife House [Denison and Scattered Sites, Sherbourne Transitional Housing Program], and people who access community services provided by Fife House [Jarvis, Sherbourne Apartments, Complex Care Program, Addictions Supportive Housing] and anyone else who accesses “community services” as defined by the Long-Term Care Act, 1994 and the Excellent Care for All Act, 2010.

The word “client” does not apply to people who use the services of the Homeless Outreach Program or Coordinated Access Program since those programs do not provide “community

services” under the Act(s). Where specifically indicated, however, these policies apply to people who use the Homeless Outreach Program and Coordinated Access Program.

This policy also is applicable to both provincially supported programs – Ontario HIV and Substance Use Training Program (OHSUTP) and the AIDS Bereavement and Resiliency Program of Ontario (ABRPO).

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Overview of Policies

Policies 13.07 to 13.14 are intended to guide Fife House staff and to ensure that Fife House complies with these requirements of the Long-Term Care Act, 1994 and Excellent Care for All Act, 2010 as follows:

- 13.07 Overview
- 13.08 Client Bill of Rights
- 13.09 Informing Clients about Fife House Services
- 13.10 Initiating Client Complaints
- 13.11 Client Complaints Procedure
- 13.12 Logging Client Complaints
- 13.13 Reporting Client Complaints

Plain language information sheets must be provided to clients. These information sheets set out in a concise manner the information in policies 13.07 to 13.13.

Staff members who have questions about policies 13.07 to 13.13 should contact the Director of Residential Programs and/or the Director of Community Programs.

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The Client Bill of Rights applies to Fife House clients, and to people who access the services of the Homeless Outreach Program and Coordinated Access.

Fife House is a “service provider” under the Long-Term Care Act, 1994 and Excellent Care for All Act, 2010. As a service provider, Fife House must adopt the Client Bill of Rights that is set out in the Act.

All Fife House clients must receive a copy of the client Bill of Rights at the time they sign a tenancy agreement, or at the time the client first accesses Fife House services.

A copy of the Client Bill of Rights must be posted in a common area in all Fife House program sites, as well as the head office.

The text of the Fife House Bill of Rights is below:

“Fife House Client Bill of Rights

Fife House shall ensure that the following rights are fully respected and promoted:

1. A person who receives services from Fife House has the right to be dealt with in a courteous and respectful manner and to be free from mental, physical and financial abuse by Fife House staff and volunteers.
2. A person who receives services from Fife House has the right to be dealt with in a manner that respects the person’s dignity and privacy and that promotes the person’s autonomy.
3. A person who receives services from Fife House has the right to be dealt with in a manner that recognizes the person’s individuality and that is sensitive to and responds to the person’s needs and preferences, including preferences based on ethnic, spiritual, linguistic, familial and cultural factors.
4. A person who receives services from Fife House has the right to information about the community services provided to him or her and to be told who will be providing the community services.
5. A person applying for services from Fife House has the right to participate in the assessment of his or her requirements. A person who is eligible for Fife House services has the right to participate in development of his or her plan of service, the review of his or her requirements and the evaluation and revision of his or her plan of service.
6. A person has the right to give or refuse consent to the provision of any Fife House service.

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7. A person receiving a service from Fife House has the right to raise concerns, make complaints or recommend changes in connection with the service provided to him or her. He or she also has the right to raise concerns, make complaints and recommend changes in connection with policies and decisions that affect his or her interests without fear of interference, coercion, discrimination or reprisal. Fife House shall direct the person to the appropriate Fife House staff member, government officials or any other person in order to raise concerns or recommend changes.

8. A person receiving a Fife House service has the right to be informed of the laws, rules and policies that govern the operation of Fife House and to be informed in writing of the procedures for initiating complaints about Fife House services.

A person receiving Fife House services has the right to have his or her records kept confidential in accordance with the law.”

The following additional items apply only to the Fife House clients living at one of the residential programs– Denison and Scatter Sites, the Sherbourne Transitional Housing Program:

1. A person receiving services at a residential program has the right to expect that the City of Toronto - Shelter Standards will be followed.

2. A person receiving services at a residential program has a right to have forms and requests for information explained individually.

3. A person receiving services at a residential program has the right to receive visitors at reasonable times and in accordance with the program and house rules.

4. A person receiving services at a residential program has the right to be fully informed of the reasons for any decision affecting/her/his rights and privileges.

To make a complaint about a Fife House service, employee or volunteer, you must contact the Case Coordinator. If your complaint is about the Case Coordinator, you can contact the Director of Residential Program. If your complaint is about the Director of Residential Programs, you can contact the Executive Director. If your complaint is about the Executive Director, you can contact the President of the Board of Directors. To find out how to contact the appropriate staff person or President of the Board, speak to any Fife House staff member or volunteer.

* The Fife House Client Bill of Rights has been adapted from the Bill of Rights contained in section 3 of the Long-Term Care Act, 1994.

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This policy does not apply to people accessing the services of the Homeless Outreach Program or Coordinated Access Program.

For the purpose of this policy, “services are begun” when a client signs a tenancy agreement with Fife House OR when a client first accesses services if the person is not in a landlord-tenant relationship with Fife House.

Fife House must provide clients with the following information at the time services are begun:

- list of services and amount of services to be provided to the client;
- instructions for receiving or using services, e.g. hours of service, instructions for accessing community transportation services;
- agency policy for service eligibility, amount of service and for ending service;
- the Client Bill of Rights by giving the client a full copy of the Bill of Rights as written in Policy 13.08 (Client Bill of Rights),
- section 9.06 of the Fife House Policies regarding harassment and discrimination;
- agency contacts to raise concerns, make complaints or recommend changes (either verbal or written), and
- information as to how to initiate an appeal within the agency about services provided, and if necessary, an appeal to the Health Services Appeal and Review Board (HSARB). This information should include the type of issues that are appealable to HSARB and those that are not.

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This policy applies to clients and to people who access services of the Homeless Outreach Program or Coordinated Access Program.

This policy describes and outlines the formal complaint policy that is available to clients after they have sought and attempted unsuccessfully to find informal resolution to program service complaint.

Definition of Complaint

For the purposes of Policies 13.07 to 13.13, a “complaint” is defined as negative feedback expressed either verbally or in writing to a Fife House employee or volunteer by a client or person who accesses services of the Homeless Outreach Program or Coordinated Access Program. For greater clarity:

- A statement of concern or a statement of a problem **shall be** considered a complaint.
- A request for information **is not** a complaint.

Contact Person for Initiating a Complaint

Only a Case Coordinator may accept a complaint under Policies 13.07 to 13.13.

A client or person who accesses services of the Homeless Outreach Program who has a complaint should be directed to the Case Coordinator responsible for the program where the complainant is accessing Fife House services. If the complaint relates to the Case Coordinator, then the complainant must be directed to the Director of Residential Programs. If the complaint relates to the Director of Residential Programs, then the complainant must be directed to the Executive Director. If the complaint relates to the Executive Director, then the complainant must be directed to the President of the Board of Directors.

Every copy of the Client Bill of Rights given to a client or posted in a Fife House program must contain the following text: “To make a complaint about a Fife House service, employee or volunteer, you must contact the Case Coordinator. If your complaint is about the Case Coordinator, you must contact the Director of Residential Programs. If your complaint is about the Director of Residential Programs, you must contact the Executive Director. If your complaint is about the Executive Director, you must contact the President of the Board of Directors. To find out how to contact a Case Coordinator, the Director of Residential Programs, the Executive Director, or the President of the Board of Directors, please speak to any Fife House staff member or volunteer.”

Complaint Form

A client or person who accesses services of the Homeless Outreach Program or Coordinated Access may make a complaint in writing or verbally.

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Where a Case Coordinator is aware that a client or person who accesses services of the Homeless Outreach Program or Coordinated Access may wish to make a complaint, the Case Coordinator shall advise the complainant that he or she may use the Fife House Client Complaint Form.

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Types of Complaints

Under the Fife House Bill of Rights, clients or people who access services of the Homeless Outreach Program or the Coordinated Access have a right to file complaints about any of the following:

1. A decision that the person is not eligible to receive a Fife House service.
2. A decision to exclude a particular Fife House service from the person's plan of service.
3. A decision respecting the amount of any particular Fife House service to be included in the person's plan of service.
4. A decision to terminate the provision of a Fife House service to the person.
5. The quality of a Fife House service provided to the person or arranged for the person by Fife House.
6. An alleged violation by Fife House, its employees and volunteers of any of the person's rights set out in the Fife House Client Bill of Rights.

Procedure for Complaints Under #1, #2, #3 and #4 above

The following procedure applies to clients and to people who access the services of the Homeless Outreach Program. However, people who access the services of the Homeless Outreach Program do not have the right to make an appeal to the Health Services Appeal and Review Board, but may make an appeal to the funder of that program.

Step One

A client may make a complaint to a Case Coordinator verbally or in writing.

The Case Coordinator must forward any complaint to the Executive Director within 24 hours of receiving the complaint.

Where a Case Coordinator receives a complaint in writing and the complaint is not dated, the Case Coordinator must indicate on the complaint the date that it was received.

Where a Case Coordinator receives a complaint verbally, the Case Coordinator shall write down the complaint, and verify the substance of the complaint with the person who has made the verbal complaint. The Case Coordinator shall offer the client the choice of having the complaint

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recorded on the Fife House Client Complaint Form, or transcribe the client's account of the complaint. The Case Coordinator must indicate on the complaint the date that it was received. A client may withdraw a complaint in writing at Step 1; however, the agency reserves the right to continue investigating the complaint.

Step Two

The Executive Director must appoint a committee of no more than three Fife House staff members to investigate and respond to the complaint. The following staff members may be part of the committee appointed by the Executive Director: the Executive Director, the Director of Residential Programs, the Director of Community Programs, the Director of Ontario HIV and Substance Use Training Program, or a Case Coordinator. In no case shall a person who is directly implicated in a complaint be appointed to the committee.

A client may withdraw a complaint in writing at Step 2; however, the agency reserves the right to continue investigating the complaint.

Step Three

Within 60 days after a complaint is received, the committee shall review the complaint and respond in writing to the person who made the complaint, or if the person to whom the decision relates is mentally incapable, to the person who is lawfully authorized to make a decision on his or her behalf, and will indicate the materials reviewed and the reasons for its' finding. The committee shall:

- (a) affirm the decision
- (b) rescind the decision; or
- (c) rescind the decision and substitute a new decision in its place.

A client may withdraw a complaint in writing at Step 3; however, the agency reserves the right to continue investigating the complaint.

Step Four

A client, or person who is lawfully authorized to make a decision on his or her behalf, who receives a written decision within 60 days from the date the complaint was received may appeal the original decision, or the new decision of the committee, to the Health Services Appeal and Review Board. A person accessing services of the Homeless Outreach Program or person who is lawfully authorized to make a decision on his or her behalf, who receives a written decision

within 60 days from the date the complaint was received may appeal the original decision or the new decision of the committee to the funder and will be given the contact information for the appropriate Agency Review Officer of the City of Toronto.

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A client, or a person who is lawfully authorized to make a decision on his or her behalf, who has not received a written decision within 60 days from the date the complaint was received may appeal the original decision or the lack of a timely decision by the investigating committee to the Health Services Appeal and Review Board. A person accessing services of the Homeless Outreach Program or person who is lawfully authorized to make a decision on his or her behalf, who has not received a written decision within 60 days from the date the complaint was received may appeal the original decision or the lack of a timely decision by the investigating committee to the funder and will be given the contact information for the appropriate Agency Review Officer of the City of Toronto.

Within 60 days after receiving a complaint, the Case Coordinator shall provide the client, or a person who is lawfully authorized to make a decision on his or her behalf, with the contact information for the HIV & AIDS Legal Clinic (Ontario) or another community legal clinic, and advise the client of his or her right to seek legal advice about his or her rights under the Long-Term Care Act, 1994 and Excellent Care for All Act, 2010.

Step Five

A client who wishes to appeal an original decision, or a new decision of the committee, shall give the Health Services Appeal and Review Board a notice requiring a hearing.

Procedure for Complaints Under #5 and #6 above

The following procedure applies to clients and to people who access the services of the Homeless Outreach Program.

Step One

A client or person accessing services under the Homeless Outreach Program may make a complaint to a Case Coordinator verbally or in writing.

The Case Coordinator must forward any complaint to the Executive Director within 24 hours of receiving the complaint.

Where a Case Coordinator receives a complaint in writing and the complaint is not dated, the Case Coordinator must indicate on the complaint the date that it was received.

Where a Case Coordinator receives a complaint verbally, the Case Coordinator shall write down the complaint, and verify the substance of the complaint with the person who has made the verbal complaint. The Case Coordinator shall offer the client the choice of having the complaint

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recorded on the Fife House Client Complaint Form, or transcribe the client's account of the complaint. The Case Coordinator must indicate on the complaint the date that it was received.

A client may withdraw a complaint in writing at Step 1; however, the agency reserves the right to continue investigating the complaint.

Step Two

The Executive Director must appoint a committee of no more than three Fife House staff members to investigate and respond to the complaint. The following staff members may be part of the committee appointed by the Executive Director: the Executive Director, the Director of Residential Programs, the Director of Community Programs, the Director of Ontario HIV and Substance Use Training Program, or a Case Coordinator. In no case shall a person who is directly implicated in a complaint be appointed to the committee.

A client may withdraw a complaint in writing at Step 2; however, the agency reserves the right to continue investigating the complaint.

Step Three

Within 60 days after a complaint is received, the committee shall review the complaint and respond in writing to the person who made the complaint.

A client or person who is lawfully authorized to make a decision on his or her behalf, who receives a written decision within 60 days from the date the complaint was received may appeal the original decision or the new decision of the committee to the funder and will be given the contact information for the appropriate Agency Review Officer of the City of Toronto.

A client or person who is lawfully authorized to make a decision on his or her behalf, who has not received a written decision within 60 days from the date the complaint was received may appeal the original decision or the lack of a timely decision by the investigating committee to the funder and will be given the contact information for the appropriate Agency Review Officer of the City of Toronto.

Complaints to the Funder

Any client or person who accesses services of the Homeless Outreach Program or Coordinated Access who wishes to make a complaint to the funder shall be given the contact information for the City of Toronto – Homeless Support Services and advised to speak with an Agency Review Officer.

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Any client or person who accesses service at a residential program – Denison and Scattered sites , Sherbourne Transitional Housing Program - who wishes to make a complaint to the funder shall be given the contact information for the City of Toronto - Hostel Services and advised to speak with an Agency Review Officer.

Posting of the Complaints Procedure

The client complaints procedure as set out in this policy and 13.10 (“Initiating Client Complaints”) shall be posted in every program site and the head office.

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All client complaints and complaints by people who access services of the Homeless Outreach Program shall be retained at the Fife House head office in a file exclusively for that purpose. Complaints shall not be retained at program sites or in client service files.

The Executive Director shall log all complaints. The client complaint log shall include the following information about each complaint:

1. whether the complaint was verbal or written
2. the date the complaint was received by the Case Coordinator
3. the date by which Fife House must respond to the complaint (ie: 60 days from the date the complaint was received by the Case Coordinator)
4. the members of the committee appointed by the Executive Director to investigate and respond to the complaint
5. the type of complaint (ie: which of the six types of complaints listed in 13.11 “Client Complaints Procedure”)
6. whether the client has a right of appeal to the Health Services Appeal and Review Board and/or the City of Toronto Agency Review Officer
7. current status of the complaint
8. the date the written decision was sent to the client
9. the outcome (ie: a one or two sentence summary of what was decided)

Logging of client complaints and complaints by people who access services of the Homeless Outreach Program is part of Fife House’s quality improvement system (see 8.09 “Program Evaluation/Quality Improvement System”).

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Fife House shall report the following complaint information in their annual service plan submission to the Toronto Central LHIN and Ontario Ministry of Health and Long-Term Care:

1. the trends, if any, that Fife House has identified in the complaints received, the six types of complaints listed in 13.11 “Client Complaints Procedure”)
2. how Fife House has addressed these trends
3. how Fife House plans to follow through with addressing these trends in subsequent year(s)
4. if the trends in complaints have changed in the reporting period, and the nature of the change.

Reporting to the Toronto Central LHIN and the Ontario Ministry of Health and Long-Term Care about client complaints and complaints by people who access services of the Homeless Outreach Program is part of Fife House’s quality improvement system (see 8.09 “Program Evaluation/Quality Improvement System”).