

ADMINISTRATIVE COMPLAINTS POLICY	Policy Number: HR-001.11
	Policy Area: CORPORATE SERVICES
	Policy Approved by: Executive Coordination Committee
	Effective Date: May 14, 2018

I PURPOSE

To set out the RHRA's policy and procedure for addressing Administrative Complaints as defined in this Policy.

II APPLICATION

This Policy applies to all RHRA staff.

III DEFINITIONS

<i>Administrative Complaint</i>	A complaint or concern about 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 relate to regulatory policy or legal interpretation, are not administrative complaints.
<i>Minor Concern</i>	A complaint or concern that qualifies as an administrative complaint but has low severity will not be tracked as a formal Administrative Complaint. Concerns such as these include those that are easily and/or quickly corrected; process oriented; typically, not involving issues related to staff behaviour; and generally have a low severity of impact to the Complainant.
<i>Respondent</i>	An RHRA staff who is the subject of an administrative complaint or Minor Concern.
<i>Complainant</i>	An external party or individual filing a concern or complaint about the RHRA or its staff.

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 these complaints are responded to and resolved, according to [subsection 10\(4\) of the Memorandum of Understanding \(MOU\)](#).

- b) *Fairness and consistency* – Administrative Complaints are dealt with according to the principles, criteria, and procedures set out in this policy to maintain fairness and consistency in decision-making.
- c) *Accountability* – All RHRA staff are expected to conduct themselves according to RHRA policies and procedures.
- d) *Confidentiality* – All personal, health-related, 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. However, information will be shared with RHRA staff if they are the subject of a complaint and require such information to respond.
- e) *Good Faith* – All complaints will be reviewed in good faith and complainants will not be subject to different treatment for filing a complaint.

Confidentiality, Timeliness and Record Keeping

- 2. All Administrative Complaints are kept confidential, with the following exceptions:
 - a) Where applicable, the staff who is the subject of an Administrative Complaint will be advised of the details necessary to fully and fairly review and respond to the complaint.
 - b) Information provided by a Complainant may be shared with other RHRA staff 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, including RHRA's Access and Privacy Code, allow.
- 3. The Complainant and the Respondent are provided with a timely response about the outcome of the investigation as is reasonable in the circumstances, while respecting the RHRA's obligations for privacy and confidentiality.

Exceptions to this communication are made as appropriate. This may include, but not be limited to, matters where 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.

- 4. The Director, Human Resources is responsible for maintaining a confidential database of all Administrative Complaints that tracks 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. This information also allows the RHRA to fulfill its reporting obligations under the MOU.

Accountability for Implementation

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

VII PROCEDURE

Receipt and Review of Administrative Complaint

1. While retirement home licensees, operators and staff have access to a third party complaints hotline for anonymous complaints submission, the RHRA encourages all potential complainants to contact the RHRA to discuss concerns first.
2. Potential Administrative Complaints may be received by any RHRA staff and can arrive in a verbal or written format. An electronic record (for example, an Intake incident) may be created during a normal business interaction with the Complainant, but it is not mandatory to create a record of the complaint in RHRA's case management database.
3. The RHRA staff who receives the complaint 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 does not relate to a specific employee, the staff who received the potential Administrative Complaint will direct it to the appropriate manager who can best address the issue(s) raised.
4. The manager who receives a complaint will contact the Complainant to confirm if they wish to make a formal complaint. If the individual wishes to make a formal complaint, the Complainant will first be directed to the Administrative Complaints process which requires completing and submitting a complaint form. In the event that the Complainant wishes to make an anonymous Administrative Complaint, they may do so by using the RHRA's defined third party submission process. In any circumstance, to the extent possible while ensuring fairness to all parties involved, the name and details of the Complainant will not be provided to the Respondent.
5. Once a completed Administrative Complaint Form (Appendix B) or notification from the third party vendor, is received, it will be reviewed by the Director, Human Resources. They will 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.
6. For Minor Concerns, the manager of the Respondent (or appropriate 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 severity of the matter it should be referred to the Director, Human Resources for re-assessment as a potential Administrative Complaint.
 - b) The Director, Human Resources will determine whether the complaint remains a Minor Concern or becomes an Administrative Complaint.
 - c) If no information is found to escalate the concern, and the manager can address the concern, they should do so and close the matter. No additional tracking is required beyond notes in the applicable case file as to the action(s) taken.

7. If a matter meets the criteria for an Administrative Complaint, any related case management records will be updated and closed in the case management system, 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 expected time in which an investigation will be conducted, and a response provided.
8. If the complaint falls outside of the scope of the Administrative Complaints policy, the Complainant will be directed to the appropriate process.
9. RHRA staff subject to an Administrative Complaint will not be assigned to matters involving the Complainant, including their licensed facility or staff if applicable, until the complaint is reviewed, investigated, and closed.
10. Upon receipt, all Administrative Complaints are reviewed and assessed to identify potential implications as follows:
 - a) Human resources implications: the allegations may impact 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.
11. Where one or more of the above implications are identified, a more formal investigation may be required.

Investigation

12. The Director, Human Resources, after assessing the potential implications, will determine the appropriate investigative process and staff to be involved. In rare circumstances, depending on the nature of the complaint, the staff and issues involved, it may be appropriate to engage an external third party for review and investigation. The Director, Human Resources will determine this in consultation with appropriate RHRA staff. Note that each situation may be unique, and the scope of the investigation will be tailored to the particular circumstances.
13. The RHRA's ability to conduct a complete investigation may be impacted for complaints submitted anonymously via the third party vendor due to the limited nature of information received.
14. Where applicable, an RHRA staff who is the subject of a complaint will be notified of the complaint and its substance. To the extent possible while ensuring fairness to all parties involved, the name and details of the Complainant will not be provided to the Respondent, so long as doing so would not compromise the ability of the staff to respond to the complaint. Notification to the RHRA staff may be delayed when appropriate if additional information is being sought as part of the initial stages of investigation.

Decision, Follow-up, and Record Keeping

15. The Director, Human Resources, or assigned designate will determine the outcome of the investigation and any required follow-up actions.
16. The Director, Human Resources, or assigned designate will notify the Complainant (to the extent appropriate and consistent with the RHRA's confidentiality obligations) and the Respondent of the outcome in a written form and timely manner.
17. As part of the decision, follow-up actions may be identified (e.g., correction of errors, staff training). The extent to which these follow-up actions will be disclosed to the Complainant will depend on the confidentiality concerns involved. The Director, Human Resources or assigned designate will be responsible for assigning internal follow-up to relevant staff and their managers and documenting its completion where appropriate.
18. The Director, Human Resources or assigned designate will store relevant documents and ensure the Administrative Complaints Tracker is updated. The file shall 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.

Appendices: Process Diagram and Administrative Complaints Form

See attached Appendix A for Process Diagram.
 See attached Appendix B for Complaints Guideline and Form

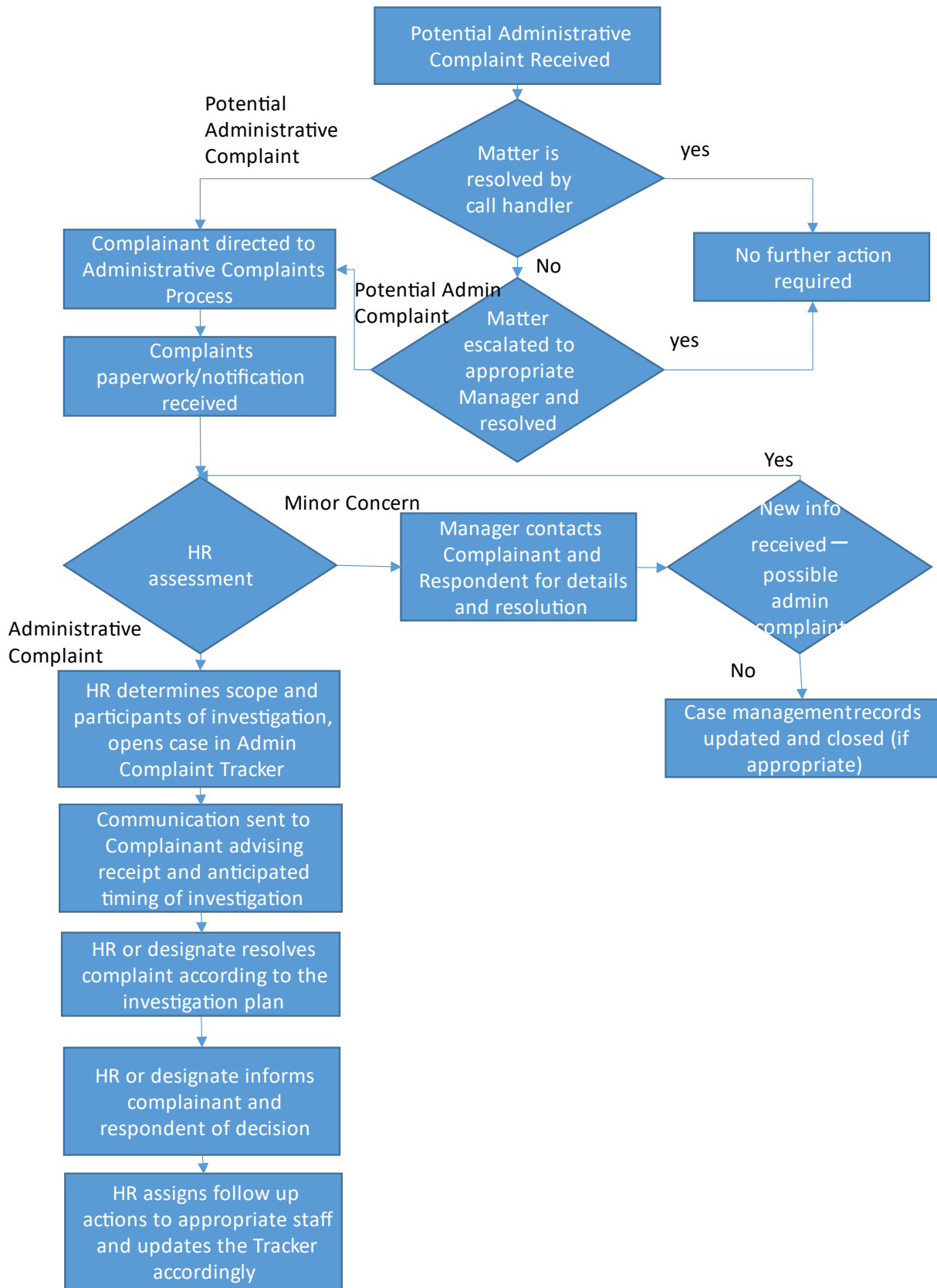
Document Approvals:

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 Resources as owner
June 2023	Updated to reflect change in case management software
October 2023	Updated to reflect plain language and clarify approach to confidentiality and reprisal
March 2024	Updated to reflect the planned April 2024 launch of a 3 rd party anonymous reporting hotline for operators and licensees.

Appendix A: Process Flow



Appendix B: Complaints Guideline and Form

Administrative Complaints Guidelines and Form

What constitutes an Administrative Complaint?

An Administrative Complaint is a complaint about:

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

This form or process 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 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 at the Ministry of the Attorney General](#).

How do I file an Administrative Complaint with the RHRA?

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

fax: 1-888-631-0170

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

email: info@rhra.ca

Please include the subject line of: **Private and Confidential – Administrative Complaints Process**

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

All Administrative Complaints will be kept confidential, with the following exceptions:

- Where applicable, the RHRA staff 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 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.
Should you require to submit an Administrative Complaint anonymously, the RHRA has made arrangements for a third party vendor to accept complaints anonymously. To access this service please visit the RHRA website.

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 about the anticipated timeline for investigation and resolution. Please note that each situation is 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 the best time and manner in which to contact you: _____

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

Please describe your complaint 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 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 M5J 1R7
Fax: 1-855-631-0170
Email: info@rhra.ca
Subject Line: **Private and Confidential – Administrative Complaints Process**