

Interim Complaints Policy

May 31, 2024

Purpose

The purpose of this policy is to ensure that the Independent Rights Advice Service (the Service) provides a fair, effective, and respectful response to concerns and complaints raised by people who have accessed the Service.

Why is this an Interim Policy?

The Independent Rights Advice Service is accountable to people with lived and living experience of involuntary treatment under the Mental Health Act. As part of our accountability process, this Interim Policy has been reviewed by the Service's Lived Experience Leadership Committee and Governance Committee. It may be revised in the future based on their feedback.

Who this policy applies to:

This policy applies to complaints made by people who have engaged with the Independent Rights Advice Service ("Service Users"), who have a complaint about the service they received or the conduct of a Rights Advisor. Service Users include people who are experiencing involuntary treatment under the Mental Health Act, and their family members or support persons who attend a Rights Advice meeting.

This policy does not apply to:

- People or organizations who are not Service Users;
- Service Users who have a complaint about other aspects of their involuntary treatment;
- Anonymous complaints, such as those received through feedback surveys or comment boxes, where insufficient or no contact information is provided.

The *Mental Health Act* guarantees people certain rights. The role of the Rights Advisor is to inform people of these existing rights and to support people to exercise those rights if they choose. If you have a complaint about the involuntary treatment that you have experienced, you can find information about your rights and how to get support here: <https://irasbc.ca/i-am-experiencing-involuntary-treatment/>.

What is a complaint?

A complaint is the expression of dissatisfaction about the Service. A complaint can be made about the Service, or about a staff member who is working with the Service. A complaint could be about the Service's policies or procedures. It could be about actions, or lack of action, by the Service.

Examples of complaints include a concern that someone working with the Service:

- Did not do something they agreed to do;
- Did not follow the policies and procedures of the Service;
- Made a mistake; or
- Acted in a way that was unfair or disrespectful.

What about feedback?

People might also want to provide feedback about the operation of the Service that is not related to the conduct of a person providing the Service. We welcome feedback from Service Users. We all have much to learn together as we launch the Service. If you are a Service User and you would like to provide feedback about the Service, you can use the feedback form on our website (irasbc.ca) or email feedback@irasbc.ca.

Guiding principles:

The complaint resolution process will provide an opportunity for Service Users to be heard. It will also allow the Service the opportunity to hear from you. We believe you have a right to have your concerns heard and respectfully considered. We also believe that hearing your concerns and complaints can help to make our work better, which will benefit the wider community of Service Users.

The Service is grounded in the ongoing work of people with lived and living experience of involuntary treatment. This informs how the Service will hear and address the concerns and complaints of Service Users.

These principles mean that the people who express concerns or complaints can expect the complaint process to be:

- Fair and non-judgmental;
- Culturally safe and responsive to the needs of diverse and equity-denied communities, including those who identify as Indigenous (e.g., First Nations, Métis, or Inuit);
- Inclusive of different ages, genders/gender identities, and sexual orientations;
- Accommodating of any disabilities; and
- Committed to clear communication and joint problem-solving between everyone involved.

In practice, this means that if a Service User needs accommodation or support to take part in this process, the Service will work with the person making the complaint to ensure that they are supported. The Service will work with you to ensure that the way we communicate with you is safe and accessible. Accommodation for Service Users could include, but is not limited to:

- If a person needs an accommodation or communication support to make the complaints process accessible, we will facilitate it;
- A person who wants a support person such as a friend or family member present may have a support person attend a meeting;
- A person who needs cultural supports, for example an Indigenous Elder, is welcome to have that support person present; and
- A person who is Indigenous and needs a meeting to take place using specific protocols will have those needs respected.

Who is involved in the complaint process?

The Independent Rights Advice Service is conducted by people and organizations working in partnership with one another. The Service is managed by the Canadian Mental Health Association, BC Division (CMHA BC). CMHA BC employs the Intake Coordinator, the Quality Assurance Coordinator, and the

Provincial Manager. The Rights Advisors are employed by CMHA BC, CMHA Vernon, and CMHA Mid Island.

<p>CMHA BC: Core infrastructure and leadership of the service</p>	<p>Regional Service Delivery: 6 full time advisors</p>
<p>Service Manager</p>	<p>Fraser (Surrey and New West) employed by CMHA BC</p>
<p>Quality Assurance Coordinator</p>	<p>Interior (Vernon) employed by CMHA Vernon & District</p>
<p>Intake Coordinator</p>	<p>Island (Nanaimo) employed by CMHA Mid-Island</p>
	<p>Northern (Prince George) employed by CMHA Northern BC</p>
	<p>Vancouver Coastal (Vancouver) employed by CMHA BC</p>

Any complaints about the Service will be shared with the Quality Assurance Coordinator at CMHA BC. If a person makes a complaint about service provided by a Rights Advisor, information about the complaint will be shared between CMHA BC, the Rights Advisor’s employer, and the Rights Advisor.

The Complaint process will be coordinated by CMHA BC, in collaboration with organizations that employ Rights Advisors, and the Rights Advisors themselves.

If a person makes a complaint to the Quality Assurance Coordinator, but does not want the information shared with any other person, that request for confidentiality will be respected, and the information will be shared only with the Provincial Manager. This may limit the actions that the Service can take to resolve your complaint.

Exception to confidentiality: If any person receiving a complaint believes that there is a significant risk of serious harm or death to any person, the information will be reported to the Provincial Manager, and to any entity that we believe it is necessary to report to in order to prevent serious harm or death.

How can I raise a concern or make a complaint?

A concern or complaint can be raised with the Rights Advisor who provided the service, with the organization that employs them, or with the IRAS Quality Assurance Coordinator at CMHA BC.

Step One:

If you wish, you can speak directly with the person or persons whose decisions, actions, or behaviour caused your concern. If you don't want to speak directly with that person, you can start the complaint process at Step Two.

Step Two:

You can contact the IRAS Quality Assurance Coordinator via the IRAS website at irasbc.ca, or by email at feedback@irasbc.ca.

- Include your name, and at least one way to get in touch with you;
- Include a brief description of the incident you want to complain about;
- Include where and when the incident happened; and
- Identify the outcome being sought, if known.

You can expect an acknowledgment of your complaint within three (3) business days. You can expect to be contacted by the Quality Assurance Coordinator to discuss the complaint within five (5) business days after your complaint is acknowledged. The Quality Assurance Coordinator will listen and respond to your complaint with respect.

We may request a meeting with everyone involved in the complaint. You are not required to take part in a meeting. You may have supports and accommodations that you need if you do choose to take part in the meeting. Meetings will usually be held by videoconference.

We may speak to other people to gather information. We will tell you in advance if we intend to speak to other people, and we will tell you who we intend to speak to.

We may review IRAS records when we are reviewing the complaint. The complaints review process does not include a review of healthcare records kept by the hospital.

We will provide you with a resolution and reasons in writing. We may also meet to discuss the resolution and reasons if the person making the complaint asks us to.

Step Three:

If you are unhappy with the outcome of the complaint, you can notify the Quality Assurance Coordinator. They will escalate the complaint to the Provincial Manager.

The Provincial Manager will review any documents related to the complaint, and speak to the people involved. They may decide not to review the complaint. They will give you their decision and reasons in writing.

Complaint resolution:

If action is taken related to the operation of the Service generally, the complaint outcome will be handled by the Quality Assurance Coordinator and Provincial Manager.

If action is taken related to the employment of a Rights Advisor, the complaint outcome will be implemented by their employer. Information related to the employment of a Rights Advisor will be kept confidential and will not be disclosed to a person who makes a complaint.

Anonymous complaints:

We understand that people might not feel safe to make complaints. We will do our best to make the complaint process safe for anyone who complains. If we receive an anonymous complaint, we will assess it to ensure that there are no safety issues, and to determine whether it can be adequately investigated. If it cannot be adequately investigated, we can not take any action to address the complaint.

Reporting of complaints:

The Service will make quarterly reports about complaints to the Governance Committee, the Lived Experience Leadership Committee, and the Ministry of Attorney General (our funder). The reports will contain information about the types of complaints and their resolutions. The reports will not contain any information that might identify a person who has made a complaint. This report will allow our service to reflect on potential themes of experiences happening across the province, strategies for service improvement, training opportunities for staff, and standards of practice for Rights Advisors.