GHCS Complaint and Report Investigation Procedure

The Galiano Health Care Society ("GHCS") endeavours to provide a fair, responsive and timely procedure to all complaints or reports of concern made to the GHCS.

Application of this Procedure

This Procedure applies to all written complaints and reports made to the GHCS whether on the complaint form or in other written forms. The complaints and reports covered include but are not limited to: complaints and reports pursuant to policies dealing with Respectful Workplaces (such as harassment, discrimination, disruptive or unsafe behaviour), Breach of Confidentiality and Conflict of Interest, and other serious matters that are within the GHCS jurisdiction as an employer and a health care clinic requiring review and possible investigation and follow up.

What this Procedure does not Apply to

This Procedure does not apply to:

i) Clinical or medical matters reported as "Incidents Reports" that are reviewed exclusively by the Medical Director;
ii) Complaints not within the jurisdiction of the GHCS (for instances complaints about non-staff regulated health professionals that should be directed to the health care professionals' applicable regulatory body, complaints about service issues within the jurisdiction of the Vancouver Island Health Authority etc.);
iii) Complaints not in writing or anonymous complaints; these generally will not fall under this procedure although if a matter not made as a written complaint is reported to the GHCS and is of sufficient seriousness the GHCS, may on their own initiate proceed with an investigation of that report but will modify the process accordingly as there will be no complainant; or
iv) Complaints that are in the jurisdiction of a law enforcement agency. Any matter involving a possible criminal conduct or a breach of statute shall be referred to the applicable agency.

Filing of the Complaint

All complaints or reports must be filed in writing. The GHCS encourages complainant to use the "Complaint and Feedback Form" but will consider any Complaint or Report in writing (including by mail, hard copy, email or other electronic means) that provides sufficient particulars such as name, date(s) of incident, who was involved, description of the incident or issue and contact information. Oral complaints will not be considered complaints covered by this Procedure until and unless they are followed up in

writing with the sufficient particulars and contact information they will not be reviewed and investigated unless the Board deems the matter appropriate to follow up as a “report” .

All Complaints and Reports will be dated by the GHCS as the date the they received by the GHCS and an acknowledgment of the receipt of the complaint /report shall be promptly sent to the individuals reporting the matter.

Initial Assessment of the Complaint or Reports

All Complaints or Reports shall be directed to the Executive Director, or Designate, to be assessed and triaged. If the complaint is against the Executive Director or there is a reasonable perception of bias due to the close involvement of the Executive Director, the complaint shall be directed to the Board President.

All complaints shall be reviewed to determine if they fall into the jurisdiction of the GHCS and an initial assessment will be done to determine if the complaint is of sufficient merit on its face to warrant an investigation. At this stage a complaint may be sent forward for investigation, may be dismissed (e.g. for lack of jurisdiction, bad faith, frivolous or vexatious etc) or the GHCS may determine that the matter is sufficiently clear to take immediate follow up action without an investigation (e.g. complaint has undisputed facts or raises an undisputed systemic issue requiring immediate corrective action). In appropriate cases, the assessor may recommend a mediation process to try to resolve the matter without an investigation.

Timeliness of Complaint

A complaint may be dismissed if untimely. A complaint should be made as soon as reasonably possible while the facts are available for the investigation. In most cases a complaint may be dismissed at this initial assessment stage if more than 12 months have transpired since the last incident that gives rise to the complaint. The GHCS reserves the discretion to extend the timeline if there is good reason for the delay and there is no substantial prejudice or unfairness in the delay in filing.

Frivolous, Vexatious or Bad Faith Complaints

If after an initial assessment of the complaint, the GHCS determines that a complaint is made in bad faith, frivolous or of little merit then the GHCS will dismiss it at the earliest opportunity. If the GHCS determines the complaint to be vexatious or made in bad faith the GHCS reserves the right to take investigate or to take further action, if appropriate, against the complainant/reporter to protect the integrity of the process and operations of the GHCS.

Mediation Process

If a mediation process is recommended it will only be engaged if both the complainant and the respondent agree and if the GHSC Board determines that there are sufficient resources available for such a process. A mediation will not be recommended if the matter involves possible need for disciplinary action or systemic corrective action by the GHCS.

If the mediation process is successful, the matter will be closed without an investigation and the matter tracked only for statistical purposes. If the mediation is unsuccessful and the complainant wishes to pursue it, the matter will be sent back to the investigation process. In either case the discussions at the mediation will remain confidential and not be used against either party.

Investigation Process

If a complaint or report is assessed as warranting an investigation, an investigator shall be appointed. In most cases it will be the Executive Director, or designate, but the GHCS has the discretion to appoint a different investigator, either from within the Board or external, as they deem appropriate considering the issues and resources of the GHCS. A member of the Governance Committee may be consulted to assist the investigator. If any Board member is directly involved in the investigation or complaint or acts as a consultant, then this Board member shall take no part in the final determination of complaint if a report is sent to the Board.

If necessary, the GHCS may put in place interim measures during the investigation process (e.g. temporary reassignment of staff, alternative care provisions or other measures they deem appropriate) to protect the safety of individuals and integrity of the GHCS operations.

The GHCS will endeavour to have the investigation done in as timely a way as possible, taking into consideration the seriousness of the complaint and impact of delay, complexities of the matter and competing demands of the GHCS and availability of the witnesses, if any.

The investigator shall provide the persons named or implicated in the complaint with a summary of the complaint/report in order that they may know the nature and specifics of the issue(s) and have the opportunity to respond. The investigator will gather all relevant facts may meet or speak individually with each party (who has the right to have a support person present) and with any witnesses in their discretion. If a full investigation is necessary, the parties will have the opportunity to provide documentation and the names and contact information of possible witnesses. The investigator will have the discretion as to whether it is necessary to contact or meet with any or all witnesses, affected individuals or parties. If any new facts or allegations arise during the investigation process the parties will be informed and given the opportunity to respond. The parties, their support person (if any), and the witnesses, their support person (if any) will all be informed that they are to keep all particulars of the complaint and the process confidential and that the GHCS may take action if they breach confidentiality.

At the end of the investigation process the investigator shall provide a “Investigator’s Report” containing a short concise summary of the facts, their conclusion as to whether the complaint was substantiated (in whole or in part) and recommendations, if any, to the Board for further action.

Board Decision

The Board, at its earliest opportunity, shall consider the complaint, written comments pr responses from parties, persons named or implicated (if any) and the Investigator’s Report.

Any board member directly involved in the complaint, the investigation process or in a conflict position will not participate in this decision-making process.

The Board shall determine whether to accept the investigator's findings and recommendations. The Board may accept the Investigator's findings and/or recommendations, in whole or in part, and may fashion their own corrective actions as they deem fit given the facts and circumstances. This may include discipline for staff, up to and including dismissal, expulsion from the Board or Membership, banning from GHCS premises or systemic remedies including training, changes to GHCS practices, procedures or policies.

The parties shall be notified when the investigation is complete and if the complaint /report is substantiated. Complainants may be consulted as to what remedy they are requesting but their requests are just one factor for the Board to consider. The Complainants may not be informed of the full particulars of the penalty or corrective action imposed if there are good reasons for confidentiality but will be informed in a general way of the outcome. Witnesses will not be informed of the outcome of the confidential investigation.

Confidentiality

The GHCS will take all reasonable steps to protect confidentiality of the complaint and response, the investigation process and the final decision. However, in the interest of fairness particulars of the complaint will have to be provided to the respondent and witnesses may have to be interviewed. After the process is complete a copy of the investigation Report and decision of the Board, and other relevant documents, will be kept in a locked confidential file and may be destroyed after five years. All complaints/reports and their outcome are anonymously tracked for statistical and WorkSafe BC purposes and may be used by the Board for making systemic changes at the GHCS. The Board in its discretion may publicize any systemic or operational changes that result from an investigation.