

Complaint Review Process

This section contains policies and standards regarding complaints against the actions of a child and family services agency or licensed adoption agency. It replaces section 181, Agency Complaint Review Process, in the Program Standards Manual remnants package.

Complaints and appeals by foster home and adoption applicants and parents covered in Chapter 1.5, [Foster Care](#) and Chapter 1.6 [Adoption Services](#). These chapters also contain policies and standards regarding complaints about foster homes and adoption homes not involving child protection issues.

Allegations against foster parents and adoptive parents involving child protection issues (including abuse) are covered in Chapter 1.3, [Child Protection Services](#).

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General Duties and Powers

Sections 17 and 45 of the [Child and Family Services Authorities Regulation](#) transfer the duty of the Director of Child and Family Services (director) to hear complaints to child and family services authorities with respect to agencies they have mandated. These sections pertain to [clause 4\(1\)\(f\)](#) of *The Child and Family Services Act* and [clause 5\(1\)\(g\)](#) of *The Adoption Act*. The director retains this duty with respect to licensed adoption agencies.

Under sections 26 and 50 of the regulation, the director and the authorities share the power to establish complaint procedures under [clause 4\(2\)\(d\)](#) of *The Child and Family Services Act* and [clause 5\(3\)\(b\)](#) of *The Adoption Act*. Section 40(2) of the regulation states that an authority does not have the power of the director to conduct a review under

[subsection 76\(20\)](#) of *The Child and Family Services Act*. The director retains this power with respect to licensed adoption agencies.

Specific Duties and Powers

The [Child and Family Services Authorities Regulation](#) lists specific duties and powers of the director to review complaints as follows:

- Section 31 transfers the powers of the director under [subsection 8\(2\) and \(3\)](#) of *The Child and Family Services Act* to authorities to hear and decide appeals with respect to the licensing of foster homes.
- Subsection 40(2) states that the director retains the power to conduct a review under subsection 76(20) of *The Child and Family Services Act* with respect to a person who is refused access to his or her record. The authorities do not share this power.
- Section 53 transfers the power of the director under [section 40](#) of *The Adoption Act* to authorities to review the suitability of persons applying to adopt a permanent ward.
- Section 54 transfers the power of the director under [subsection 47\(2\)](#) of *The Adoption Act* to review an agency's decision to remove a permanent ward from a prospective adoptive parent's home.
- Section 56 transfers the power of the director under section 61 of *The Adoption Act* to authorities to review a child and family services agency's decision not to approve the placement of a child with a prospective adoptive applicant.

Children's Advocate

[Clause 8.2\(1\)\(b\)](#) of *The Child and Family Services Act* and [subsection 8\(1\)](#) of *The Adoption Act* pertain to the duty of the Children's Advocate to review and investigate complaints.

Ombudsman Manitoba

The Ombudsman has the power under [section 15](#) of *The Ombudsman Act* to investigate any decision or recommendation relating to a matter of administration in or by any department or agency of the government or by any officer, employee or member thereof.

Policy

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General Requirements

All child and family services agencies and licensed adoption agencies must establish policies and procedures for dealing with inquiries and complaints from clients, service providers and the general public. These policies and procedures are necessary to effectively address complaints and, when possible, to resolve issues before they escalate.

An agency complaint review process must not in any way fetter a person's statutory right to complain to the agency's mandating authority, the director, the Children's Advocate or the Ombudsman.

Child and family services authorities may also wish to establish culturally appropriate review processes for their respective agencies that are in addition to and consistent with the provincial standards in this section.

Board and Community Committees

Non-government (external) agencies must establish board or community committees to review complaints not resolved by agency supervisors and directors.

Board committees consist of board members and report to the board. Community committees may be given a degree of independence from the board on the understanding that the agency retains legal responsibility for the delivery of services.

Regional offices are also encouraged to involve community members in resolving complaints.

Employee Grievances

Agency complaint review processes are not intended to deal with employee grievances. Agencies operating under collective agreement are legally bound to the agreement. Agencies not operating under a collective agreement are expected to address employee grievances as part of their [human resource practices](#).

Standards

1. **Written Agency Complaint Review Policy** – An agency has a written policy for receiving and reviewing complaints from clients, service providers and the general public that is consistent with the provincial standards in this section. The policy includes:
 - a statement of intent
 - an explanation of the steps involved (see Standard 4)
 - the role of child and family services authorities or, for licensed adoption agencies, the Director of Child and Family Services
 - options or alternatives in [legislation](#) available to a complainant
2. **Informing Service Applicants and Recipients** – Anyone requesting or receiving services from an agency is advised in writing, preferably in a pamphlet or brochure, as to its policy for reviewing complaints. This information is conveyed at intake and at least once a year thereafter.
3. **Informing Agency Staff and Others** – An executive or regional director ensures that the agency's employees, volunteers, foster parents, board members and mandating authority are informed of its complaint review policy and can readily access it on-line or through paper copy. If access is through paper copy, each office of the agency must have at least one copy that is readily available to all staff. Paper copy may be in the form of a pamphlet or brochure (see Standard 5).
4. **Processing Complaints** – An agency gives priority to resolving complaints as soon as reasonably possible. When there is information or evidence that a child is or might be in need of protection, the response time is in compliance with Section 1.1.1, [Intake](#).
5. **Handling Complaints in a Confidential Manner** – An agency ensures that all persons involved in reviewing complaints on behalf of the agency understand their legal obligation to comply with confidentiality and access provisions in legislation.
6. **Levels of Review** – An agency complaint review policy provides for access by the aggrieved person to:
 - a supervisor

- the executive or regional director
 - for non-government agencies, a review committee of the board or a community committee authorized by the board
 - for regional offices, the executive director responsible for the region
 - when applicable, the Director of child and Family Services
7. **Sharing Results of a Review** – An agency advises a complainant of the results of a review within 10 working days.
8. **Recording Results of a Review** – An intake worker or case manager, as the case may be, records the complaint and the results of a review on file. If the complaint pertains to a child protection issue, the information is record as required in Section 1.1.1, Intake.