

Issues Resolution and Decision Review Process and Policy

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1.0 Introduction

This is the Issues Resolution and Decision Review Process and Policy that Maximus Canada Employment Services Inc. (MCES) and its Approved Subcontractors will employ to review and respond to complaints arising in the course of delivering WorkBC Employment Services in the Catchment Areas of Greater Victoria and Greater Nanaimo, Mission, Abbotsford and South Okanagan

When referring to the combined service team of MCES and our Approved Subcontracts, “all team” and “the team” will be used in this text.

The process and policy aligns with the requirements of the Ministry as summarized below in [blue font](#).

The requirements of the Ministry are listed here in their entirety so that any MCES team member involved in preparing future updates or modifications to the process and policy can easily ensure that such changes comply with Ministry requirements.

1.1 Ministry Requirements

MCES and their approved subcontractors, hereby referred to as *the contractor*, will establish effective and timely processes to resolve Client requests for review of decisions and address complaints or concerns raised by Clients, other Service Providers, government bodies and the general public. The process includes:

- Acknowledging and providing an expected response time to the requestor or complainant;
- Providing progress updates at a minimum of one-week intervals;
- Documenting all Client-related complaints, concerns and decision-review requests in the Integrated Case Management (ICM) system as they occur, including: date, nature of issue, outcome and date of resolution.

All complaints and decision review requests coming from Members of Parliament or Members of the Legislative Assembly on behalf of their constituents, from the media, other ministries or from the Government of Canada, will be referred to the Ministry. The Ministry will work with the Contractor in responding to issues of this nature.

The Contractor will immediately notify the Ministry of any issues that cannot be resolved between the Contractor and an individual or organization and provide the Ministry with background about its issue-resolution efforts.

Policies related to Contractor dispute resolution and decision review processes will be posted in an area that is visible to all Clients using the Contractor's physical and online services. The Contractor will provide Clients with a copy of the issue resolution and decision review processes upon request.

As services are provided based on assessed need and eligibility, rather than entitlement, there is no option for Clients who disagree with Service Provider decisions to appeal to the Ministry.

Issues resolution process

The Contractor will resolve issues that may include service quality, wait times, health and safety concerns or other concerns between parties. The Contractor will have a written policy and process for receiving and responding to concerns including:

- A statement of the intent of the process (purpose and outcome expectations);
- Service standards and guiding principles (e.g. open, fair and transparent, timely, respectful);
- An explanation of the process (e.g. steps, timeline, personnel involved); and
- Roles and responsibilities of the Contractor and the complainant.

Decision Review Process

In the event that a Client is refused a service based on discretionary decision making by the Contractor (rather than Ministry policy, legislation, Client eligibility or budget availability), and the Client believes that the refusal was not justified, the Contractor will offer the Client an opportunity to have a decision reviewed. The decision will be reviewed by a neutral third-party reviewer who has sufficient knowledge and expertise to provide a fair, objective and informed opinion.

The Contractor has established written policies and procedures for receiving and responding to Client requests for decisions to be reviewed including:

- A statement of intent of the process (purpose and what outcomes can be expected);
- Service standards and guiding principles (e.g. open, fair and transparent, timely, respectful);
- An explanation of the process (e.g. steps, timeline, committees or bodies involved, supports for people requiring assistance with the process);
- The roles and responsibilities of the Contractor and other individuals/bodies in the review process; and
- The roles and responsibilities of the Client or complainant in the review process.

The request to have a decision reviewed must be documented in Integrated Case Management (ICM) system. The [neutral reviewer](#) will provide the Contractor with the findings of the review in writing. The results of the review will be shared with the Client and the Contractor must make the review available to the Ministry upon request.

The Contractor is responsible for ensuring decisions follow the principles of [administrative fairness](#).

As services are provided based on assessed need and eligibility, rather than entitlement, there is no option for Clients who disagree with Service Provider decisions to appeal to the Ministry.

1.2 Using this Process

This plan is effective as of April 1st, 2019 and will be updated on an as-needed basis. A copy of any updated plans will be submitted to the Ministry for review and approval.

2.0 Statement of Intent and Guiding Principles

2.1 Statement of Intent

The intent of the Issues Resolution and Decision Review Process and Policy outlined in this document is to provide all WorkBC Employment Services clients who access services from the contractor; other Service Providers; government bodies and the general public, with the opportunity to have their complaints considered respectfully and responded to promptly.

This Issues Resolution and Decision Review Process is premised on a commitment to the open, fair, respectful and timely review and resolution of any complaints or concerns that are raised.

2.2 Service Standards and Guiding Principles

This Issues Resolution and Decision Review Process (i.e. Section 3 of this document) will be posted in French and English in an area that is visible to all Clients using the contractor's physical and online services. It will be available in hardcopy and online formats in both French and English. Additionally, copies of the Issues Resolution and Decision Review Process will be shared with Ministry. Key steps and associated outcomes of each Issues Resolution and Decision Review Process undertaken will be logged in the ICM and made available to the initiator of the complaint, hereby referred to as the *complainant*. (see Section 3.3).

The contractor will involve the complainant throughout the Issues Resolution and Decision Review Process. Complainants will be consulted in a meaningful way, have their point of view listened to and considered, and will be free from any fear of retribution. Decisions made in response to complaints will be reached using a fair and consistent process that considers policy and relevant facts, without bias.

All complaints will be acknowledged and resolved in a timely manner. Complainants will be sent written notification that their complaint has been received using a standardized 'Complaint Receipt Acknowledgement' form (see Appendix B) within three business days of the complaint being received in writing. The Complaint Receipt Acknowledgement form will be sent to the complainant electronically where possible and by mail if electronic communication is not reasonable.

The complainant will be provided progress updates at a minimum of one-week intervals (five business days) post the Complaint Receipt Acknowledgement as to the progress of their complaint, until the complaint is resolved (see Section 3.1 step 10).

All team members are trained to take complaints seriously and to address them in a manner that meets and/or exceeds Ministry policy.

Complainants will be able to initiate the Issues Resolution and Decision Review Process at any point during service delivery, and up to 30 days after the issue leading to the complaint occurred. Written complaints (Appendix A) are submitted either in person or electronically. Complainants who require assistance to submit a complaint will be directed to a third-party individual or group (see Appendix C) for support in the preparation of their complaint and interpretation of the Issue Resolution Process.

3.0 Issues Resolution and Decision Review Process

Informal Process

1. You should always speak with your case manager before applying for review. If you are dissatisfied with the decision a worker has made; a senior case manager can review your application at your request. The issue may be resolved at this level. However, if it is not, this informal issue resolution process does not result in an acceptable resolution of the issue from the perspective of the complainant, the complainant will be offered the opportunity to initiate the formal Issues Resolution and Decision Review Process.

Formal Process

2. In order to initiate a formal Issues Resolution and Decision Review Process, the complainant will submit a written complaint (Appendix A) outlining:
 - Their name and contact information
 - The date the complaint is made
 - The nature of and the issue(s) leading to the complaint
 - The name(s) of any staff members who may be involved

The written complaint will be forwarded to the local WorkBC Employment Services Manager who, within three business days, will:

- Acknowledge receipt of the complaint (see Section 3.2)
- Document the complaint in the ICM (see Section 3.3)
- Inform the Operations Manager.
- Forward the complaint to the appropriate agency, as applicable (e.g. Contract and Partnership Agents with Ministry of Social Development and Poverty Reduction, Approved Subcontractor, the contractor management or executive).

3. If the WorkBC Employment Services Manager deems that the complaint lacks adequate detail to be properly addressed, then the complainant will be offered feedback (e.g., missing information, etc.) and will be provided with neutral assistance to properly document their complaint.
4. If a complaint originates from Members of Parliament or Members of the Legislative Assembly on behalf of their constituents, from the media, other ministries or from the Government of Canada, it will be forwarded directly to the Ministry who, in turn, will contact the contractor, as required, to ensure the issue is effectively resolved.
5. If a complaint is based on a *discretionary decision* made by the contractor, the complainant will be able to have the decision reviewed. This will involve the same process as described in Steps 1 to 4 (i.e., the complainant will submit a written complaint, etc.). Discretionary decisions are defined to include those decisions that are not related to Ministry policy, legislation, Client eligibility or budget availability.
6. Following the informal process, if a complaint pertaining to a *discretionary decision* is lodged with one of our Approved Subcontractors and directly relates to their interaction with a WorkBC participant in their capacity as a WorkBC Employment Services provider, the Approved Subcontractor will immediately provide that complaint to the contractor WorkBC Employment Services Manager.
7. When a complaint is made to the contractor, the WorkBC Employment Services Manager will mediate a resolution between the complainant and the team member. The WorkBC Employment Services Manager will document the issue resolution process in the ICM and will update the complainant according to the contractor Issues Resolution Process timeline (see also Step 10).

If the complainant is not satisfied with the resolution they will be offered the opportunity to forward the complaint to **a neutral third party who has sufficient knowledge and expertise to provide a fair, objective and informed opinion to WorkBC process. This neutral third party will be**

- **WorkLink Employment Society: Victoria and Nanaimo catchment areas**
- **Community Futures of the North Okanagan: Abbotsford, Mission and South Okanagan**

8. At the request of the complainant the contractor will provide the **third-party reviewer** all relevant materials.
9. If a complaint is of a criminal nature, it will be reported to the local policing authority for investigation.

10. The following timelines will apply:

- Receipt of complaint acknowledged within three business days of receipt of written complaint
- Endeavour to review and resolve issue within 10 business days of receipt of written complaint
- Provide progress updates at a minimum of one-week intervals (five business days) post complaint acknowledgement
- Report and explain the outcome of the process to the complainant with two business days of resolution or final decision

3.2 Roles and Responsibilities

In order for the contractor Issues Resolution and Decision Review Process to work effectively, the following expectations regarding contractor and complainant roles and responsibilities will apply:

Contractor and Approved Subcontractors:

1. Ensure that the team is aware of and fluent in the application of the Issues Resolution and Decision Review Process as it applies to all complainants.
2. Inform complainants in a timely way about the process including what they can expect in terms of the acknowledgement of their complaint, progress updates, the decisions making process, and the reporting of process outcomes.
3. Document and update the process and the efforts to reach a solution in the ICM. Ensure all steps taken, communications and outcomes of the process are documented and made available to the Ministry upon request.

Complainant:

1. Make the contractor team member aware of the issue that requires a resolution.
2. Provide an accurate account of the issue in writing.
3. Identify yourself and provide contact information.
4. Submit written complaints at any point during service delivery, and up to 30 days after the issue leading to the complaint occurred.
5. Make use of assistive resources (see Appendix C) to ensure that the reasons for the complaint are clearly identified.

6. Be prepared to meet with the contractor in order to discuss and try to resolve the complaint.

3.3 ICM Documentation

Each complaint, and the subsequent Issue Resolution and Decision Review process steps taken, will be documented in the ICM. The information to be entered in the ICM will include:

- Name of person making the complaint
- Contact information of the person making the complaint
- Date complaint was submitted
- Nature of the complaint
- Date Complaint Receipt Acknowledgement form (Appendix B) was sent to the complainant
- Resolution activities (meetings, decision reviews, mediation outcome, etc.)
- Committees or bodies involved (if applicable)
- Description of outcome
- Date complainant informed of outcome

Copies of the Complaint Form (Appendix A), Complaint Receipt Acknowledgement Form (Appendix B), and additional resources (Appendix C) are provided on the following pages.

APPENDIX A – COMPLAINT FORM

Complainant Name: _____

Date Complaint Made: _____

Complainant Contact Information:

Phone: _____ Address: _____

Email: _____

Nature of the complaint (description of the nature of and the issues leading to the complaint including the name(s) of involved staff):

APPENDIX B - Complaint Receipt Acknowledgement Form

Written Complaint Received From: _____

Date Written Complaint Received: _____

Next Step by contractor: _____

Date of Next Step: _____

Date Complaint Receipt Acknowledgement form (Appendix B) was sent to the complainant:

Resolution activities (meetings, decision reviews, mediation outcome, etc.):

Committees or bodies involved (if applicable)

Description of outcome: _____

Date complainant informed of outcome:

Report prepared by: _____

APPENDIX C – Additional Resources

WorkLink Employment Society (for assistance and third-party neutral review)
#202-3179 Jacklin Road, Victoria, BC, V9B 3Y7
T: 250-478-9525 F: 250-478-8664

Community Futures of the North Okanagan
3105 33rd Street,
Vernon, BC
V1T 9P7

Ministry of Social Development and Poverty Reduction
<https://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/social-development-poverty-reduction>

Legal Aid
<https://www.lawsociety.bc.ca/our-initiatives/legal-aid-and-access-to-justice/>

Local Citizens Advocacy contact information:
e.g., Nanaimo Citizen Advocacy Association 250-753-2321
Victoria Citizen Advocacy Association 250-598-6786

The BC Human Rights Coalition
<http://www.bchrcoalition.org>