

## Complaint and Investigation Process

### Overview:

Under the *Protection for Persons in Care Act* (PPCA), the Protection for Persons in Care (PPC) office is responsible for responding to complaints of abuse involving adults who obtain services from an agency or facility receiving funding from the Alberta Government.

### Three important things to consider when making a complaint of abuse

- 1) The complainant must have reasonable and probable grounds to believe that there is, or has been, abuse against a client.
- 2) The client must be an adult 18 years of age or older.
- 3) The client must be receiving, or did receive, services from an agency (as defined in the PPCA) at the time the abuse occurred.

### How abuse is defined

The PPCA defines “abuse” as:

- Intentionally causing bodily harm.
- Intentionally causing emotional harm, including, but not limited to, threatening, intimidating, humiliating, harassing, coercing or restricting from appropriate social contact.
- Intentionally administering or prescribing medication for an inappropriate purpose.
- Subjecting to non-consensual sexual contact, activity or behavior.
- Intentionally misappropriating or improperly or illegally converting money or other valuable possessions.

- Intentionally failing to provide adequate nutrition, adequate medical attention or other necessity of life, without a valid consent.

### It is mandatory to report abuse

It is mandatory for individuals or service providers to report abuse. Failure to do so is an offence and a person may be liable to a fine of \$2,000 and, in default of payment, to imprisonment for up to six months.

### It is optional for a client who has been abused to make a complaint

Under the PPCA, it is optional for a client to report abuse against himself or herself. It is not an offence for a client who has been abused to not report that abuse; however, anyone else who believes abuse against that client has occurred, must report it.

### Complaints not accepted by PPC

- General complaints about “quality of service” or “quality of care” such as staffing levels, qualifications of staff or standards of accommodation are not matters within the jurisdiction of the PPCA. Other regulatory bodies have the authority to respond to complaints of that nature.
- Complaints involving facilities that do not receive funding from the Government of Alberta, and those facilities that are specified in regulation as not being under the PPCA, are excluded.

## **Making a complaint**

### **Complaints to PPC**

A complaint to PPC can be made several ways:

#### **By telephone**

Phone the PPC reporting line with a complaint at 1-888-357-9339. This reporting line operates during government business hours: Monday to Friday from 8:15 a.m. to 4:30 p.m. After hours and during weekends and holidays, leave a voicemail message and your call will be returned the next business day.

#### **In writing**

Submit a written complaint by completing the PPC Complaint Reporting Form. The form is available by calling the PPC reporting line at 1-888-357-9339 and on the Internet at [www.seniors.gov.ab.ca](http://www.seniors.gov.ab.ca).

Send the completed form to the PPC office:

Fax: (780) 415-8611

Mail: Alberta Seniors and Community Supports  
Protection for Persons in Care  
Station M, Box 476  
Edmonton, AB T5J 2K1

#### **Complaints to the police**

If the abuse is criminal in nature, or if a person's life or well-being is in immediate danger, call the police.

#### **Complaints involving a health professional**

If the abuse involves a member of a professional association, including a physician or a registered nurse, you may report the matter directly to the professional association.

#### **Anonymous complaints**

PPC will not accept anonymous complaints. The full name, address and phone number of the complainant is required. This is important because the investigator appointed by PPC will

contact the complainant once the investigation commences. When the investigation is complete, a "Report of Decision" is mailed to the complainant as notification of the outcome of the investigation.

#### **Confidentiality**

PPC does not disclose the name of the complainant at any time; however, there is no statutory protection in the PPCA that assures complete confidentiality. For example, if the matter is turned over to the police or a professional association, the name of the complainant may be released.

#### **False complaints**

It is an offence for any person to knowingly make a false complaint. That person could be subject to a fine of up to \$2,000 and, in default of payment, to imprisonment for up to six months.

#### **Complainant protection**

No action can be taken against a complainant unless the complaint is made maliciously or without reasonable and probable grounds for belief.

If the complainant is a service provider or employee of an agency, the agency may not take adverse employment action against the complainant.

If a client is the complainant, no agency or person may threaten to alter, interrupt or discontinue service to that client, or the client's family members that receive services from an agency.

It is an offence to violate any of the above, and any person who does may be fined \$5,000, or in the case of an agency, up to \$25,000.

## **After a complaint is made**

### **The complaint is reviewed and the complainant is contacted**

Once a complaint is received by PPC, the complaint is reviewed to ensure PPC has jurisdiction to investigate. If the information indicates the matter may be criminal in nature, PPC will refer the complaint to the police. PPC will also refer complaints to a professional body, if appropriate.

Once it is determined that PPC can proceed, an investigator is appointed by PPC and the complainant is contacted by telephone and in writing. PPC will provide the complainant with the name of the investigator, as well as a file number. The details of the complaint will be reviewed for accuracy.

### **The agency or facility is notified**

PPC will notify the agency and/or a representative of the funding organization, by telephone and in writing, to advise them of the complaint and inform them that an investigation will occur. For example, if the complaint involves a nursing home or a senior's lodge, a designated contact person, such as an administrator at the facility, will be notified.

It is important that the agency be informed of a complaint as soon as possible to ensure the immediate safety and well-being of the client. Agencies may need to commence an internal investigation, depending on the circumstances. Any investigation done by the agency or facility is separate from the PPC investigation.

### **The alleged victim or guardian/agent is notified**

PPC will provide written notification to the client/resident who is the alleged victim. In situations where the alleged victim has a legally appointed substitute decision maker, notification will be provided to the alleged

victim's guardian appointed under the *Dependent Adults Act* or agent appointed under the *Personal Directives Act*.

### **The person involved (referred to as the alleged abuser) is notified**

PPC provides written notice to any person named as involved in the complaint, including the details of the complaint, provided their identify and contact information is known.

### **The complaint is investigated**

The investigator will contact the complainant to gather additional information. The investigator will attempt to arrange an interview with the complainant, the person involved, and other people who have information relating to the allegation and the client. The investigator may also review the records of the agency. The investigator can only review the health information of the client if consent has been provided by the client, his/her guardian or his/her agent.

## **After the investigation**

### **The investigator's report**

After all information is collected, the investigator submits a final report to PPC. The report is reviewed and before a decision is made, a report of the investigation is provided to the complainant, agency, alleged victim or his/her guardian/agent and the alleged abuser, or his/her guardian/agent, if applicable. These individuals have an opportunity to comment on the investigation report before a decision is made.

### **The investigator's recommendations**

The investigator may make recommendations intended for the agency or facility. Recommendations may include that the facility's funding be reviewed, that an employee be disciplined, or that the agency take other action to improve the safety of clients and prevent abuse.

The investigator may recommend the complaint be dismissed because:

- The complaint was made maliciously (knowing it to be false).
- The complaint was made without reasonable and probable grounds for belief.
- The complaint is unfounded or the evidence is insufficient.

Investigators may also make any other recommendations appropriate in the circumstances.

### **The decision of Alberta Seniors and Community Supports**

After having reviewed the report and any responses received, the Minister's delegate may:

- Approve or reject the investigator's recommendations in whole or in part.
- Order that the investigator undertake further investigation.
- Take any other action considered appropriate in the circumstances.

### **The Report of Decision**

The PPCA requires that a copy of the decision be provided to the complainant and to the agency involved in the complaint. PPC also generally notifies other affected parties of the decision.

The Report of Decision identifies the allegation and the recommendations that are approved or rejected. The summary of the investigation report, which includes the investigation findings, is attached to the Report of Decision as Schedule A. No names are mentioned in the Report of Decision.

### **If someone disagrees with the decision or recommendations**

The decision of the Minister's delegate is final and binding. The PPCA does not have an appeal mechanism; however, it is important to remember that the decision is to approve or

reject the recommendations. Agencies voluntarily implement the recommendations and often take other action to remedy a situation.

### **Accessing the investigator's report**

A request can be made through the *Freedom of Information and Protection of Privacy Act* (FOIP) to examine or obtain a copy of the report. Identifying third party information is severed accordingly.

### **Concerns about the complaints and investigation process**

The Alberta Ombudsman investigates written complaints from individuals who feel they have been treated unfairly by an administrative decision, act, omission or recommendation of an Alberta government department, board, agency or commission. Individuals who have concerns about the PPC complaints and investigation process may make a complaint to the Ombudsman.

#### **Purpose**

*PPC Bulletins* are intended to provide individuals/agencies with more detailed information for interpreting the *Protection for Persons in Care Act (PPCA)*. These bulletins supply information about procedures and practices to aid in the effective and consistent administration of the *PPCA*. *PPC Bulletins* are not a substitute for legal advice.

This document is provided for general information purposes only and is not intended as legal advice to be relied upon by any party. Individuals should consult the provisions of the *PPCA* or their legal advisor.

Protection for Persons in Care  
Station M, Box 476  
Edmonton, Alberta T5J 2K1  
Fax (780) 415-8611

**Reporting and information line 1-888-357-9339**  
Website: [www.seniors.gov.ab.ca](http://www.seniors.gov.ab.ca)