

COMPLAINT INVESTIGATION POLICIES & PROCEDURES



Superior EMS
Professional Standards Unit

Professional Standards Unit Mandate

The Professional Standards Unit (PSU) is responsible for ensuring that Superior EMS investigation of any complaint or concern is thorough, objective and handled in a timely manner. Within the context and authority of this policy, PSU is responsible for:

- a. Receipt, acknowledgment, coordination, investigation, and administration of all public and internal complaints received by SEMS. All complaints must be received through our reporting portal.
- b. Assuming the lead for investigating all complaints deemed to be major complaints as defined herein
- c. Assuming the lead for any investigation that may lead to a Coroner's Inquest or that may result in litigation
- d. Assuming the lead for any investigation as directed by the Chief of Emergency Services or Program Director
- e. Initiation and quality assurance of all complaint investigations
- f. Working in collaboration with SEMS command team staff, and/or medical director in the investigation of complaints
- g. Identifying any SEMS Operational Procedures, Patient Care Standards or pertinent legislation that may be related to the complaint
- h. Making recommendations for improvement because of the findings of an investigation
- i. Collection and control of all patient documentation as it relates to patient care
- j. Ensuring communication throughout the investigation with the complainant including closure, via a medium that is accessible to the complainant.

Furthermore, all investigations must be administered with due regard for all legal, ethical and professional considerations.

This policy was designed to clarify the roles and responsibilities of Superior EMS staff involved in the investigation of a complaint. The goal of this policy is to coordinate and standardize the processing of all complaints received by Superior EMS, and to maintain related documentation in a consistent format. This process also helps ensure that all complaints are reviewed in a timely, fair and unbiased manner. If this policy is adhered to consistently, SEMS will have an effective way to analyze the quality of service delivery, a quantifiable process for the measurement of Quality Assurance, and a high level of credibility and public trust.

Overview of Investigations

All investigations conducted by employees of Superior EMS must identify and deal with all relevant issues. Investigations must be conducted thoroughly and within a reasonable timeframe, commensurate with the seriousness and complexity of the issues identified. The fact-finding process must be rigorous and defensible, and the analysis of the evidence and the conclusions made must be objective and based on facts.

All investigations that are undertaken by SEMS must be conducted to the highest standards. Reputations, livelihoods and careers can be on the line; public confidence in emergency services and emergency services dispatch can be threatened; the health and welfare of residents is at stake.

A good investigation can lead to the correction of unfairness or wrongdoing and provides SEMS and the credibility. A poor investigation or “rubber-stamping” of a poor investigation done by someone else will bring the integrity of Superior EMS into question.

Conducting a good investigation requires objectivity, determination, and credibility. An investigator may encounter resistance, suspicion and even hostility. Being good at the job may mean people that the investigator thought of as friends are suddenly less welcoming. A good investigator remains impartial, even in the face of such pressures.

Regardless of the conclusions and the recommendations made because of an investigation, the report should be reasonably seen to be objective and thorough.

All potentially relevant issues must be identified and pursued. All relevant documentation and as necessary, physical evidence, must be identified, collected, reviewed and preserved. All relevant witnesses must be identified and thoroughly interviewed. And the analysis of all of the evidence gathered must be objective and the conclusions must be based solely on the facts.

The focus of any complaint investigation is providing effective customer service through the professional, appropriate and timely resolution of the issue with the complainant. Although many complaint investigations and the resulting internal resolution may take considerable time to complete, the Lead Investigator should ensure that the matter is resolved with the complainant at the earliest possible opportunity. The complainant must be kept informed of the process and also of any changes.

Definitions of Complaints

An investigation is focused on a particular conduct or alleged misconduct, whether it involves a systemic problem or an isolated incident. The findings can have significant implications for Superior EMS or any other persons involved.

The receipt of a complaint, which will be received through our online portal, will likely require an investigation to be conducted, and may include the following:

- a. a representation by anyone that Superior EMS and/or its staff has acted in a manner inconsistent with, or failed to act in a manner consistent with, the proper provision of patient care, fire response, or training program standards.
- b. an inquiry by anyone about Superior EMS that is reasonably likely to require an investigation to determine whether Superior EMS and/or its staff have acted in a manner inconsistent with, or failed to act in a manner consistent with, the proper provision of patient care, fire response, or training programs.

Complaints Received by Superior EMS Staff

As front-line service providers, Superior EMS medics, fire/rescue officers, instructors, and Emergency Medical Dispatchers (EMDs) are in a position to mitigate some types of complaints in an effective and timely manner. Superior EMS employees have an opportunity to explain or clarify operating policy and procedures, thereby clarifying customers' expectations, or to apologize for any minor inconveniences created during service delivery. If attempts to informally resolve a complaint are unsuccessful, the complainant should be advised that there is a formal complaint investigation process and be directed to contact PSU in person, by phone, electronically, mail or by any other means suitable and accessible to the complainant.

Where a Superior EMS employee feels that an incident may potentially result in a formal complaint, the employee should immediately contact the Superintendent of Professional standards as well as complete an Incident Report. This will ensure that a complete and factual record of the incident will be on file should a future investigation be required. The Incident Report should be submitted to the Superintendent immediately.

Complaints Received by Superior EMS for Another Service

When an individual files a complaint to Superior EMS related to another service (i.e. Algoma District Paramedics; Sault Ste. Marie District Paramedics, etc.) rather than immediately transferring from service to service, Superior EMS must obtain the complaint information. The public should not feel like they are getting the "run around" when they contact us for help.

When the complaint is received for another company or service, the following process will be followed:

- Obtain and record the details of the concern, the time and date of the incident, and the complainant's contact information, including their name, address and telephone number. Record the time and date that the complaint is received as well as the name of the person who received the complaint
- Identify the appropriate service, or department to handle the complaint
- Contact the appropriate service or department and forward the complaint intake information
- Notify the PSU that the complaint was received and forwarded to the correct service or department
- The complaint will be documented by the PSU

Complaints Received by and/or Forwarded to Professional Standards

The Professional Standards Unit (PSU) is responsible for receiving and acknowledging occurrences where an expression of dissatisfaction has been received concerning deficiencies in the delivery of service. This is achieved through a number of mechanisms as follows:

- Receipt of a complaint from our online submission portal
- Receipt of a complaint from a source external to the Division (e.g. patient, third party, allied service, coroner) by the Professional Standards Unit.
- Notification from the Chief's Office.
- Notification from the Medical Director

- Notification from any Superior EMS Staff

If a verbal complaint is received by any representative of Superior EMM, the complainant should be advised that there is a formal complaint investigation process, and every attempt should be made to direct (or transfer) the complainant to PSU. The employee will provide the complainant with the PSU contact information through our website. Where this is not possible, the employee should obtain the complainant's name, telephone number and the circumstances surrounding the complaint. This information is important for any subsequent follow-up. This information should be documented and immediately sent to PSU.

During non-business hours, where it is deemed that the matter cannot be deferred to the next business day, the employee will notify the on-call duty officer and provide all relevant details. The on-call duty officer must ensure that the details of the complaint are documented in the Communications Incident Report.

The PSU Superintendent will be responsible for contacting the complainant within two (2) business days to ensure that all relevant information has been received by Superior EMS. Where possible, every effort will be made to resolve the complaint informally during the initial contact with the complainant. Based on the nature of the complaint, the PSU Superintendent may extend an apology or explanation to the complainant without admitting any wrongdoing. The apology will be offered to address the customer's feeling of frustration or inconvenience from the perceived actions of Superior EMS. Notwithstanding an informal resolution of the complaint, an investigation of the complaint will be conducted in accordance with this policy.

Complaint Types

Upon receipt of a complaint, PSU will open a file and assign a unique file number. The type of complaint will be identified according to the following:

Employee Conduct

Concerns generated by the perceived attitude or conduct of the employee.

Driving or Vehicle Operation

Perceived inappropriate and/or unsafe use of a Divisional vehicle.

Patient Care

Any concerns surrounding patient care. All concerns will be investigated in consideration of the Patient Care Standards, Medical Directives and the Superior EMS Operational Procedures.

Delayed Response

Issues that arise from a perceived delay in response to an emergency or non-emergency call involving operational staff.

Billing

Complaints regarding the fee for ambulance transportation services.

Delay, Emergency Call - Communications Centre

Complaints concerning the timeliness of service regarding emergency calls, focused on dispatching activities.

Delay, Non-emergency Call - Communications Centre

Complaints concerning the timeliness of ambulance service regarding non-emergency calls, focused on dispatching activities.

Hospital Destination Concerns

Concerns generated regarding the destination decision by Operations or Communications.

Failure to Follow Established Protocol and/or Procedures

Non-compliance with the Standard Operating Procedures established by Superior EMS.

Emergency Medical Dispatcher Conduct

Concerns generated by the perceived attitude or conduct of the EMD.

Outcome/Appeal

A request from a complainant to appeal the final disposition of their complaint investigation.

Disability/AODA

The customer felt he/she was not able to access divisional services & programmes, physical facilities, information & employment because his/her accessibility needs, as required under the Accessibility for Ontarians Disability Act, 2005, have not been met.

Access/Human Rights Concerns

The customer found it difficult to find relevant, consistent, or accurate information about a service and/or had difficulty finding the right place to apply for a service or, was not able to access or receive a division's goods/services because he/she felt divisional practises pose barriers to access on human rights grounds.

Training Course Concerns

A complaint in relation to the quality, or delivery standards in relation to training courses run by Superior EMS.

Other

Any issues not addressed in the above categories.

Complaint Investigation Procedures

All complaints will be forwarded to the PSU Superintendent who will review the complaint and determine if the complaint is to be investigated as a major complaint as defined herein. If the complaint is deemed to be a major complaint, PSU will assume the lead of the investigation, for which the PSU Commander will assign a Lead Investigator.

In all other situations, the PSU Superintendent, based on the nature and type of complaint, will assign the investigation as follows:

- a. Through a PSU Superintendent, directly to the appropriate Commander for investigation and resolution;
- b. a PSU Superintendent, to the appropriate Commander with continued direct involvement of PSU; or
- c. Retained by PSU.

If during the course of the investigation, a new issue is identified, the assigned Lead Investigator will update their immediate Superior EMS Commander who will, in turn, update the PSU Superintendent of the new issue. Both Command team members will decide if additional resources will be required for the investigation or if PSU will assume the lead of the investigation.

If PSU is determined to be the lead of the investigation, the PSU Superintendent will notify the applicable Commander of the complaint along with relevant details.

The following criteria have been established regarding complaint investigations:

1. All complaints are to be thoroughly investigated. The fact-finding process must be rigorous and defensible. This involves identifying and interviewing witnesses, obtaining documents, seizing physical evidence, and ensuring that all information and facts are pursued to the greatest extent possible.
2. All complainants and witnesses must be contacted and interviewed at the outset of an investigation.
3. All complainants and witnesses are to be treated with dignity, respect, and with an equal opportunity to be heard without bias.
4. The investigator is required to record and keep accurate and detailed notes. This ensures accurate recollections for various purposes, including the preparation of reports as well as for providing testimony. All notes will include the date and times they were taken, persons spoken to, identification of all persons present at the interview, as well as the name and signature of the note-taker.
5. Under no circumstances will the investigator mark the original exhibit document. If, for the purposes of reviewing the document, the investigator needs to make notes on the document, he/she is to make a copy of the original document/ material and mark the copy as required. The marked copy will remain with the file as an exhibit.
6. The subject(s) of the investigation will be notified of the specific allegations made by the complainant.
7. The Lead Investigator must first determine if the subject(s) of the investigation should be interviewed and/or requested to complete an Incident Report. If it is determined that the subject(s) of the investigation should be interviewed first, interviews should be then completed individually and as soon as possible. After interviewing the subject(s) of the investigation, they may also be required to complete an Incident Report. If it is determined that the subject(s) of the investigation is required to complete an Incident Report, it is imperative that the involved employees complete separate incident reports as soon as possible. There must be no collaboration in writing these reports. Incident reports are confidential when completed

8. Explicit caution must be given to employee(s) and/or witnesses that all complaint information is confidential and may not be discussed with anyone except with the investigator(s) (unless union or legal representation is involved).
9. The investigator shall maintain confidentiality throughout the investigation and shall not provide comments or opinions regarding the investigation until the Investigation Report has been finalized.
10. If, during the course of the investigation, any adverse or contrary information is identified, the employee(s) and/or complainant will be notified and will be provided with an opportunity to address such information.
11. All complaints are to be resolved with the complainant. Every effort will be made for complaints to be resolved with the complainant within forty-five (45) business days of the initial receipt of the complaint. Where such timeframe cannot be achieved, the Lead Investigator will notify the complainant and provide a revised completion date.

NOTE: *Resolution* of the complaint means all aspects pertaining to the investigation of the complaint including facts, findings and conclusions have been completed. It is recognized that issues related to corrective action and remedial training may not have been initiated when the investigation has been completed.

12. An Investigation Report will be completed by the Lead Investigator for each investigation and contain the following information:
 - a. Header information including: Date of Report, File Number, Date of Incident, Pick-up Location, Lead Investigator, Additional Investigators, Type of Incident (e.g., complaint, Coroner's investigation, litigation, etc.)
 - b. Introduction: Details the concerns that have resulted in the initiation of an investigation.
 - c. Specific Issues: Clear identification of the issues that require investigation.
 - d. Facts: A chronological record of factual incident details, interviews and/or research conducted in support of the investigation.
 - e. Investigative Findings: An analysis of the investigative facts, explaining how they relate to applicable policies, standards, legislation, medical directives, etc.
 - f. Conclusions: A summary of findings in relation to the specific complaint/ concern. A key component of the conclusion will be a clearly stated finding categorizing the outcome of the investigation and an explanation of the rationale for the conclusion.
 - g. Recommendations: The recommendations, if any, of the Lead Investigator detailing any action required to ensure the situation is not repeated.

A Major Complaint Investigation Report will contain all of the information listed above as well as the following:

- h. Call Summary: A chronological record of the details of the entire call from start to conclusion. The call summary would not be required if the investigation is not related to Superior EMS medical call (i.e. training complaint).
13. Upon completion, the Lead Investigator will submit their Investigation Report to their immediate Commander for review. This report and any supporting documentation will then be submitted to the applicable PSU Superintendent.

14. The Lead Investigator, if not the PSU Superintendent, will make a recommendation regarding the outcome of the investigation using one of the following categories:
- a. **Substantiated** -- Definition: The allegation(s) against the employee/service has been found to be accurate, the employee is at fault and corrective action is/was necessary. Such corrective action may include: interview, remedial training, written warning, suspension, up to and including dismissal *e.g., The complainant said the Medic was rude. The investigation found that the Medic was rude.*
 - b. **Within Policy and Procedures** – Definition: The facts described by the complainant have been found to be accurate, however, the employee/service acted in a manner consistent with Divisional policies and/or practices *e.g., The complainant wanted a bandaid but the crew applied a pressure bandage as the bleeding was more severe. The allegation was accurate but the crew was simply following policy.*
 - c. **Unsubstantiated** – Definition: The allegation(s) against the employee/ service has been found to be inaccurate and/or without merit *e.g., The complainant alleges that an employee stole some personal property and the investigative findings indicate that the property was actually taken by the Police for safekeeping.*
 - d. **Investigation Inconclusive** – Definition: The allegation(s) against the employee/service, subsequent to investigation, was found to be inconclusive. *e.g., The complainant’s version of the events differs substantially from the employee’s version, and there is no independent witness or other evidence to corroborate either version or to strongly question one party’s credibility.*
 - e. **Other** – Definition: A “catch-all category” to accommodate those that aren’t clearly identified above.
15. Every effort will be made to close the complaint file within sixty (60) business days of initial receipt of the complaint.

NOTE: *Closing* of the complaint file means that all aspects pertaining to the investigation of the complaint including investigative facts and findings, resolution with the complainant, conclusions, recommendations and the final investigation report have been completed. It is recognized that issues related to corrective

Conflicts of Interest

A key factor when conducting an investigation is maintaining objectivity. When deciding whether or not a particular investigator can be involved in a given investigation, one must consider whether there is a perceived or real conflict of interest. If there exists any actual or perceived conflict of interest (e.g., prior crew partnership; family, personal or social connections to anyone involved or impacted by the investigation) between an investigator and the involved employee(s), the assigned investigator(s) must immediately declare this conflict to their immediate Commander. This potential conflict will then be brought to the attention of the Chief of Emergency Services who will evaluate whether there is an actual or perceived conflict of interest. The Chief will then determine whether the investigator declaring the conflict can continue with the investigation or if another investigator needs to be assigned.

In the event that the conflict of interest involves the PSU Superintendent, he/she must declare this conflict to the Chief of Emergency Services who will determine if said Superintendent shall continue to be involved in the investigation.

Lead Investigator

A Lead Investigator is the specific individual who is assigned the authority and responsibility to coordinate and/or investigate a complaint and who, on the completion of an investigation, is responsible for submitting an Investigation Report. A Lead Investigator may draw on any Divisional resource or personnel to assist her/him in bringing each complaint investigation to a timely conclusion. In every instance, the Lead Investigator will ensure that the complainant is regularly updated on the status of a complaint investigation and that the resolution is thoroughly communicated.

Under normal circumstances, the Commander of the staff most directly implicated in the complaint allegation will assign a Lead Investigator.

PSU will lead all Major Complaint investigations.

Notification of the Medical Director

The PSU Superintendent will determine an appropriate course of consultation when assessing patient care complaints, per the following guidelines:

- In instances where the patient care complaint(s) involves] Medical Directives, the PSU Superintendent will notify the] Medical Director
- In instances where the patient care complaint(s) does not involve Medical Directives, the PSU Superintendent may elect to notify Medical Director.

Where the Medical Director is notified, they will be requested to provide their comments and opinion on the alleged patient care concern(s). These comments and opinions will be included in the Final Investigation Report. The above-noted parties will be provided with an opportunity to review the draft Investigation Report before it is finalized.

If PSU is not leading the investigation, results of this consultation will also be copied to the Lead Investigator.

Potential Criminal Wrongdoing

If a complaint is received involving an allegation of criminal wrongdoing by a Superior EMS employee or during the course of an ongoing investigation, it is suspected that an employee may have committed a criminal offence, the following actions will be taken:

1. All complaints of this nature will be classified as a Major Complaint as defined in this policy.
2. PSU will be responsible for conducting all investigations involving allegations of Superior EMS employee(s) being involved in criminal wrongdoing.
3. In the absence of specific direction from the police that a SEMS investigation would interfere with a criminal proceeding, Superior EMS must conduct and complete its own investigation of the matter, notwithstanding the outcome of any police investigation. This may mean that the SEMS

investigation and the police investigation would occur in tandem; therefore, ongoing communication with the investigating police officer is critical.

4. The PSU Superintendent or his/her designate will notify Senior Command staff of all known details regarding the investigation.
5. The PSU Superintendent or his/her designate will also notify the appropriate Commander of all known details regarding the investigation.
6. Pending the outcome of the investigation or based on the nature of the allegations, the Commander of the subject employee may elect to:
 - a) Reassign the employee to administrative duties (i.e., remove the employee from duties involving direct patient/customer contact, if applicable); or
 - b) Suspend the employee from duty.
7. The Lead Investigator will ensure that the PSU Superintendent is kept apprised of all known details of the incident. The PSU Superintendent or his/her designate will be responsible for updating Senior Command staff regarding the status of the investigation.
8. Prior to notification of the police agency of the potential for criminal wrongdoing, the Lead Investigator will advise the complainant of Superior EMS' intent to report the matter to the police. If the investigating police agency directs Superior EMS to suspend its investigation, the Lead Investigator will notify the complainant accordingly. As soon as the police agency advises Superior EMS that it can resume its investigation, the Lead Investigator will advise the complainant that its investigation is resuming.
9. The PSU Superintendent or his/her designate will notify the appropriate police agency and, where so directed, will make arrangements to turn over copies of all relevant records.
10. The PSU Superintendent or his/her designate shall immediately notify Medical Director and the if the alleged criminal offence directly or indirectly involved patient care.
11. Regardless of the outcome of the police investigation, Superior EMS must conduct its own investigation and base its findings, conclusions and any necessary actions on its own investigation.

Unresolved Complaints or Dissatisfied Complaints

If, after the Superior EMS investigation has been concluded, the complainant is dissatisfied with the outcome of the investigation, the following will occur:

- The Lead Investigator, in discussions with the complainant, will obtain any additional information, if available, and will advise the complainant that the complaint will be investigated further. After further investigation is completed, the Lead Investigator will then re-contact the complainant and attempt to resolve the complaint. If this is unsuccessful, the Lead Investigator will advise the complainant that they will refer the complaint to PSU for additional review. The Lead Investigator will brief the PSU Superintendent.
- The PSU Superintendent will review the original investigation, investigate any outstanding issues, and then contact the complainant to attempt to resolve the complaint. If this is not successful, the PSU Superintendent will refer the complaint to the Chief of Emergency Services for Review.
- If the PSU Superintendent was the Lead Investigator and they are unable to resolve the original complaint with the complainant, they will advise the complainant that the complaint will be investigated further. After further investigation is completed, the PSU Superintendent will then re-contact the complainant and attempt to resolve the complaint. If this is unsuccessful, the PSU

Superintendent will advise the complainant that they will refer the complaint to the Chief of Emergency Services for additional review.

- The PSU Superintendent will review the original investigation, investigate any outstanding issues, and contact the complainant in an attempt to resolve the complaint.
- If, during any of the above-noted steps, the complaint is successfully resolved with the complainant, the investigation file will be considered closed.