

Child, Youth and Family Services Act

A Guide to the Complaints Provisions

This is an overview of the complaints provisions in the Child, Youth and Family Services Act and its regulations.

It is not intended to be used as legal advice or to replace the legislation or regulations.

To read the complete act and its regulations, please visit:

<https://www.ontario.ca/laws/statute/17c14>

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Introduction

The [Child, Youth and Family Services Act](#) (CYFSA) governs services that are funded, licensed or provided under the authority of the act. It supports more accountable, responsive and accessible child, youth and family services.

Most of the act's provisions came into force on April 30, 2018. [Part X \(Personal Information\)](#) is scheduled to come into force on January 1, 2020.

The CYFSA includes rules for receiving and responding to complaints that apply to different types of service providers. It also specifies that service providers must inform children and young persons of:

- Their rights under the CYFSA
- How they or someone else can make a complaint on their behalf.

This guide is intended to provide a general overview of the complaints provisions in the CYFSA and its regulations. It explains the complaints requirements and processes for different types of service providers. It is meant for a general audience, including service providers, ministry staff and the general public. It is not legal advice and does not replace the legislation or regulations. If there is any conflict between the act or regulations and this guide, the law is always the final authority. Anyone needing information about a specific situation should seek legal advice.

Format

The guide is divided into four parts. The first three parts focus on complaints procedures for: children and young persons in care, children and young persons receiving other services, and children's aid societies. Part 4 focuses on complaints procedures related to personal information.

Service providers have specific requirements that apply to them.

- Part 1 applies to service providers that:
 - Provide residential care to children or young persons
 - Place children or young persons in residential care

- Part 2 applies to service providers that are not children’s aid societies and that do not provide or place children and young persons in residential care, such as:
 - Autism service providers
 - Mental health service providers
 - Special needs service providers
 - Community-based youth justice service providers
- Part 3 applies to children’s aid societies.

Part 4 outlines complaints procedures for services received under the act that are not covered by other privacy laws.

The role of the Ontario Ombudsman

On May 1, 2019, the [Ontario Ombudsman's Office](#) took on responsibility for investigations related to children and youth receiving services from children’s aid societies or residential licensees and addresses complaints using the office’s early resolution and investigations models.

The [Ombudsman Act](#) has specific requirements for children’s aid societies and residential licensees regarding the functions of the Ombudsman.

In this guide, requirements that fall under the Ombudsman Act are **highlighted in grey**.

The Ombudsman's Children and Youth Unit can be reached:

- By phone at 1-800-263-2841 or 416-325-5669
- By email at cy-ej@ombudsman.on.ca
- Online at www.ombudsman.on.ca/what-we-do/topics/children-youth

Definitions

The definitions below are listed in alphabetical order. You should read each definition to understand the meaning of these terms before you read the guide. You can also refer to them when needed.

“**Child**” means a person younger than 18.

“Child in care” means a child or young person who is receiving residential care from a service provider and includes:

- A child who is in the care of a children’s residence
- A child who is in the care of a foster parent
- A young person who is:
 - Detained in a place of temporary detention
 - Committed to a place of secure or open custody under the Youth Criminal Justice Act
 - Held in a place of open custody under the Provincial Offences Act.

“Extended family” means people related to a child, including through a spousal relationship or adoption. In the case of a First Nations, Inuit or Métis child, it also includes any member of a child’s:

- Band, if the child is a member of the band or the child identifies with it
- First Nations, Inuit or Métis community, if the child belongs to the community or identifies with it.

“First Nations, Inuit or Métis community” means a community listed by the Minister of Children, Community and Social Services in a regulation. The community must first ask to be listed and must meet certain criteria.

“Residential care” means boarding, lodging and associated supervised, sheltered or group care that is provided for a child in a setting that is away from their parent’s home.

Residential care does not include boarding, lodging or associated care for a child who has been placed in the lawful care and custody of a relative or a member of the child’s extended family or community.

“Residential placement” means a place where residential care is provided.

“Service” includes:

- A service for a child with special needs, including a developmental or physical disability, or their family
- A community support and prevention service for a child or their family
- A mental health service for a child or their family
- A service related to residential care for a child
- A service for a child who is or may be in need of protection or the child’s family
- A service related to adoption for a child, the child’s family or others
- A counselling service for a child or their family
- A service or program for a young person, for the purposes of the [Youth Criminal Justice Act](#) or [Provincial Offences Act](#).

“Service provider” means:

- The Minister of Children, Community and Social Services
- A licensee (for example, a person who holds a licence to provide residential care)
- A person or organization, including a children’s aid society, that provides a service funded under the CYFSA.

A service provider does not include a foster parent.

“Young person” means someone who is (or appears to be) 12-17 years old, who is charged with or found guilty of an offence under the federal [Youth Criminal Justice Act](#) or Ontario’s [Provincial Offences Act](#).

A “young person” also includes someone who is 18 and over, and who is charged with having committed an offence when they were 12-17 years old or found guilty of an offence under the Youth Criminal Justice Act.

Rights of children and young persons

Rights of children and young persons receiving services

The Child, Youth and Family Services Act says that all children and young persons who are receiving services under the act have the right to:

- Express their own views freely and safely about matters that affect them
- Participate in honest and respectful discussions about how and why decisions affecting them are made and to have their views seriously considered based on their age and maturity
- Be consulted about the kind of services they are getting or will be getting, participate in decisions about those services and be told about the decisions that are made
- Raise concerns or suggest changes to the services they are getting or will be getting without interference, fear of pressure, discrimination or retaliation and to receive a response
- Be informed of their rights in a way they can understand.

What is not allowed

No service provider or foster parent is allowed to use or permit:

- Physical punishment on a child or young person
- Detention of a child or young person in locked premises, except where the CYFSA allows
- The use of physical restraint on a child or young person receiving services (except where regulations allow)
- The use of mechanical restraints on a child or young person receiving services (except where the CYFSA and regulations allow).

Rights of children in care

All of the rights outlined above apply to decisions affecting children in care, including decisions about their:

- Treatment, education or training or work programs
- Creed, community identity and cultural identity
- Placement in or discharge from a residential placement or transfer to another residential placement.

A child or young person's views about these decisions must be considered in accordance with their age and maturity.

Children in care also have additional specific rights related to:

- Being informed of their rights, responsibilities, and the complaints and review process available to them when they are admitted to a residential placement and regularly afterwards
- Their communication, both in-person and written, with family members, their lawyer or other representative, and others
- Conditions and limitations on visitors (for young persons in temporary detention, open or secure custody)
- Their personal privacy, personal property and activities
- Their plan of care and the standard of care provided to them.

Privacy Rights of children, parents and families

Scheduled to come into force on January 1, 2020, [Part X of the CYFSA](#) provides children, parents and families with rights related to the sharing and handling of their personal information.

The Youth Criminal Justice Act or other laws may not allow for some personal information to be disclosed. Nothing in Part X permits or requires this information to be disclosed.

Part X of the CYFSA does not apply to personal information covered by other privacy laws.

The new rights for children, parents and families include the right to:

- Request access to any records of personal information held by a service provider
- Request corrections to their records of personal information held by a service provider
- Be notified at the first reasonable opportunity if their personal information is lost, stolen, used or disclosed without authority
- Consent to their personal information being collected, used or shared, unless an exception applies (e.g. if the information is required to reduce the risk of serious harm). A child's ability to consent is based on capacity, as opposed to their age.
- Make a complaint to the Information and Privacy Commissioner (IPC) about another person who has or is about to violate Part X
- Make a complaint to the Consent and Capacity Board about a determination of incapacity.

Making a complaint

Children and young persons who are in residential care or who are receiving other services can make a complaint if they believe their rights are being violated. There are specific complaints processes, depending on the type of service.

Complaints about services requested or received from a children's aid society follow a separate process.

All of these complaints processes are outlined in this guide.

Complaints to the Ombudsman's Office

A child or young person in care has the right to contact the Ontario Ombudsman's Office privately and without delay to make a complaint about any matter concerning a service provided by:

- The Ministry of Children, Community and Social Services
- A children's aid society
- A residential licensee, including a foster home, group home, secure treatment program or youth justice facility.

The Ombudsman's Children and Youth Unit can be reached:

- By phone at 1-800-263-2841 or 416-325-5669
- By email at cy-ej@ombudsman.on.ca
- Online at www.ombudsman.on.ca/what-we-do/topics/children-youth

Complaints provisions

Child, Youth and Family Services Act

[Part II – Children’s and Young Persons’ Rights](#)

- [Complaints and Reviews, Section 18: Residential Care](#)

[PART V – Child Protection, Section 119: Services Requested or Received from a Society](#)

[PART V – Child Protection, Section 120: Complaint to Board about a Service Requested or Received from a Society](#)

[PART X – Personal Information, Section 302\(2\): Determination of Compliance](#)

[PART X – Personal Information, Section 304: Determination of Incapacity](#)

[PART X – Personal Information, Section 304\(3\): Review of Determination](#)

[PART X – Personal Information, Section 305: Appointment of Representative](#)

[PART X – Personal Information, Section 316: Complaint to Commissioner](#)

Regulations

[Ontario Regulation 155/18: General Matters under the Authority of the Lieutenant Governor in Council:](#)

- [Complaints Procedure, Section 22: Residential Care, Placements](#)
- [Complaints Procedure, Section 23: Other Services](#)
- [Board Review of Complaint to Society](#)

[Ontario Regulation 156/18 General Matters under the Authority of the Minister:](#)

- [Complaints and Reviews \(Children's Aid Society Services\)](#)

Part 1: Complaints procedures for children and young persons in residential care

Who does this apply to?

The Child, Youth and Family Services Act and its regulations include requirements for complaints processes that apply to service providers that:

- **Provide residential care** to children or young persons, such as:
 - Children's aid societies, including Indigenous societies
 - Children's mental health agencies
 - The Child and Parent Resource Institute
 - Group homes and foster homes
 - Youth justice open and secure custody/detention facilities.
- **Place children or young persons in residential care**, such as:
 - Children's aid societies, including Indigenous societies
 - Placing Agencies
 - Residential licensees that are also the placing agency.

The requirements outlined in this section do not apply to service providers that do not provide or place children or young persons in residential care.

What types of complaints are covered?

These processes apply to complaints:

- Regarding alleged violations of the rights of children in care
- By children in care or others affected by:
 - [Conditions or limitations imposed on visitors](#) to a youth justice custody/detention facility
 - [Suspensions of visits](#) to a youth justice custody/detention facility.

Communicating in child-friendly formats

These service providers must communicate with children in ways they can understand about:

- Their rights under the CYFSA
- How they can make a complaint and request a review of a complaint.

The information must be provided both verbally and in writing or in an accessible format if needed.

Establishing a written procedure

These service providers must establish a written procedure for hearing and dealing with the types of complaints listed above.

What to include in the written complaints procedure

How someone can make a complaint

The service provider's complaints procedure must outline how verbal or written complaints about alleged violations of the rights of the child in care can be made by:

A child in care:

- To a staff member or foster parent, either in private or in the presence of other children or young persons
- To the service provider or a person designated by the service provider.

A child's parent or other person representing the child:

- To a staff member or foster parent
- To the service provider or a person designated by the service provider.

A person affected by conditions or limitations placed on visitors to a youth justice custody/detention facility:

- To a staff member
- To the service provider or a person designated by the service provider.

A person affected by the suspension of visits to a youth justice custody/detention facility:

- To a staff member
- To the service provider or a person designated by the service provider.

The written procedure must state that a record of verbal complaints will be kept.

Timelines

The service provider's written procedure must include:

- The timelines for responding to a complaint
- That a complaint must be acknowledged within 24 hours of receiving it
- That the service provider will determine within 24 hours whether action can be taken to:
 - Respond to the complaint
 - Help the child while the complaint is being investigated
- That the service provider will update the person who made the complaint until the complaint is resolved:
 - On request
 - At least every 30 days.

Reviewing and responding to complaints

The service provider must review and try to resolve the complaint. Once the review has been completed, the service provider must provide the results of the review to each person who made the complaint, whether as an individual or as part of a group.

Further review of a complaint

If a person or group who made a complaint is not satisfied with the results of the review, they can submit a written request to the Minister of Children, Community and Social Services for a further review.

Once the request is received, the Minister must appoint a person who does not work for the service provider to conduct the further review. The person appointed has, for the purposes of the review, all the [powers of a program supervisor](#) and may hold a hearing.

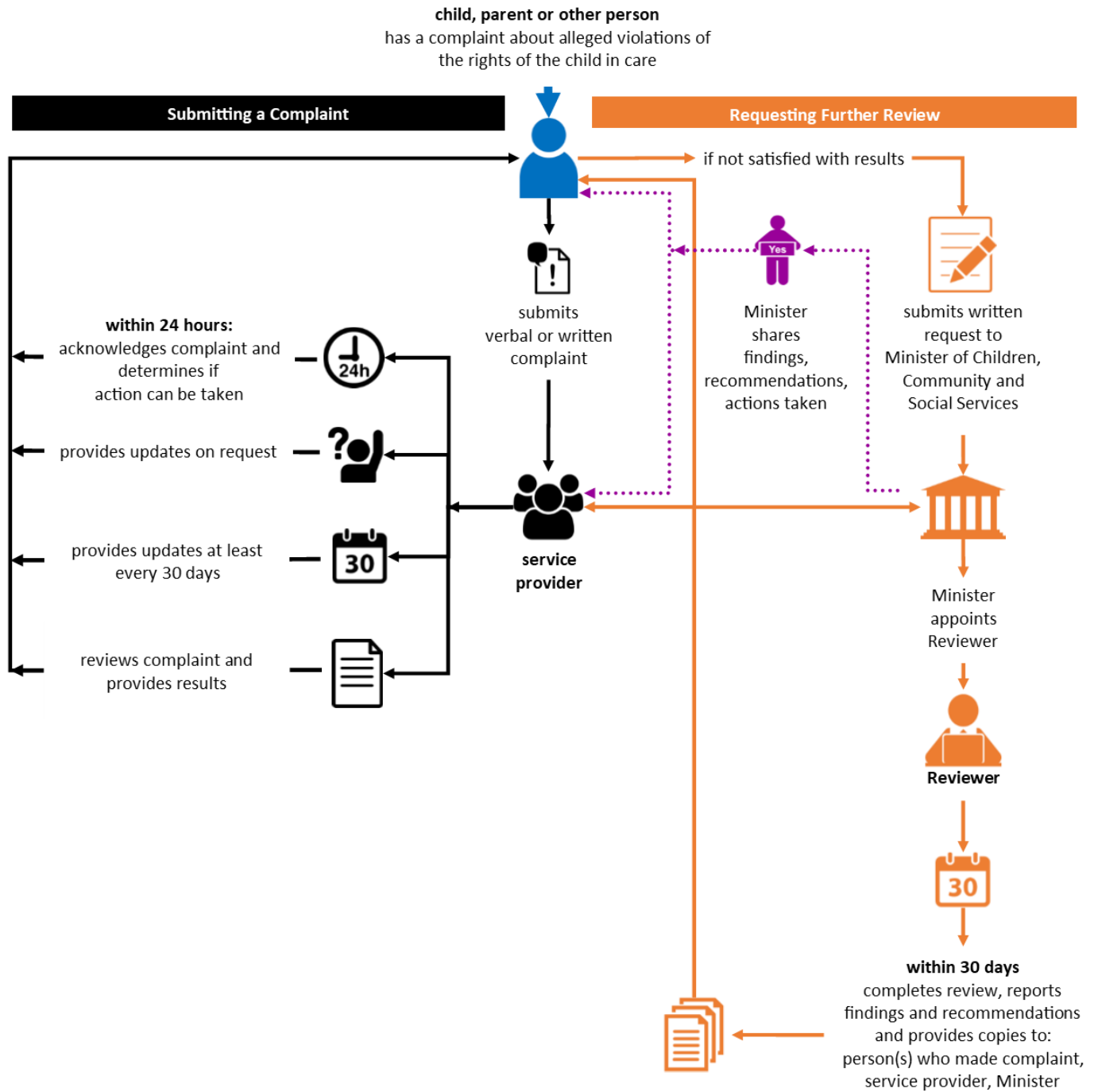
Within 30 days after the day of appointment, the reviewer must:

- Complete the review
- Report their findings and recommendations, including the reasons for not holding a hearing, if none was held
- Provide copies of the report to:
 - Each person who made the complaint, whether as an individual or as part of a group
 - The service provider
 - The Minister, where the Minister is not the service provider.

If the Minister decides to take any action as a result of the reviewer's report, the Minister must share the decision with:

- The service provider, where the Minister is not the service provider
- Each person who made the complaint, whether as an individual or as part of a group.

Illustration: Making a complaint – children and young persons in residential care



Part 2: Complaints procedures for children and young persons receiving other services

Who does this apply to?

The Child, Youth and Family Services Act and its regulations include requirements for complaints processes that apply to service providers that are not societies and that do not provide or place children and young persons in residential care.

The complaints procedures outlined in this section apply to service providers such as, but not limited to:

- Autism service providers
- Mental health service providers
- Special needs service providers
- Community-based youth justice service providers.

Communicating in child-friendly formats

These service providers must communicate with children and young persons in ways they can understand about:

- Their rights under the CYFSA
- How they can make a complaint and how to request a review of a complaint.

The information must be provided both verbally and in writing or in an accessible format if needed.

Establishing a written complaints procedure

These service providers must have a written complaints procedure in place that:

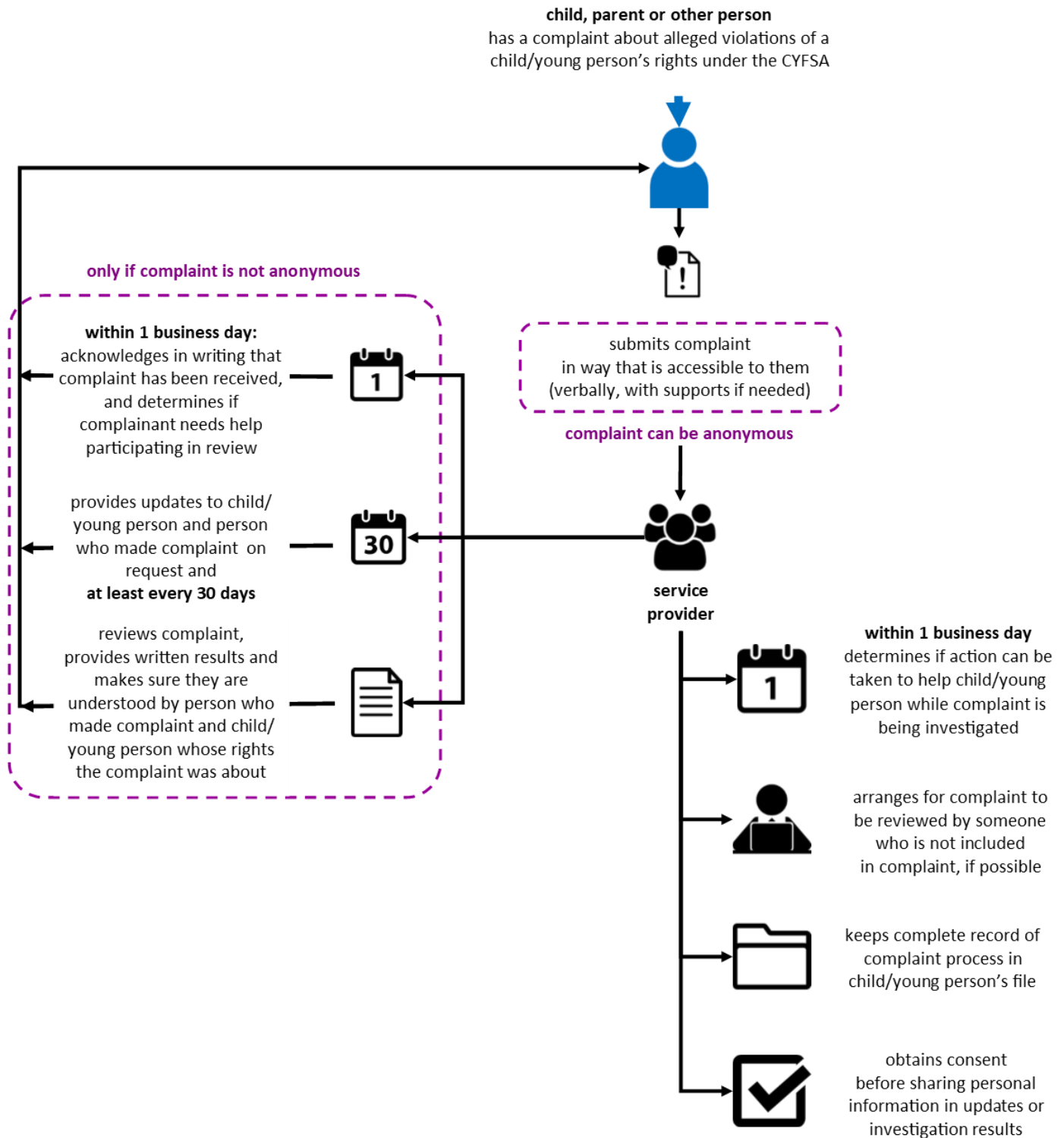
- Allows anyone to make a complaint about violations of a child or young person's rights under the CYFSA in a way that is accessible to them, e.g. verbally, with additional supports if needed
- Allows for complaints to be anonymous
- Provides for the complaint to be reviewed by someone who is not included in the complaint, if possible

- Within one business day, requires the service provider to determine if any immediate action can be taken to prevent the alleged violation of rights from taking place or happening again, or reduce any possible harm to a child or young person
- Requires the service provider to obtain the consent of the affected child or young person before sharing their personal information when responding to the complaint
- Requires the service provider to keep a complete record of the complaint process in the child or young person's file.

Unless the complaint is anonymous, the service provider must also:

- Within one business day:
 - Acknowledge in writing that a complaint has been received
 - Determine if the complainant needs any help participating in a review of the complaint
- Provide updates to the child or young person whose rights were allegedly violated and to the person who made the complaint until it is resolved on request, and at least every 30 days
- Provide the written investigation results and make reasonable efforts to make sure the results are understood by:
 - The person who made the complaint, and
 - The child or young person whose rights the complaint was about.

Illustration: Making a complaint – children and young persons receiving other services



Part 3: Complaints procedures for children's aid societies

Who does this apply to?

There are complaints provisions in the Child, Youth and Family Services Act and its regulations that apply to services requested or received from children's aid societies.

How to make a complaint about a children's aid society

A person can make a complaint about services they requested or received from a children's aid society:

- [To the society](#), and/or
- Directly to the [Child and Family Services Review Board](#), for certain types of complaints
- To the Ontario Ombudsman's Children and Youth Unit.

Communicating in child-friendly formats

Children's aid societies (societies) must communicate with children in ways they can understand about their rights under the CYFSA.

The information must be provided both verbally and in writing or in an accessible format if needed.

Making a complaint to a children's aid society

Societies must make information about their complaints process available to the public and to anyone who asks.

Formal complaints against a society about a service requested or received from the society must be made in writing using the [Formal Complaint to a Society's Internal Complaints Review Panel \(ICRP\) Form](#).

If a society receives a complaint about its services, it must deal with it using the complaints process outlined below.

Reviewing complaints

Determining eligibility for review

Anyone who has requested or received a service from a children's aid society can make a complaint about it to that society. The society must then determine if the complaint is eligible for review within seven days after receiving it.

A complaint is **not eligible for review** if it is:

- An issue that has been decided by the court, or is before the court
- Subject to another decision-making process under the [Child, Youth and Family Services Act](#) or the [Labour Relations Act](#).

When a complaint is not eligible for review, the children's aid society must provide a written response to the person who made the complaint and include the reasons why it is not eligible.

If the complaint is **eligible for review**, the society must:

- Establish an Internal Complaints Review Panel
- Notify the person in writing and include a date and time for a meeting with the panel.

Internal Complaints Review Panel

Panel members must be selected by the Executive Director of the children's aid society and include:

- A senior manager from the society
- Other society staff as required
- At least one person who is external to the society.

A panel member who is external to the children's aid society may be a member of the society's board of directors. Panel members must not have had any direct involvement with the complaint being reviewed.

Complaints review meetings

Scheduling a complaints review meeting

The meeting must be:

- Scheduled at a convenient time for the person making the complaint and the panel members
- Held within 14 days after the date the written notice is sent to the person who made the complaint, or at a later time if they request it
- Held in person.

If the person who made the complaint requests a later time, the panel must make reasonable efforts to accommodate the request.

Who may attend the meeting

The following people may attend the meeting:

- The person making the complaint
- A representative chosen by each of the person's bands and First Nations, Inuit or Métis communities, where appropriate
- One other person chosen by the person making the complaint.

Subject to this list, the Internal Complaints Review Panel may determine who attends the meeting.

Summary of meeting results

Within 14 days after the meeting, the Internal Complaints Review Panel must send a written summary of the meeting results, including any agreed upon next steps to the:

- Person who made the complaint
- Executive Director of the children's aid society that received the complaint.

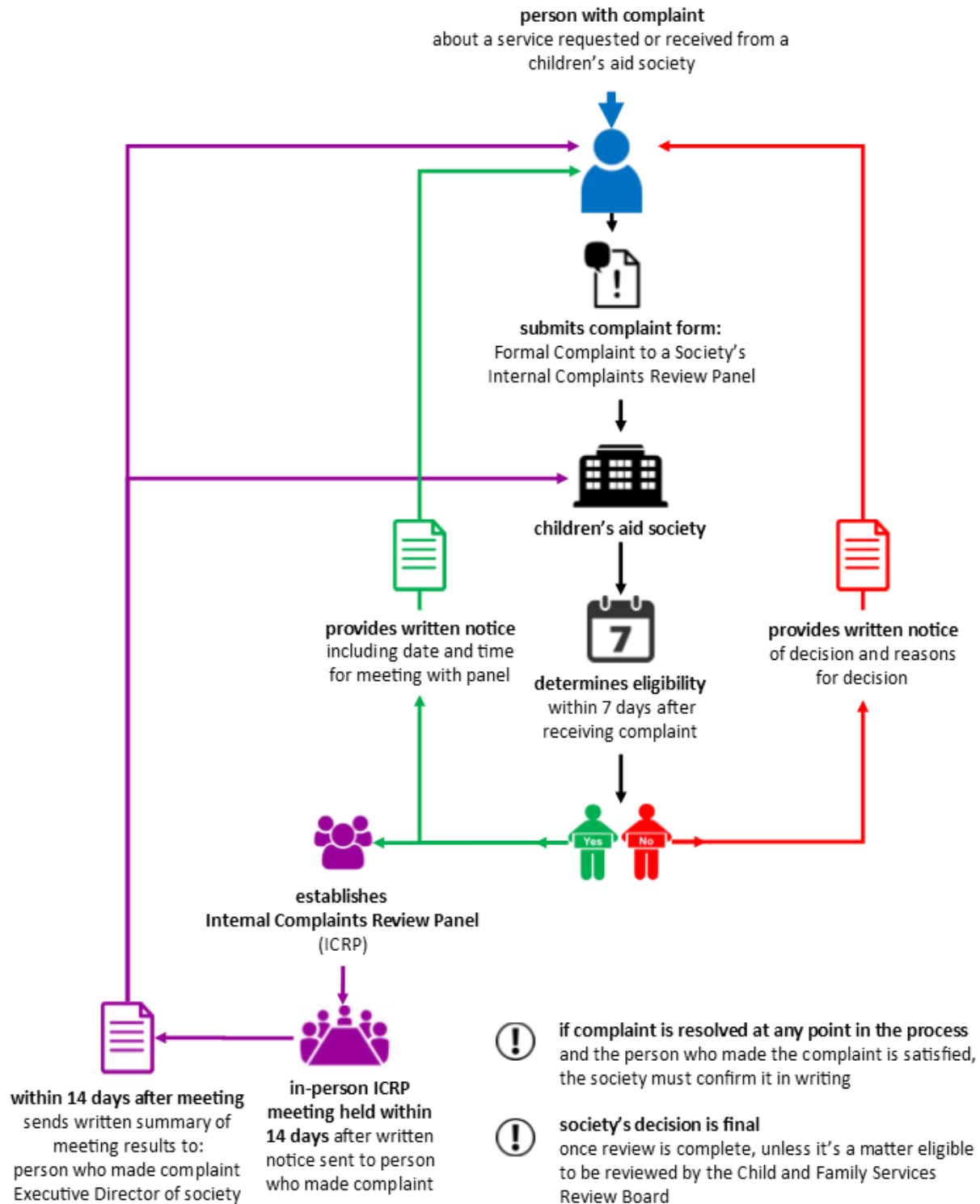
Resolution of complaint

If the complaint is resolved at any point in the process and the person who made the complaint is satisfied, the society must confirm it in writing.

The children's aid society's decision

A society's decision is final once the review is complete, unless it is a matter to be reviewed by the Child and Family Services Review Board.

Illustration: Making a complaint to a children's aid society



Making a complaint to the Child and Family Services Review Board

The [Child and Family Services Review Board](#) conducts reviews and hearings on a number of matters that affect children, youth and families in Ontario, including complaints about the services requested or received from a children's aid society.

In most cases, a person may complain directly to the Board:

- Before or at any point during the complaints process of a society's Internal Complaints Review Panel
- If they want the Board to review an Internal Complaints Review Panel decision.

The Board can review complaints that say a society:

- Refused to proceed with a complaint made through the complaints process
- Did not respond to the complaint within the required timeframe
- Did not follow the complaints review process or any other required process relating to the review of complaints
- Did not give a child and their parents an opportunity to be heard when decisions affecting their interests were made
- Did not give a child or their parents an opportunity to be heard when they raised their concerns
- Did not provide reasons for the decisions that affect the interests of the person who complained.

If a person believes there is an inaccuracy in the society's records about them, they must complete the society's Internal Complaints Review Panel process before complaining directly to the Board.

Note: Once Part X comes into effect, complaints related to inaccuracies in a Society's record are to be made to the Information and Privacy Commissioner.

When reviewing a society's decision, the Board must:

- Notify the society when it has received an application for review of a society's decision
- Conduct a review of the society's decision.

Determining eligibility for review

When the Board receives a request for a review of a complaint, it must:

- Determine if it is eligible for review within seven days
- Notify the person who made the complaint and the society of its decision in writing.

If the complaint is **not eligible for review**, the written notice must include the reasons why.

If the complaint is **eligible for review**, the Board will send:

- The order or other decision the Board has made after reviewing the society's decision, or
- A notice that a hearing may be held. This notice will include the date and location of a pre-hearing conference.

The Board must send either of these to the person who made the complaint and the society within 20 days after it decides that the complaint is eligible for review.

Pre-hearing conference

A pre-hearing conference is required before holding a hearing. The pre-hearing conference must be held within 40 days after the Board decides that the complaint is eligible for review.

When the pre-hearing conference is complete, the Board must send a summary of the results to the person who made the complaint and the society within 10 days.

Additional pre-hearing conferences

The Board may need to hold one or more additional pre-hearing conferences. If they are needed, the Board must send a notice to the person who made the complaint and the society about where and when the additional conferences will be held.

The Board may choose to send a single summary of the results of all of the pre-hearing conferences. The summary must be sent within 10 days after the final conference is complete to the person who made the complaint and the society.

Proceeding with a hearing

If the Board determines that it will hold a hearing, it must:

- Include the date and location of the hearing with the summary of results from the pre-hearing conference
- Hold the hearing within 60 days after it determines that the complaint is eligible for review.

Within 30 days after the hearing is complete, the Board must provide its written decision and the reasons to the person who made the complaint and the society.

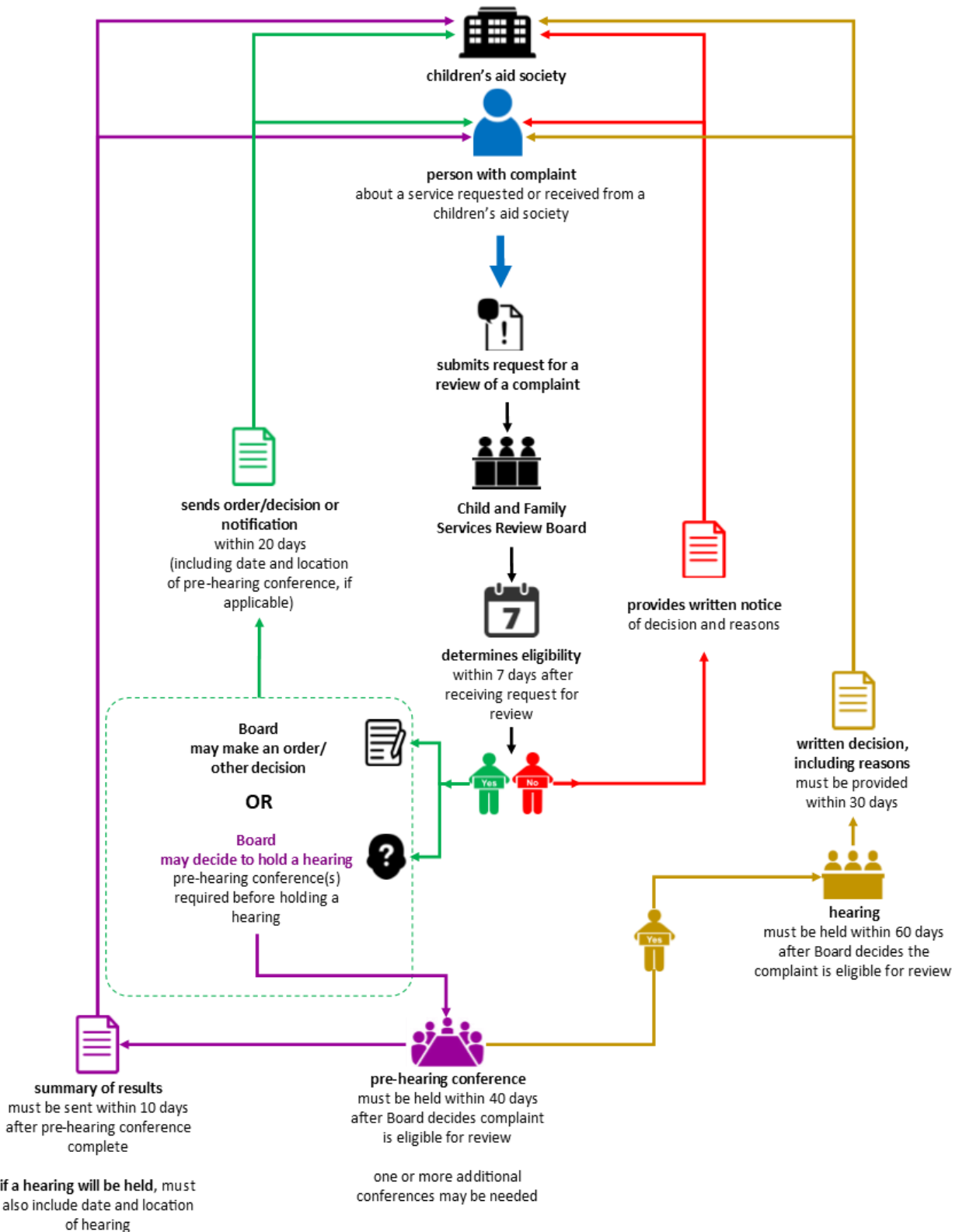
The Board's decision

Once the Child and Family Services Review Board has completed its review of a decision or complaint, it may:

- Redirect the matter to the children's aid society for further review
- Confirm the children's aid society's decision
- Dismiss the complaint
- Order the children's aid society to proceed with the complaint through the established complaints process
- Order the children's aid society to respond to the person who made the complaint within a certain timeframe
- Order the children's aid society to comply with the established complaints process
- Order the children's aid society to provide written reasons for the decision to person who submitted the complaint
- Make another order, as prescribed in the regulation.

If a complainant is not satisfied with the Board's decision, they may make a complaint to the Ontario Ombudsman's Office.

Illustration: Making a complaint to the Child and Family Services Review Board



Part 4: Complaints procedures for privacy rights for CYFSA services not covered by other privacy laws

Making a complaint to the Information and Privacy Commissioner

Scheduled to begin on January 1, 2020, complaints about the following matters that affect children, youth and families in Ontario can be made to the [Information and Privacy Commissioner](#) (the Commissioner):

- Decisions about requests for access to a record of personal information
- Decisions about requests for a correction to a record of personal information
- Privacy breaches (personal information that has been lost, stolen, used or disclosed without authority)
- Failure to comply with a requirement in Part X

Who can make a complaint?

Any person can submit a written complaint for the matters identified above.

Timelines to submit a complaint

The CYFSA specifies timelines for submitting a complaint to the Commissioner depending on the type of complaint:

Access and corrections to records of personal information

Complaints about access and correction decisions must be submitted within six months after a service provider refuses a request (or fails to respond).

All other complaints

The person with the complaint must submit their complaint within one year after they first become aware of the issue or should have been told about the issue.

Exception

In some cases, the Commissioner may accept a complaint after the specified timeline if the Commissioner is satisfied that it does not result in a disadvantage to any person.

How a complaint is handled

After receiving the complaint, the Commissioner may:

- Ask the person who complained what other steps they are taking or have taken to resolve the complaint
- Require the person to try and settle the complaint with the other party on their own within a specified period
- Have a mediator review the complaint and try to find a settlement between the two parties within a specified period.

The Commissioner may decide to not review the complaint if:

- The Commissioner is satisfied that the organization that the complaint is about has adequately responded to the complaint
- It is more appropriate for another body to deal with it in the beginning or completely
- The length of time between the incident and the complaint is so long that it would result in an unjustified disadvantage to any person
- The person complaining does not have enough personal interest in the subject-matter of the complaint
- The complaint is frivolous, could cause serious harm or was made in bad faith.

The Commissioner must give notice of their decision to review or to not review the complaint. If the Commissioner decides to not review the complaint, the Commissioner must include the reason for the decision.

If the Commissioner investigates the complaint, the Commissioner can issue orders to a service provider to obey the decision.

Making a complaint to the Consent and Capacity Board

Scheduled to begin January 1, 2020, applications about the following matters related to a child's or youth's capacity to consent to the collection, use and disclosure of their personal information must be made to the [Consent and Capacity Board](#) (the Board):

- To review a service provider's decision that a person is incapable
- To appoint a substitute decision-maker chosen by an incapable person who is 16 years or older
- To review a request by an individual who is 16 years or older asking to be appointed as the substitute decision-maker of an incapable person
- To determine whether a substitute decision-maker has considered the following for the purpose of consenting or withholding or withdrawing consent on behalf of an individual:
 - The wishes, values and beliefs of the incapable person
 - If the benefits of the collection, use or disclosure outweigh the risks
 - If the purpose can be fulfilled without the collection, use or disclosure of personal information
 - If the collection, use or disclosure is necessary to satisfy a legal obligation.

Reviewing a service provider's decision that a person is incapable

The Board may review a service provider's decision of incapacity to either:

- Determine that the person is capable
- Confirm that the person is incapable.

If the Board confirms that the person is incapable, the person cannot submit a new application for six months, unless there is a significant change in circumstances that justifies reconsidering the application in a shorter time period.

Appointing a substitute decision-maker who is 16 years or older

An application to the Board to appoint a substitute decision-maker also automatically includes an assessment of the person's capacity, unless the Board confirmed their incapacity within the previous six months. This applies when:

- An incapable individual chooses a substitute decision-maker who is 16 years or older
- A person who is 16 years or older asks to be appointed as the substitute decision-maker of an incapable person.

This does not apply if the incapable person has a guardian or an attorney for personal care or property who has authority to give or refuse consent on the person's behalf.

Determining whether a substitute decision-maker has taken into account the required considerations

If a service provider believes that a substitute decision-maker has not considered the wishes, values and beliefs of the individual or the other concerns related to the collection, use and disclosure of the personal information, the Board may:

- Replace the substitute decision-maker's opinion with its own
- Give the substitute decision-maker directions and specify a timeframe for the substitute decision-maker to obey those directions

Potential Consent and Capacity Board decisions

Some of the decisions the Board may make include:

- Appointing a substitute decision-maker if they meet certain criteria outlined in Part X (Personal Information)
- Imposing conditions on appointments (e.g. for specific decisions and/or for a particular time)
- Terminating a substitute decision-maker if certain conditions are met, including if the appointment is no longer in the best interests of the person or if the substitute decision-maker is no longer capable or if either party requests the appointment to end.