

# **Excerpts from the Ontario Guide to the Long Term Care Act** **(2007)**

## **Part IV Councils – Family Council**

### *A. Overview*

Sections 59 to 68 of the LTCHA set out the requirements relating to Family Councils.

### *B. LTCHA Requirements Section 59 – Family Council*

The Home may have a Family Council. If there is no Family Council, a family member or person of importance to a resident may request the establishment of a Family Council.

If the Home receives such a request, the Home must assist in the creation of the Family Council within 30 days of receiving the request. The Home must notify the Director within 30 days when a Family Council has been established.

A family member of a resident or person of importance to a resident has the right to be a member of the Family Council. Despite this right, the following persons may not be members of the Family Council:

- The licensee, and anyone involved in the management of the Home on behalf of the licensee;
- An officer or director of the licensee or of a corporation that manages the Home on behalf of the licensee or, in the case of a Home approved under Part VIII of the LTCHA, a member of the committee of management or board of management for the Home;
- A person with a controlling interest in the licensee;
- The Administrator;
- Any other staff member; and
- A person who is employed by the MOHLTC or has a contractual relationship with the Minister or with the Crown regarding matters for which the

Minister is responsible and who is involved as part of their responsibilities with long-term care home matters.

If there is no Family Council, the Home must advise residents' families and persons of importance on an ongoing basis of their right to establish a Family Council and must convene semi-annual meetings to advise these persons of this right.

### *Key Considerations*

To be a member of a Family Council, a person must be a family member of a resident or a person of importance to a resident. A person can no longer be a member of the Family Council after the death or transfer of the resident, unless the person is a person of importance to another resident in the Home.

A "person of importance" may include a friend or a significant other.

### *Section 60 – Powers of Family Council*

The Family Council has the power to do all of the following:

- Provide assistance, information and advice to residents, family members of residents and persons of importance to residents, including when new residents are admitted to the Home.
- Advise residents, family members of residents and persons of importance to residents about their rights and obligations under the LTCHA.
- Advise residents, family members of residents and persons of importance to residents about the rights and obligations of the Home under the LTCHA and under any agreement relating to the Home.
- Attempt to resolve disputes between the Home and residents.
- Sponsor and plan activities for residents.
- Collaborate with community groups and volunteers concerning activities for residents.
- Review,
  - inspection reports and summaries received under section 149 of the LTCHA,

- the detailed allocation, by the Home, of funding under the LTCHA and the Local Health System Integration Act, 2006 and amounts paid by residents,
  - the financial statements related to the Home filed with the Director under the Regulation and with the LHIN, and
  - the operation of the Home.
- Advise the Home of any concerns or recommendations the Council has about the operation of the Home.
  - Report to the Director any concerns and recommendations that in the Council’s opinion ought to be brought to the Director’s attention. If the Family Council has advised the Home of any concerns or recommendations about the operation of the Home or of any concerns or recommendations brought to the Director’s attention, the Home must respond in writing to the Family Council within 10 days of receiving the advice.

### *Definition*

“Detailed allocation” means the reconciliation report for a calendar year submitted to the Minister under section 243 (1) (a) of the Regulation and to the LHIN for the geographic region in which the Home is located required by regulations made under the Local Health System Integration Act, 2006, and the auditor’s report on that reconciliation report (section 211 of the Regulation).

### *Section 61 – Family Council Assistant*

At the request of the Family Council, the Home must appoint a Family Council assistant who is acceptable to the Council to assist the Family Council. The Family Council assistant must take instructions from the Family Council, ensure confidentiality where requested and report to the Family Council.

## **Part IV Councils – General**

### *A. Overview*

Sections 62 to 68 of the LTCHA and section 211 of the Regulation set out further requirements relating to Residents’ Councils and Family Councils.

### *B. LTCHA Requirements Section 62 – Licensee to Co-operate with and Assist Councils*

The licensee must co-operate with the Residents' Council, the Family Council, the Residents' Council assistant and the Family Council assistant.

#### Section 63 – Licensee Duty to Meet with Council

The licensee must meet with the Residents' Council or the Family Council if invited to do so.

#### Section 64 – Attendance at Meetings – Licensees, Staff, etc.

The licensee may only attend a meeting of the Residents' Council or the Family Council if invited and must ensure that staff, including the Administrator, and others involved in the management or operation of the Home attend a meeting only if invited.

#### Section 65 – No Interference by Licensee

The licensee must not interfere with the meetings or operation of the Residents' Council or the Family Council, must not prevent a member of either Council from entering the Home to attend a meeting or performing any functions as a member, and must not hinder, obstruct or interfere with the member carrying out those functions. The licensee must not prevent a Residents' Council assistant or a Family Council assistant from entering the Home to carry out his or her duties or otherwise hinder, obstruct or interfere with the assistant in carrying out those duties.

The licensee must ensure that staff, including the Administrator, and others involved in the management or operation of the Home do not do anything that the licensee must not do as set out in this section.

#### Section 66 – Immunity – Council Members, Assistants

No action or other proceeding can be commenced against a member of a Residents' Council or Family Council or a Residents' Council assistant or Family Council assistant for anything done or omitted to be done in good faith in his or her capacity as a member or assistant.

## Section 67 – Duty of Licensee to Consult Councils

The Home must consult regularly with the Residents' Council and the Family Council. The consultation must take place at least every three months.

### Note:

1. **Ontario has a comprehensive system that ensures compliance with regulations surrounding family council operation within long term care facilities throughout the province. Conversations with family councils within Ontario have revealed that “compliance” is treated seriously.**
2. **Ontario also values and funds a provincial network (FCO) of family councils throughout the province. Family Councils of Ontario is a registered non-profit corporation, funded by the Ontario Ministry of Health and Long-Term Care. Their goal is to establish and support regional associations of family councils throughout the province, and to support, educate, promote and assist individual family councils throughout Ontario.**

**Family Councils of Ontario may be found at this site:**

<https://www.fco.ngo/family-councils>

**Ontario's Long Term Care Act (family councils at Part IV Sections 59-68) may be found here:**

<https://www.ontario.ca/laws/statute/07l08/v1>

