

Complaint Process – BC Collaborative Practice Roster Society

Part 1 – Definitions

1.1 DEFINITIONS

In this complaint process, unless the context otherwise requires:

“Board” means the board of directors of the Society and to which the Complaints Committee may refer Complaints for determination under Parts 5 and 6

“Complainant” means a person who delivers a Complaint to the Society and may include a member of the Board, the Complaints Committee or a person designated by the Complaints Committee

“Complaint” means a written allegation of misconduct or breach of the Society’s Standards of Conduct by a Roster Member of the Society

“Complaints Committee” means the committee appointed by the Board to oversee the investigation, management and potential resolution of Complaints and, where appropriate, the presentation of Complaints to the Board

“Roster Member” means an individual whose membership is in good standing with the Society

“Society” means the BC Collaborative Practice Roster Society

“Standards of Conduct” means the standards of conduct for Roster Members as determined by the Board from time to time

Part 2 – Guiding Principles

2.1 GUIDING PRINCIPLES

The complaint process is guided by the following principles:

- (a) *Timeliness*: Complaints will be dealt within reasonable timeframes.
- (b) *Opportunity to be heard*: Both the Complainant and the Roster Member against whom a Complaint is made must be accorded an opportunity to be heard.
- (c) *Public Interest*: The paramount consideration in decision-making under this complaint process is the public interest.
- (d) *Informality*: An informal resolution of Complaints is to be preferred where possible.
- (e) *Remediation*: Remediation is the preferred course of action.
- (f) *Confidentiality*: Subject to Parts 6 and 7, the complaint process will respect the right to privacy of the Complainant and the Roster Member.

(g) Exclusivity: Collaborative Practice is not exclusive to Roster Members.

(collectively the “Guiding Principles”)

2.2 TIME LIMITS

The Complaints Committee may waive any time limit provided in this complaint process if it is considered appropriate in order to comply with the Guiding Principles.

Part 3 – Receipt and Preliminary Handling of Complaints

3.1 RECEIPT OF COMPLAINTS

A Complaint must:

- (a) Be sent to the chair of the Complaints Committee
- (b) Identify the Complainant
- (c) Provide contact information for the Complainant including a mailing address.

The Complaints Committee must promptly review each Complaint.

3.2 REJECTION OF COMPLAINT

Where the Complaints Committee decides that a Complaint does not concern alleged misconduct or a breach of the Society’s Standards of Conduct by a Roster Member, or is manifestly without merit, or the Complainant is without standing, the Complaints Committee must promptly so advise the Complainant in writing and confirm that the Complaints Committee does not intend to take further action with respect to the Complaint.

The Complaints Committee may, in its discretion, notify the Roster Member of the Complaint.

3.3 APPEAL OF REJECTION OF COMPLAINT UNDER 3.2

Within 14 days of being so advised, the complainant may appeal the Complaints Committee’s decision to take no further action by delivering written notice of appeal to the chair of the Complaints Committee. If the Complainant does so:

- (a) The Complaints Committee must promptly refer the notice of appeal and the Complaint to the Board
- (b) Within 30 days of receipt of the notice of appeal the Board must decide whether to proceed with the Complaint. If the Board declines to proceed with the Complaint the Board must provide written reasons to the Complainant
- (c) There is no right of appeal from a decision under (b).

3.4 PROCEEDING WITH THE COMPLAINT

If the Complaints Committee declines to reject the Complaint under paragraph 3.2 or the Board declines to reject the Complaint under paragraph 3.3, the Complaints Committee must:

- (a) promptly respond to the Complainant in writing acknowledging receipt of the Complaint and advising of the complaints process herein, and
- (b) forward a copy of the Complaint to the Roster Member against whom the Complaint is directed.

3.5 WITHDRAWAL OF COMPLAINT

A Complaint received under paragraph 3.1 may be referred to the Complaints Committee notwithstanding that the Complainant subsequently indicates that he or she wishes to withdraw the Complaint.

3.6 RESPONSE BY ROSTER MEMBER TO COMPLAINT

Subject to paragraph 3.2, the Complaints Committee must request the Roster Member to respond to the Complaint, in writing, within 30 days of notification of the Complaint as set out in paragraph 3.4.

Part - Action by the Complaints Committee

4.1 INFORMAL RESOLUTION

The Complaints Committee, or a person or persons authorized on their behalf, must take such steps as they deem fit to investigate and seek to informally resolve any Complaint referred to it to the satisfaction of the Complainant, the Roster Member and the Society.

4.2 REFERRAL TO BOARD

If the Complaints Committee is unable to resolve the Complaint to the satisfaction of the Complainant, the Roster Member or the Society, it shall refer to Complaint to the Board for resolution.

The Complaints Committee may, at any time, refer a Complaint to the Board if the Complaints Committee considers it a matter of a serious nature and/or it is in the public's interest to do so. If the Complaints Committee considers it necessary in the public interest, it may suspend the membership of the Roster Member in the Society pending the disposition of the Complaint by the Board.

4.3 NO RIGHT OF APPEAL

There is no right of appeal from a decision of the Complaints Committee under paragraph 4.2.

Part 5 – Conduct of Hearings

5.1 PROCEEDINGS

The proceedings of the Board under paragraph 4.2 may be conducted by receipt of written submissions or by oral hearing, or a combination of oral and written submissions, as the Board may, in its discretion, determine to be consistent with the Guiding Principles.

5.2 DECISION OF BOARD

Within 30 days after the conclusion of the proceedings, the Board must determine whether the alleged misconduct or breach of the Society's Standards of Conduct has been established and must provide the Complainant and the Roster Member with reasons for its decision.

5.3 DISMISSAL OF COMPLAINT

If the Board finds that the alleged misconduct or breach of the Society's Standards of Conduct was not established, it must dismiss the Complaint.

5.4 DISPOSITION IF NOT DISMISSED

If the Board finds that the alleged misconduct or breach of the Society's Standards of Conduct was established, then the Board must render a decision on the outcome under Part 6 and provide reasons for the decision to the Complainant and the Roster Member.

5.5 ADDITIONAL PROCEEDINGS ON OUTCOME

Consistent with the Guiding Principles, the Board may, in its discretion, permit further proceedings as to outcome, including an opportunity for the Roster Member and the Complainant to reach agreement on an appropriate outcome pursuant to paragraph 6.1. If there is no such agreement, then the Board must render a decision on outcome and provide reasons within 30 days after the conclusion of those further proceedings.

Part 6 – Authority of the Board where Misconduct or Breach of the Society's Standards of Conduct is Established and Record of Outcomes

6.1 OUTCOMES

Where misconduct or breach of the Society's Standards of Conduct by the Roster Member is established, the Board may impose on the Roster Member any one or more of the following outcomes:

- (a) a reprimand
- (b) a requirement for remedial work, training or education
- (c) restrictions or conditions on the Roster Member's practice
- (d) suspension of membership in the Society

- (e) termination of membership in the Society
- (f) cost of the complaints process, or
- (g) publication of the outcome in such manner as the Board directs.

6.2 ACTION IN DEFAULT

In the event of failure of the Roster Member to comply with any of the outcomes imposed under subparagraph 6.1(b), (c) or (f) the Board may suspend or terminate the Roster Member's membership in the Society.

6.3 RECORD OF OUTCOMES

Unless otherwise determined by the Board, any outcome imposed under paragraph 6.1 will be placed on the record of the Roster Member with the Society.

6.4 NO RIGHT OF APPEAL FROM DECISIONS OF THE BOARD

There is no right of appeal from decisions or actions of the Board under Part 5 or 6.

Part 7 – Access to Complaint-Related Files

7.1 ACCESS TO FILES

Any file relating to a Complaint against a Roster Member is available to:

- (a) the Complaints Committee, and
- (b) the Board

to be reviewed and considered only in relation to determining an outcome under paragraph 6.1.