



## Frequently Asked Questions About the Complaints Process (Members of the Public)

### **Should I contact the occupational therapist (OT) after I filed the complaint?**

Prior to filing your complaint with the College, you may wish to contact the OT to discuss and possibly resolve your concerns. Once you file a complaint, however, it is advisable that you do not contact the OT during the complaints process.

If you are a client and are currently being treated by the OT, you may wish to contact the College for information as to how you could handle your relationship with the OT during this period of time.

### **During the complaints process, can I contact the College?**

Feel free to call the Manager, Investigations & Resolutions at any time during the process for a case update or if you have general questions. Please be advised that she/he cannot provide you with her/his opinion as to the OT's alleged behaviours or actions and the options that the panel is considering.

### **How is the process confidential?**

The College is governed by a strict duty of confidentiality of its own. It may only disclose information to the extent that it is necessary to carry out its regulatory functions. For example, it may be necessary for the College to alert a potential witness to the fact that a complaint has been made when asking the witness for a statement. The Inquiries, Complaints and Resolutions Committee (ICRC) will know the names of the parties involved and the details about the complaint. If the Committee uses the services of an investigator, expert or lawyer to assist them during the process, these parties will also be made aware of the complaint.

There are three staff members at the College who are involved with the Complaints process, they are the Manager, Investigations & Resolutions, the Investigations & Resolutions Associate and the Registrar. In cases where a panel member has declared a conflict of interest, they will not be eligible to sit on the panel reviewing the case.

In cases where the decision of the ICRC is appealed, the Health Professions Appeal and Review Board (HPARB) would also be made aware of the complaint.

The Committee is very conscientious about the privacy of individuals during the "investigation process" and does not gather more information than is necessary.

All decisions made by the panel remain confidential and are not available to the general public.

The College cannot prevent either you or the OT from sharing information with others but would suggest that the integrity of the process is in part, dependent on each party's willingness to maintain confidentiality.

### **Does the College need my consent to act on the complaint?**

If the complaint is being filed by a client who received services from an OT, the "filing of the complaint" does allow the OT to provide the College with any information that they have about the client in order to provide a response.

If the complaint is being filed by someone other than the client, the client's consent is required in order for the College to investigate the concerns.

The College cannot gather information about the client who is the subject of the complaint without their knowledge.

### **When participating in the Complaints Process, should I obtain the advice of a lawyer or other legal representative?**

Some complainants may choose to hire a lawyer or paralegal to assist them during the process. The College does not require that you hire a representative in order to participate in the process.

### **What are the typical timelines involved in this process?**

Once a complaint comes to the College, the Investigations & Resolutions Associate will have to clarify your concerns with you. Once this has been completed, the OT is notified in writing of the complaint and they have 30 days to respond. Once the College receives their response, it will be sent to you and you will be given 15 days to submit additional information should you choose to do so. The College must also consider “mailing time” and any requests for an extension that it receives.

### **What happens if during the course of the investigation if I am unable to meet a timeline?**

Please contact the Manager, Investigations & Resolutions and they may be able to extend the timeline for you.

### **When timelines are set, are they referring to business days or calendar days?**

Calendar days.

### **What is an “Investigation”?**

An investigation refers to the information gathered at the direction of the ICRC to assist them in making a decision. This may include:

- having a staff member asking you for information;
- a letter being sent to you requesting information;
- the appointment of an investigator to meet with individuals who may be able to assist the panel in understanding what happened; and/or
- asking an expert to comment on the case file. Experts are usually members of the profession.

### **How long will the process take?**

In the legislation, it is suggested that the Panel must make their decision within 150 days. In most situations, the Panel is not able to reach a decision in 150 days. Usually, the delay is a result of a detailed investigation process. In this circumstance, you will be informed that there will be a delay.

The College appreciates that this time can be stressful for the parties involved but it is necessary that the panel has all relevant information before they make a decision in order to be fair to both parties.

### **How often does the ICRC meet?**

The committee usually meets once a month. You may wish to contact the Manager, Investigation & Resolutions to find out if the Committee will be discussing your case at their next meeting.

### **Are any parts of the Complaints process, including the decision, made public?**

The Complaints process is confidential and at no time are the names of the parties involved, the details of the case or the decision outcome (excluding a referral to discipline) made public. The information does, however remain on file at the College.

If the case is referred to the Discipline Committee for a hearing you will be advised of the referral and provided with a summary of the allegations. You may become a witness in the College’s case. In this case, the College must post a notice of hearing online, but this notice will not identify you.

### **Can the College make the OT apologize or award me compensation?**

The Panel of the ICRC reviewing your case can make several decisions but they cannot force an apology or award monetary damages.

### **How do I know about the decision?**

Once the panel has made their decision you will receive a copy of their decision with reasons. The Manager, Investigation & Resolutions will be able to tell you when the panel has made their decision but cannot discuss the decision with you.

### **What can I do if I am not happy with the decision?**

If you believe that the decision of the panel reviewing your case was unreasonable or that they did not have enough information to make their decision, you may file an appeal with the Health Professions Appeal and Review Board (HPARB). The Board is comprised of individuals who are members of the public who are not health professionals or College employees (past or present).

The Board will invite both the OT and yourself to present information as to why you think the decision was (un)reasonable or that the investigation was (in)adequate. You do not have to attend the review.

The Board issues a written decision after the review and may: confirm the Committee's decision, make recommendations to the Committee or require the Committee to take further action. The appeals are heard at the Board's offices in Toronto.