Terms of Reference-
Inquiries, Complaints and Reports Committee

1) Purpose

Consistent with sections 10 and 25 of the *Health Professions Procedural Code* (the Code), the Inquiries, Complaints and Reports Committee (the Committee) is established to investigate all complaints regarding the conduct or practice of a member and to consider any Registrar reports (reports) made under s.79 (a) of the HPPC.

2) Accountability

The Committee is established as a statutory committee of Council with a Chair appointed by Council, who is accountable to report on its activities to Council, subject to the confidentiality of information provisions in the *Regulated Health Professions Act, 1991*.

3) Reporting

The Committee shall report to Council at least once annually and shall prepare a report for Council's review and approval. The Committee shall not submit a report that contains information, other than information of a general statistical nature, relating to,

(a) a referral by the Inquiries, Complaints and Reports Committee to the Discipline or Fitness to Practise Committee until a panel of the Discipline or Fitness to Practise Committee disposes of the matter;

(b) an approval for the Registrar to appoint an investigator until the investigation is completed and reported by the Registrar and the Inquiries, Complaints and Reports Committee decides not to make a referral with respect to the matter to the Discipline Committee or, if the Inquiries, Complaints and Reports Committee makes a referral with respect to the matter to the Discipline Committee, until a panel of the Discipline Committee disposes of the matter; or

(c) an interim order made by the Inquiries, Complaints and Reports Committee in respect of a member until a panel of the Discipline Committee disposes of the matter.

4) Membership

The Inquiries, Complaints and Reports Committee shall be composed of at least two (2) members of Council who are members of the College, at least one (1) member of Council appointed to Council by the Lieutenant Governor in Council and at least one (1) member of the College who is not a member of Council.

A panel consisting of no less than three (3) members of the Committee shall be selected by the Chair to investigate a complaint filed with the Registrar or to consider a report that is made by the

Registrar under clause 79 (a). The panel must include at least one person appointed to the Council by the Lieutenant Governor in Council.

5) Conflict of interest

Members of the Committee must declare any conflict of interest or perception of bias before being chosen to sit on a panel in which a conflict of interest or perception of bias may arise.

No members of a panel of the Committee, who have considered a matter before it, may sit on a Board of Inquiry, or on a panel of the Fitness to Practise Committee and/or the Discipline Committee with respect to the same matter.

6) Rules governing the selection of members, the appointment of the Chair and the functioning of the Committee

The approved By-laws governing Council and committees and the Schedules to the By-laws apply to the members of this Committee and to the procedures of this Committee.

7) Time commitment

The term of office of a Committee member shall commence immediately after the appointment and shall continue for approximately one (1) year.

It is expected that the Committee will meet at least twice per year- once to receive training and once to prepare and approve the Committee's annual report.

In addition, the Committee will meet as required to accomplish the mandate of the Committee in a timely and effective manner. The Committee will meet as needed depending on the volume of complaints and reports received by the College, but will meet no more than once per month. Notice of meetings will be given at least fourteen (14) days in advance of the meeting.

Matters not involving deliberations may be addressed by teleconference.

From time to time, a panel of the Committee may have to be constituted to deal with any emergency matters coming to the attention of the College.

The agenda for each meeting will be developed jointly between the Chair and the Director, Professional Conduct.

8) Minutes

A summary of each meeting will be prepared by the Director, Professional Conduct and circulated to members of the Committee within 30 days of the meeting. The approved Record shall be maintained by the Director according to the College knowledge management policies.

9) Duties and responsibilities of the Inquiries, Complaints and Reports Committee

In addition to the duties and responsibilities outlined in By-law 15, the Committee is also responsible for:

- Addressing all complaints and reports involving a member's conduct or practice coming to its attention that are within its jurisdiction
- Addressing all complaints and reports within all statutory provisions and the principles of administrative and procedural fairness
- Ensuring that all complaints are disposed of within 150 days as stipulated by the Code. If this deadline cannot be met, the Committee is obliged to inform the complainant and the member of the delay, the reasons for the delay, the expected time in which the complaint will be disposed of and information regarding recourse to the Health Professions Appeal and Review Board (HPARB). The Committee must also notify HPARB, in writing, regarding the reasons for the delay as provided to the complainant and the member
- If there is further delay beyond the time given in the original notice to the complainant and member, the Committee must inform the complainant and member again
- Directing staff of the College on the need for further inquiries or information for purposes of disposing of a complaint or report
- Appointing an investigator under s.75 of the Code when deemed necessary by the Committee
- Ratifying any resolution agreements between complainants and members
- Disposing of a complaint or report in accordance with s. 26 of the Code, which lists the actions the Committee can take. Any decisions by ICRC will be decided by simple majority
- Providing the member and the complainant (in the case of a complaint) with the decisions and reasons for any action taken and notifying the parties of their right to appeal to HPARB
- On referral to Discipline or Fitness to Practise, determining whether to make an interim order suspending or limiting the member's certificate of registration.

10) Confidentiality

Members of the Committee will have access to highly sensitive and confidential information which they must keep in the strictest confidence. Any breach of confidentiality could result in harm to the complainant or member, risk to the public, serious costs to the College and could jeopardize the integrity of any investigations, deliberations and dispositions of the Committee.

Members of a panel of the Committee shall not discuss any details of any matter coming before it with other members of the Committee who are not on the panel or with members of the Fitness to Practice Committee or the Discipline Committee.

Members of the Committee shall not discuss with anyone any information that the Committee considers even in a general nature except for the purposes of providing the annual report to Council.

Members may only disclose information that is authorized by the RHPA but with no other particulars or facts regarding any complaints or reports.

11) Confidence

The College is mandated to protect the public and is therefore accountable for fair and reasonable investigations and outcomes. Members of the Committee are expected to adhere to the Code of Conduct approved by Council.

12) Liability/Immunity

No members of the Committee are liable for any act, neglect or default of an act done in good faith in the performance or intended performance of a duty, or in the exercise or the intended exercise of a power under the RHPA or a regulation or a By-law under the Act.