



# Health Professions Review Board

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## Information Sheet

### Complainants Submissions for Complaint Disposition Reviews

Reference s.319 of the *Health Professions and Occupations Act*

#### **1. Why does the review board ask for submissions?**

All reviews of complaint dispositions start by giving the complainant a copy of the college's complete record of investigation.

Once the complainant has been provided with the record, which might contain information they have not seen before, the review board gives the complainant an opportunity to consider and respond to it.

#### **2. Do I have to make submissions?**

No. If you decide not to make submissions, letting your case manager know this right away will speed up the review process.

However, making submissions is your opportunity to respond to information in the investigation committee's record of investigation. Your submissions can clarify what you think is wrong with the complaint disposition, and what you want the review board to do. They help the review board understand why you think it should not confirm the complaint disposition but send the matter back to the investigation committee instead.

#### **3. How should my submissions look?**

There is no special form for submissions. They should be clear, well-organized and concise.

#### **4. What will my submissions be used for?**

The review board member conducting the review will use your submissions to help them understand what the complainant thinks is wrong with the investigation committee's disposition. The member may be prompted to issues Stage 2 directions to probe further into the steps in the investigation, or the reasons for the disposition of the Complaint. The member will refer to your submissions when considering whether the complaint investigation was adequate, or the complaint disposition was reasonable.

## 5. What should my submissions say?

The review board does not re-investigate the complaint or change the complaint disposition, and it cannot order monetary payments. Do not address these issues.

Submissions should help the review board understand why the college's investigation of the complaint was not adequate and why the inquiry committee's disposition was unreasonable. The "disposition" includes the inquiry committee's decision letter that you attached to your application for review form, and anything else the inquiry committee decided to do about the complaint after the investigation.

- a. State each issue you want the review board to consider, and your arguments on each one.
- b. The review board can confirm the disposition, or send the disposition back to the investigation committee with directions. Now that you have considered the record of investigation, do you want to specify more precisely what you want the review board to direct the investigation committee to do? Are there issues that you'd like the investigation committee to reconsider?
- c. Explain why the investigation was not adequate. What is wrong with the steps taken in the investigation.
  - i. did the investigation set out the complaint correctly?
  - ii. did the investigation focus on the correct elements of the complaint?
  - iii. were the goals of the investigation appropriate, or did it focus on things that you were not concerned about?
  - iv. did it follow up on all avenues of investigation that it should have, or did it miss some? What were they?
  - v. did you have an opportunity to comment on the respondent's reply to the complaint?
  - vi. Did the investigator keep you up to date on the key information that it would be relying on to make a decision about your complaint?
  - vii. were there factual errors or assumptions made?
  - viii. did the investigation gather all the information it needed to, or did it miss some?
- d. Was the disposition clearly explained?
- e. Did the investigation committee provide good reasons to justify its disposition? Were its reasons grounded in the facts uncovered in the investigation?
- f. What did the investigation committee decide to do about the complaint that was not reasonable? Explain why you think so.

- g. Did the disposition make logical sense, considering what the investigation found out? What could have been decided instead, and why?
- h. Were any actions taken or decisions made that were contrary to the Act, regulations or bylaws?
- i. Did the investigation committee act fairly – was it neutral, did it take a fact-based approach, was it unbiased?
- j. Do you want to bring the review board’s attention to specific information in the investigation record that would help you explain your concerns?
- k. Refer the review board to any legal authorities (legislation, regulations, by-laws, policy, court judgments) that support your case. You may want to look at past review board decisions to see how the review board decides whether an investigation was adequate, and whether a disposition was reasonable. These decisions are published on the [CanLII website](#).

## **6. Can I submit extra documents or information with my submissions?**

The review board will accept extra documents, but ONLY IF it decides that they are reasonably required for a full and fair disclosure of all matters related to the issues under review.

The documents must be attached to “Form 11: Additional Information.” They cannot be duplicates of what is already in the record of investigation.

## **7. What to do with the finished submission**

Send it to the College, respondent(s) (or their lawyer if they have one) and the review board at the same time.

## **8. Next steps**

A review board panel will review your application for review, submissions, and the college record of investigation. It will:

- decide if the application for review can be fairly and appropriately adjudicated without further process, or if it will direct the college or respondent to make submissions (ex. answer specific questions, explain certain issues, or reply to your statement of points generally);

- If the review board panel requires submissions from the other parties, you will have an opportunity to make a final reply to the parties' submissions. The final reply cannot introduce new issues. It can only respond to issues in the other parties' submissions;
- complete its review - typically, a panel considers:
  - whether the investigation committee acted in accordance with the principles of administrative fairness – i.e. whether the investigation committee conducted its investigation properly and made its decision fairly; and
  - what remedies, if any, it should order.

The review board panel chair will issue a decision that either confirms the disposition or sends the decision back to the investigation committee with directions.