



## **Complaints Procedure**

### **Introduction**

This document sets out the procedure for making a complaint to the Consent and Capacity Board (the “CCB”) about the conduct of a CCB staff or board member, Vice Chair or Chair and explains how the complaint will be dealt with.

### **What is a Complaint?**

A complaint may be about the quality of service related to the Board's practices, policies, procedures or legislation or may be an allegation of misconduct on the part of a CCB staff or board member.

Dissatisfaction with a decision arising from a hearing is not a complaint. The complaint procedure is not the forum for a request for reconsideration or judicial review of a CCB Decision.

General complaints about the Board's policies and procedures are not covered by this procedure. Complaints of this nature should be directed to the Board's Registrar/Senior Manager and/or Chair and will be reviewed accordingly.

This procedure does not affect the public's right to raise concerns with the Office of the Ontario Ombudsman.

### **Making a Complaint**

Complaints must be submitted in writing or otherwise recorded (e.g. digitally recorded). Except in rare circumstances, where accommodation of a complainant necessitates receipt of an oral complaint, only written complaints (including through email) will be processed using this procedure. In cases where an oral complaint is received under this procedure, the Board representative shall record the particulars of the complaint in writing.

Complainants must be willing to disclose their name, address, telephone number and connection to the matter on which their complaint is based. The complaint must include the date, time and location of the incident (if appropriate) and as much detail as possible why they believe that there was poor service delivery or misconduct by the CCB staff or board member. Wherever possible, the complaint should identify the staff or board member by name.

A complaint must be received by the Board within 60 days of the alleged incident or within 60 days of the reasonable discovery of the alleged incident.

### **How Will the Complaint be Processed?**

All complaints will be processed in one of three ways:

#### **(1) Summary Dismissal:**

If the complaint raises a matter that is not properly the subject of a complaint to be dealt with under this procedure, or if the reviewer concludes that no investigation or action is warranted, the complaint will be dismissed with written reasons which will be sent to the complainant and to the staff or board member complained against.



(2) Informal Resolution:

If the reviewer determines that the complaint may be resolved informally, this will be attempted. If the complaint cannot be resolved informally, it will be formally investigated.

(3) Investigation and Recommendation:

Where a complaint is neither summarily dismissed nor informally resolved an investigation may be deemed necessary. An investigation may include:

- Conducting an interview of the complainant and/or staff or board member;
- Interviewing other people who may have witnessed an incident or who may have relevant information;
- Gathering and reviewing relevant information; and/or
- Consulting with other staff, members, Board Chair or legal counsel.

After an investigation is completed, written recommendations will be made to the Registrar/Senior Manager (in the case of a complaint about a staff member) or the Chair (in the case of a complaint about a board member). The complainant and staff or board member will be provided with the written conclusions and recommendations of the investigation. Dealing with those recommendations will be at the discretion of the Registrar/Senior Manager or Chair, who will determine whether any subsequent action is warranted

**Who Will Deal With the Complaint?**

If the complaint is about a CCB staff member the complaint should be directed to the Registrar/Senior Manager. Where it is necessary to investigate the complaint, the Registrar/Senior Manager, at her/his discretion will provide the staff member with a copy of the complaint and an opportunity to respond. The Registrar/Senior Manager will provide the complainant and staff member written conclusions and recommendations, where appropriate.

If the complaint is about a CCB board member the complaint should be directed to the Chair. The Chair will, in his/her discretion, appoint a person or persons to investigate the complaint and make recommendations concerning it. In most cases, this will be delegated to a CCB member or members, but the Chair may appoint an independent member of the public to deal with a complaint where s/he believes it appropriate to do so. The board member will be provided with a copy of the complaint and will be given 30 days to provide a written response. The person(s) appointed by the Chair will provide a written recommendation to the Chair, who will decide on any action to be taken. The Chair will provide the complainant and board member with written conclusions and recommendations. The decision of the Chair is final.

To protect the integrity of the decision-making process, a CCB member will not be informed that a complaint regarding his/her conduct involving a hearing has been received until after the decision has been issued and the member's involvement with the case has ended. An exception may be made if the Chair believes that a party may be severely prejudiced if early intervention does not take place.

If the concern about a member's conduct relates to an issue of bias or conflict of interest, and the hearing in which the concern has arisen has not yet been concluded, then the complainant will be advised to raise the issue in the hearing and ask the panel to rule on the question.

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If the complaint is about the Registrar/Senior Manager the complaint should be directed to the Director of the Corporate Management Branch, Ministry of Health and Long-Term Care. The complaints procedure will still apply however the review may be conducted by the Director.

If the complaint is about the Chair the complaint should be directed to the Minister of Health and Long-Term Care. The complaints procedure will still apply however the review may be conducted by the Minister or his/her delegate.

### **How long will it take to resolve the Complaint?**

In every case, complaints will be dealt with as expeditiously as possible.

### **Withdrawal of Complaint**

A complaint may only be withdrawn with the consent of the Registrar/Senior Manager or Chair. Generally, it is expected that consent will be given unless a complaint raises a matter of public interest or an issue regarding the proper administration of the CCB which requires the continued consideration of the complaint.