



Consent and Capacity Board

Complaints Procedure

Re: Alleged Member Misconduct

Introduction

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

What is a Complaint?

A complaint is an allegation of misconduct on the part of a CCB member in the context of his/her work for the CCB. 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. Examples of misconduct by a member could include, but are not limited to, neglect of duty or conduct which displays insensitivity to persons coming before the CCB.

Making a Complaint

Many problems can be resolved easily and quickly, often at the time they arise, by speaking with the CCB member whose conduct is in question. If a problem cannot be resolved in this way and you wish to make a complaint, you must file a **written** complaint with the CCB.

The complaint should include the date, time and place of the hearing (if a hearing is involved) and as much detail as possible about why you believe that there was misconduct by a CCB member. If the complaint involves an incident outside of a hearing, you should provide as much information as possible about what you believe was misconduct on the part of the member.

The written complaint should be sent to:

The Chair, Consent and Capacity Board

151 Bloor St. W, 10th floor

Toronto, Ontario

M5S 2T5



A complaint must be received by the Chair within 60 days of the incident that caused the problem or within 60 days of the reasonable discovery of the problem, and must be in writing or otherwise recorded (e.g. digitally recorded). No complaint may be anonymous. If you are making a complaint on behalf of another person, that person's permission to do so must be obtained and recorded.

Who May Make a Complaint?

A participant in the CCB's proceedings, any person who has a substantial interest in the outcome of an issue before the CCB, or CCB staff or members may make a complaint.

Who Will Deal With the Complaint?

Upon receipt of a complaint about the conduct of a CCB member, 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.

Disclosure

When a written complaint is received about a CCB member, that member will be informed of the fact of the complaint and the name of the person who made it, and will receive a copy of the complaint. S/he will have an opportunity to respond to the complaint. Apart from that disclosure, and any disclosure necessary for the investigation of a complaint, the fact and details of a complaint will be kept confidential by the Chair and the person(s) appointed to deal with it.

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.

How Will the Complaint be Processed?

All complaints will be processed in one of three ways:

(1) Summary Dismissal:

Consent and Capacity Board
151 Bloor St. West, 10th Flr.
Toronto ON M5S 2T5

Commission du consentement et de la capacité
151 rue Bloor Ouest, 10^e étage
Toronto (Ontario) M5S 2T5



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 Chair concludes that no investigation or action is warranted, the complaint will be dismissed with written reasons which will be sent to you and to the member complained against.

(2) Informal Resolution:

If the Chair or his/her delegate 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 to the Chair:

Where a complaint is neither summarily dismissed nor informally resolved, the member will be given 30 days to provide a written response. The Chair will appoint a person or persons to review the complaint and the member's reply, and to further investigate the complaint if necessary. 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's decision will be communicated to you and to the member whose conduct is complained about, in writing. The decision of the Chair is final.

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 Chair or his or her delegate. 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.