



ALTERNATIVE DISPUTE RESOLUTION

Authority

The Health Professions Procedural Code (the “Code”) allows for the use of Alternative Dispute Resolution (ADR) to address certain complaints.

ADR is an alternative to the formal complaint process. ADR involves the complainant and registrant working together with a facilitator to create a resolution to everyone’s satisfaction.

Purpose

ADR provides an opportunity to resolve low risk complaints in a manner that serves and protects the public interest while allowing for the complainant and registrant to actively participate in shaping the outcome.

Eligibility

The Code does not allow for ADR in complaints alleging sexual abuse or matters that have already been referred to the Discipline Committee.

The College’s ADR policy outlines further limitations on what is eligible for ADR.

Initiating ADR

When the College receives a complaint, College staff will review the matter for its eligibility for ADR in accordance with the ADR Eligibility Criteria. If the complaint is initially eligible for ADR, College staff will contact the complainant and registrant to explore the possibility of using ADR. Both the complainant and registrant must agree to ADR in order for it to be used.

Where both parties agree to ADR, the matter will be brought forward to the CEO for an eligibility decision. Where it is deemed eligible, the ADR process will be commenced. Where a matter is deemed ineligible, reasons for the decision will be provided to both the complaint and registrant and the ICRC will proceed to investigate the complaint.

Process

Once a matter is referred to ADR, the College will appoint an independent facilitator. The facilitator will meet with the complainant and the registrant. The facilitator is a neutral person, trained in mediation and ADR, who is not involved with the complaint in any way

and is not a College staff member.

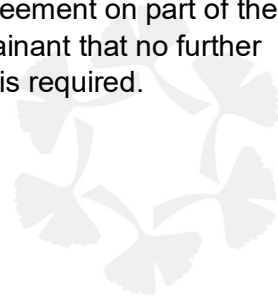
The facilitator will mediate the discussions in a respectful way either with each party separately or with the parties together.

ADR will typically take place through virtual conference.

Resolutions

ADR outcomes may vary according to the circumstances of a matter. An ADR outcome may consist of one or more of the following (this list is not exclusive):

- A letter of acknowledgment on part of the registrant regarding the incident and the impact it has had on the complainant.
- An agreement by the registrant to set forth initiative or make changes to improve a particular aspect of care.
- A letter of apology by the registrant to the complainant.
- An agreement by the registrant to take a remedial or education course relating to the issue identified in the complaint.
- An agreement on part of the complainant that no further action is required.



- An agreement by the registrant to fully or partially refund the money paid by complainant for the services or products provided.
- An agreement to publish any information related to the complaint, which is not restricted from publication by PHIPA or RHPA, and/or all or some of the resolutions the parties agreed upon, in the College's Public Register or any College publications.

Both the complainant and registrant must sign any agreement outlining the resolution. A copy of the agreement will be provided to both parties. The agreement must be reviewed and ratified by the CEO or a panel of the ICRC to ensure the agreement is in accordance with the public interest.

Once an agreement has been accepted by the CEO or a panel of the ICRC, it is considered to be a full and final resolution of the matter. Therefore, the complainant cannot file the same complaint again.

Timing

The length of ADR depends on a number of factors including but not limited to the number of issues, the complexity of the matter, and the availability of all parties. However, the Code does require that a resolution be reached within a maximum of 120.

Discontinued or Unsuccessful

ADR may be discontinued or unsuccessful for many reasons, including but not limited to:

- The complainant and/or registrant withdraw from the process at any time;
- The facilitator ends the process (e.g., if it becomes evident that either party is abusing the process and/or not acting in good faith);
- The timing limits are not met;
- The CEO or ICRC does not accept the agreement reached.

In these cases, the complaint will proceed through the College's complaint process.

Any documents created during the ADR remain confidential and are not used by the ICRC as part of the formal investigation. Further, the complainant or the registrant cannot rely on such communications (or any admissions made occurring the ADR process).

Confidentiality

The Code requires that all communications and discussions during the ADR process, including the facilitator's notes and records remain confidential. A copy of the initial complaint, accepted agreements and any information relating to the completion of the terms of the

agreement are kept on file with the College.

More Information

For additional information about ADR, you may contact the the College's Professional Conduct Department.

Last Update: July 2, 2021