



## Complaints Guide

The Ontario College of Social Workers and Social Service Workers (the “College”) is responsible for regulating the practice of social workers and social service workers, under provincial legislation called the [Social Work and Social Service Work Act](#) (the “Act”). As part of its duty to serve and protect the public interest, the College is required to have a formal complaints process, which gives members of the public the ability to have their complaint about a College member’s conduct or actions submitted to the College’s Complaints Committee.

This guide provides an overview of the College’s complaints process. Although every effort has been made to ensure that the information is accurate and current, it is not intended to be an exhaustive summary of the complaints process. For comprehensive information about the College’s complaints process, please consult the Act, the [Professional Misconduct Regulation](#), Article 24 of College [Bylaw 1](#) and the [Code of Ethics and Standards of Practice Handbook](#). In the event of any discrepancy between this guide and these documents, the latter will prevail.

### **Is the complaints process confidential?**

Yes, with a few exceptions. The College conducts its investigations discreetly and does not comment to the public on the complaints that it receives. However, relevant information or documents you share with us may also be shared with the other party to the complaint to aid in any further response that may be required for the investigation. Although the College aims to maintain confidentiality in all its investigations, there are occasions when information or documents you provide to us may be disclosed to other people. For instance, information may need to be provided to an individual we contact in the course of the investigation so that we can get a statement or documentation from them. Should the matter be referred to the Discipline Committee, any documents or information obtained during the course of a complaint investigation may be referenced at a discipline hearing which is generally open to the public.

### **Can a complaint be made concerning individuals who are not members of the College?**

The College only has jurisdiction to investigate written complaints relating to the conduct of a member of the College. In general, complaints must relate to conduct referable to when the person to whom the conduct relates was a member of the College. The College may, in exceptional circumstances, consider a complaint about a current College member concerning certain types of serious conduct that occurred before he or she became a member.

### **When should a complaint be made?**

There is no time limit in which to make a complaint. However, delay in making a complaint may impact upon the College’s ability to meaningfully consider the complaint. For example, lengthy delay may cause relevant documents or witnesses to become unavailable and may impact on the investigation and consideration of the complaint. In addition, it is important not to file a

complaint prematurely. For example, if you have raised these concerns with another body, you may wish to await the outcome before filing a complaint with the College.

### **What should you do if you wish to file a complaint?**

If you have a concern regarding the practice or conduct of a social worker or social service worker, we suggest that you first attempt to address your concerns directly with the social worker or social service worker or with the agency/employer if applicable. This is usually the most direct way to address your concerns. If this is not possible or successful, you may wish to consider filing a complaint with the College by following these steps:

1. Check the College's [Online Register](#) to confirm the person you wish to complain about is a College Member. The College only has jurisdiction over College members.
2. Satisfy yourself that the Complaints process is the best forum to address your concern by reviewing this Guide.
3. Complete the [Complaint Form](#). Provide a description of the conduct or actions of the member of the College giving rise to the complaint, including a brief explanation of the context under which it occurred. **Be concise, specific and clear.** Consider the following examples:

**NO:** *"The Member based her/his recommendations on inaccurate information."*

**YES:** *"The Member based her/his recommendations on inaccurate information when she/he said that I refused to participate in a meeting with the school principal."*

**NOTE: Complaints filed with the College must be made in writing or recorded on a tape, film, disk or other medium that is capable of being reduced to writing. If you are submitting your complaint in writing, you must use the College's Complaint Form available on the College's website. If you are submitting your complaint in any other format, you must answer all of the questions in the Complaint Form.**

4. Sign your complaint and submit the form to the College. The [Complaint Form](#) is a fillable document. Should you wish to fill in the form online, you must first download it to your computer, print a copy and sign it before sending it to the College. Signed Complaint Forms should be mailed, faxed or emailed to the College, addressed to the Coordinator, Complaints and Discipline. If you have questions regarding the filing of your complaint, you may contact Complaints and Discipline staff at [investigations@ocswssw.org](mailto:investigations@ocswssw.org) or 416 972-9882, ext. 210 or 223, or toll free 1(877)828-9380, ext. 210 or 223.

### **Who makes decisions concerning complaints?**

The Complaints Committee makes decisions concerning complaints. The Committee is composed of experienced social workers and social service workers as well as members of the public.

### **Are all complaints against members investigated?**

All complaints against members are considered by the Complaints Committee, however **not all complaints are investigated**. The College's governing legislation allows the Complaints Committee to refuse to investigate a complaint if in its opinion the complaint does not relate to professional misconduct, incompetence or incapacity on the part of a member, or if the complaint is deemed to be frivolous, vexatious, or an abuse of the College's process.

**What if a complaint concerns more than one member of the College?**

A separate complaint must be filed in connection with the conduct or actions of each member of the College.

**Can complaints be made anonymously?**

No. The College cannot consider or investigate a complaint unless the member complained against has been provided an opportunity to fully respond to the complaint. This would include knowledge of the identity of the individual making the complaint.

**What happens after a complaint is received by the College?**

Generally, once a complaint is received,

1. The individual who made the complaint ("the Complainant") can expect to receive a letter from the College acknowledging receipt of the complaint and advising of the process that will follow. The College may ask for consent forms to be signed in order to access records pertaining to the Complainant, or if the complaint is filed on behalf of an individual, to access the individual's records.
2. The member complained against is notified in writing of the College's receipt of a complaint and is provided with a copy of the complaint form or a written summary of the complaint and is given at least 35 days to provide the College with a written response to the complaint.
3. The College investigator will conduct an investigation into the matter. The role of the College investigator is to gather information about the issues raised in the complaint. In carrying out this role, the College investigator may, among other things, interview witnesses and compile documents related to the complaint, such as client records.
4. All of the information the investigator has gathered is put before the Complaints Committee who carefully reviews the information to determine the appropriate regulatory response which will be communicated to the parties in writing.
5. If the Complaints Committee decides to refer allegations to the Discipline Committee, the Discipline Committee will hold a public hearing. For more information on Discipline Hearings, please refer to the [Discipline](#) page on College's website.

**Should I obtain legal advice to assist me in the complaints process?**

You may choose to obtain legal advice or representation, but it is not a requirement of the College.

**Does the individual who filed the complaint or the member complained against meet with the Complaints Committee?**

No. Neither the individual who filed the complaint nor the member complained against is entitled to meet with the Complaints Committee.

**What kinds of decisions can the Complaints Committee make?**

- Take no action with respect to the complaint.
- Require the member complained against to appear before the Complaints Committee to be cautioned.
- Take any action the Complaints Committee considers appropriate in the circumstances that is consistent with the Act, the regulations or the College bylaws for example, issue a letter of concern to the member.
- Refer the matter to the Fitness to Practise Committee of the College.
- Refer the matter to the Discipline Committee of the College.

**What are some examples of decisions that the Complaints Committee cannot make?**

- Award money or damages or reimburse fees paid.
- Require a member to do something i.e. apologize, or stop doing something.
- Require the member to alter a report written in respect of custody and access or other similar issues.
- Substitute or alter the decision of a member made in the context of an arbitration or other proceeding.

**Can the Complaints process help me in the Courts, such as in Family Court?**

No. Section 50(6) of the *Social Work and Social Service Work Act* states that none of the information you receive in the course of the Complaints process is admissible in any civil court proceeding outside of the College. This includes any responses from the College member and the decision of the Complaints Committee.

**Are Complaints Committee decisions available to the public?**

No.

**How long will it take for the complaints process to be completed?**

The Act requires the Complaints Committee to use its best efforts to dispose of a complaint within 120 days of the date on which the College received it. Although the College strives to dispose of complaints as quickly as possible, it is not always possible to do so within 120 days. However, there are some things that can be done to enable the complaints process to run as efficiently and smoothly as possible. This includes:

- Providing with your Complaint Form documents that are directly relevant to your concerns. For instance, if you are complaining about a report or assessment authored by the member, please include a copy with your complaint. This will eliminate time spent on trying to retrieve this information.
- Ensuring that only documents that are relevant to the specific concerns complained about are submitted. Receiving large volumes of documents that have no relevance to the complaint or the member's actions, are not properly labelled or where the relevance of the documents has not been identified adds

delay to the process. If further information is required as part of an investigation, the College will ask for it.

- Once a complaint is filed, **please do not send additional information or raise new allegations**. New allegations may require the need to file a separate complaint. The receipt of additional information, which has to be reviewed and assessed, can delay the College's investigation.

**Can the decision of the Complaints Committee be appealed?**

No. There is no appeal process for complaints.

For more information, contact: Complaints and Discipline department staff at [investigations@ocswssw.org](mailto:investigations@ocswssw.org) or 416-972-9882 ext. 201 or 223, or 1(877) 828-9380 ext. 210 or 223.