

IS THE COMPLAINTS PROCESS CONFIDENTIAL?

Yes, with a few exceptions. Relevant information or documents you share with us will also be shared with the other party to the complaint. This is so that both the Complainant and the College member have a chance to respond to information that will be reviewed by the Complaints Committee. 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. However, should the matter be referred to the Discipline Committee, any documents or information supplied by you during the course of a complaint investigation may be used at a discipline hearing which is open to the public.

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.

WHO MAKES DECISIONS CONCERNING COMPLAINTS?

The Complaints Committee meets to consider each complaint. Before considering the complaint, the Committee reviews all the correspondence and information presented to it as well as any

further relevant information that the Committee independently obtained.

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 bylaws.
- Refer the matter to the Fitness to Practise Committee of the College.
- Refer the matter to the Discipline Committee of the College.

CAN THE COMPLAINTS COMMITTEE AWARD MONEY OR DAMAGES?

No.

CAN THE COMPLAINTS COMMITTEE ORDER A MEMBER OF THE COLLEGE TO DO SOMETHING (OR STOP DOING SOMETHING)?

No.

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.

CAN THE DECISION OF THE COMPLAINTS COMMITTEE BE APPEALED?

No.

For more information, contact: Complaints and Discipline Department staff at investigations@ocswssw.org.

1. In the event of any discrepancy between this brochure and these documents, the latter will prevail.



Ontario College of
Social Workers and
Social Service Workers



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ABOUT US

The Ontario College of Social Workers and Social Service Workers regulates the practice of social work and social service work in Ontario. The College protects the public interest by ensuring accountability for the thousands of social workers and social service workers in our province.

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Registered Social Workers and
Registered Social Service Workers

COLLEGE COMPLAINTS PROCESS

Professional

Ethical

Qualified

Accountable

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 anyone the ability to have their complaint about a College member’s conduct or actions submitted to the College’s Complaints Committee.

This brochure provides a brief 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*.¹

WHAT IS A COMPLAINT?

A complaint is an expression of concern about the conduct or actions of a College member relating to the care provided or other aspects of the professional relationship. Complaints often allege that a College member has failed to meet the standards expected by the College, members of the profession and 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 that occurred when the person to whom the conduct relates was a member of the College. There are a few exceptions to this general rule. For example:

- The College may, in exceptional circumstances, consider a complaint about a current College member concerning conduct that occurred before he or she became a member; and,
- The College may deal with a complaint about a former College member concerning conduct that occurred while he or she was 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.

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 court proceeding outside of the College. This includes any responses from the College member and the decision of the Complaints Committee.

WHAT SHOULD YOU DO IF YOU WISH TO FILE A COMPLAINT?

1. 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/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 file a complaint with the College.

2. 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.
3. 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 416-972-9882 or toll free 1-877-828-9380, ext. 210 or 223.

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.

WHAT MUST BE INCLUDED IN A COMPLAINT?

The complaint must include:

- the name of the person making the complaint;
- the telephone number and address at which the

person making the complaint can be contacted by the College;

- the name of the member of the College who is the subject of the complaint, or, if the member’s name is not known, enough details so that the College can determine the name of the member; and
- a statement regarding the conduct or actions of the member of the College with sufficient details to identify the concerns of the person making the complaint, including:
 - 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; and,
 - the date(s), time(s), and place(s) of the event or events giving rise to the complaint, if known.

A complaint may contain other information which is relevant to the subject matter of the complaint or which may assist in the investigation of the complaint, including but not limited to, the names and contact information of any witnesses to the alleged conduct of concern or relevant documents. If you are providing documents, it is necessary to provide a description of the documents and indicate how they are relevant to your complaint. If you do not provide an explanation about how each document relates to your concerns, your documents may be returned to you and will not be considered as part of your complaint.

CAN COMPLAINTS BE MADE ANONYMOUSLY?

No. The College cannot process or dispose of 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.

WILL MY HOME ADDRESS AND TELEPHONE NUMBER BECOME PUBLIC THROUGH THE COMPLAINTS PROCESS?

The College will make its best efforts to prevent disclosure of the home address and telephone number of the member complained against and the individual making the complaint. Errors can, however, occur. As the College may provide a copy of your correspondence to the other party, please do not include your home address or home telephone number in your correspondence to be copied to the other party.

WHAT HAPPENS AFTER A COMPLAINT IS RECEIVED BY THE COLLEGE?

Generally, once a written 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.
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 or a written summary of the complaint and at least 35 days to provide the College with a written response to the complaint.
3. The Complainant is then provided with a copy of the member’s response or a written summary of the member’s response.
4. Further information may be needed. If so, The College will make attempts to obtain it.