

Complaints Process Checklist

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Last month the Saskatchewan Registered Nurses Association (SRNA) released a report by the Professional Standards Authority (PSA) reviewing its complaints process. The SRNA is the regulatory body for registered nurses in Saskatchewan. The PSA has been called upon by a number of regulators in Canada, and around the world, to review current processes and evaluate what is going well and to identify areas for improvement.

A careful reading of the report identifies the following checklist for what the PSA regards as an excellent complaints process that demonstrably protects the public.

1. Accessible Process

- Easy access for people who need assistance in making a written complaint to do so through verbal communications.
- Written policies and procedures for the regulator to initiate a complaint (or similar process) on its own initiative.
- Written policies and procedures for the regulator to initiate a complaint (or similar process) for conduct by former members and non-registrants.
- Written policies and procedures for the regulator to address new concerns arising during the course of investigating an existing complaint.
- Established process to educate the public, employers and registrants so that they are

aware of their ability to raise concerns about registrants.

2. Sharing Information

- Information about complaints is systematically recorded, analyzed and made public, is shared with stakeholders and other relevant organizations (e.g., police, employers, other regulators) and is reported to the Board / Council. Trends are identified and used to guide the regulator in its pro-active regulatory activities.
- Participants in the complaints process are surveyed afterwards and the data is analyzed to improve the performance of the complaints process.

3. Appropriate Investigation and Screening

- New screening Committee members are given an orientation document as well as other forms of orientation.
- Written policies and procedures provide for an initial triage of complaints with matters related to safety prioritized and matters of little concern closed without a full investigation.
- Written policies and procedures provide for a written investigation plan for a fair, impartial and appropriate investigation of matters not closed initially, including providing the complainant with an opportunity to reply to the registrant's response.
- Written policies and procedures and training of screening Committee members on the criteria to be applied to review the adequacy of the investigation before deliberating on the outcome of the complaint.

FOR MORE INFORMATION

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A COMMENTARY ON LEGAL ISSUES AFFECTING PROFESSIONAL REGULATION

- Written policies and procedures and training of screening Committee members on the criteria to be applied at each stage of its decision-making process, including guidance on what factors should be taken into account for each outcome available.
 - There should be a system of quality control that enables the regulator to identify inconsistencies in the nature of the investigation and the outcomes for complaints matters and a system for addressing any identified inconsistencies.
4. Serious Complaints are Prioritized
- Upon receipt, complaints are subject to a formal risk assessment to prioritize serious allegations.
 - Written policies and procedures guide staff in conducting this formal risk assessment and documenting the reasons for the assessment.
 - Complaints are also subject to ongoing risk assessment based on timeframes and relevant stages of their investigation.
5. Complaints Process is Transparent, Fair, Proportionate and Focused on Public Protection
- Any differences in treatment between complainants and registrants (e.g., telephone vs. in-person interviews, frequency in providing updates) are clearly justified.
 - Consideration is given to who attends screening Committee meetings to ensure that a perception is not created that the room is dominated by practitioners.
 - Written summaries of the investigation are preferable to verbal reports by staff.
 - A review is offered of cases that are not referred to discipline.
- The discussion of individual cases uses the criteria developed in item 3, above.
6. Complaints are Dealt with Quickly
- The regulator periodically reviews the needs of the complaints process and assesses whether additional resources are needed to deal with complaints on a timely basis.
 - The progress of complaints is reviewed monthly by senior management and statistical reports are provided quarterly to the Board to ensure that any delays are identified and addressed.
 - The regulator has a pathway map for complaints to the point of closure to identify areas for improving timeliness. Explicit responsibility is assigned to staff for completing each stage in the pathway for accountability purposes.
7. Regular Updates are Provided to the Parties
- Written policies and procedures provide timelines for updating the parties on the progress of complaints with complainants receiving updates as frequently as registrants.
8. Decisions are Appropriate and Reasoned
- Past and pending decisions in respect of the same registrant are brought to the attention of the screening Committee before the outcome is determined.
 - The screening Committee provides meaningful reasons that explain the investigative choices made and the rationale for the outcome of the complaint based on the criteria developed in item 3 above.

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9. Final Decisions are Published as Permitted by the Enabling Legislation

- Recognizing that discipline decisions are “final” and are published, the screening Committee has written policies and procedures as to when their decisions will be published and what identifying information is included in such publication.

10. Information about Complaints is Securely Retained

- Written policies and procedures help ensure that information about complaints is not inadvertently disclosed to those with no need to know, including the handling of mail related to complaints matters, the organization of complaints files, and the physical measures taken to protect files. There should be a complaints-specific document in addition to general organizational documents dealing with privacy.
- Written policies and procedures identify the process for dealing with any privacy breaches.

The full report entitled “A Review Conducted for the Saskatchewan Registered Nurses Association” can be found at:

<https://www.srna.org/wp-content/uploads/2019/05/Professional-Standards-Authority-Review-May-2019.pdf>.