

# Addressing Complaints at the College of Nurses of Ontario

## Process Guide



COLLEGE OF NURSES  
OF ONTARIO  
ORDRE DES INFIRMIÈRES  
ET INFIRMIERS DE L'ONTARIO

THE STANDARD OF CARE.

## Introduction

The College of Nurses of Ontario (the College) is the regulatory body for the nursing profession in Ontario. Its mandate is to regulate the profession in the public interest. Despite the word 'college', it is not an educational institution. Rather, the College registers individuals who are qualified to practise nursing in Ontario, supports nurses in their practice, and resolves complaints about nursing care.

The College exists to protect your right to quality nursing services. One of the ways we do this is by publishing practice standards. The College develops these documents in collaboration with practising nurses. The standards outline what nurses are accountable for when providing care, and promote safe, ethical and effective care for the public.

The vast majority of nurses provide the public with high quality care. But, what should you do if you have concerns that the care provided by a nurse has not met the standards?

You have the right to express your concerns about nurses to the College. The College is required by law to respond to all complaints about nursing care.

## Purpose of the complaints process

The College's complaints process protects the public and improves nursing practice. Its purpose is not to punish nurses. Rather, the complaints process presents nurses with the chance to demonstrate accountability for their practice and provides you with an opportunity to work with the College in the resolution of your complaint.

## What is a complaint?

The College can address your complaints when:

- the person you've complained about is a nurse; and
- your concern is about a breach of, or failure to meet, the practice standards expected by the College, the nursing profession and the public.

## Types of complaints

The types of concerns the College can address include:

- failure to provide adequate care;
- unsafe medication administration;
- inadequate documentation;
- being sarcastic to, or swearing, teasing or yelling at, a client;
- using restraints without consent or unnecessarily; handling a client in a rough manner;
- having a romantic or sexual relationship with a client;
- asking for or borrowing money from a client;

- not protecting a client's privacy; and
- theft.

The College **does not** have jurisdiction to address concerns about nurses when:

- the issues in the complaint have already been resolved by another agency (e.g., the outcome of a Workers Safety Insurance Board claim);
- the complaint is about a nurse's personal life, such as her or his behaviour as a spouse, parent, family member, neighbour or business partner, unless the behaviour directly and negatively affects the nursing care she or he provides or the integrity of the profession;
- the complaint is about systems or business practices within a health care facility, institution or agency; and
- the complaint is made in bad faith or retaliation.

## Sending Information to the College

Complaints must be received at the College in permanent form such as writing, tape recording, film or disk. Please include your name and contact information. Once information is received, the College reviews it carefully to confirm whether the information constitutes a complaint. (The College can not respond to anonymous complaints.) When assessing information, the College considers such issues as public protection, fairness to all parties involved, and efficiency.

## Addressing complaints

### 1. Alternative Dispute Resolution: The Resolution Process

Since 1995, the College has used a voluntary resolution program to address complaints. This program was developed in response to the public's and nurses' desire to play a bigger role in how their complaints are addressed.

Amendments to the *Regulated Health Professions Act, 1991*, (RHPA) have specifically identified a process for alternative dispute resolutions (ADRs). These amendments allow the College's Executive Director to make referrals to the ADR process.

The purpose of the resolution program is to protect the public, not to determine what happened or to lay blame. This innovative process allows you to work together with the College and the nurse to develop an acceptable resolution that addresses the issues raised and promote quality nursing care. By choosing this option, you are helping promote excellence in nursing practice by providing the nurse with an opportunity for learning and self-reflection. Most complaints about nursing practice and conduct are suitable for resolution through this process.

The Resolution Process uses the College's standards of practice as a basis for resolution. Through the process, the College determines what standards are relevant to the nursing issues raised in the complaint. The College works together with the nurse and the complainant to identify the terms of the agreement. Through the process, a nurse will consider the issues in relation to her or his practice and the College standards.

When you agree to use the resolution process, it is expected that you will act in good faith. This means that you must accept the resolution agreement as the full and final resolution of the complaint, while the nurse agrees that she or he will fulfil the terms of the agreement. Everyone participating in the process must concur with the final agreement.

All resolution agreements must be approved by the Inquiries, Complaints and Reports Committee (ICRC). College staff ensure that the nurse fulfils her or his commitments. Once both parties agree to try addressing concerns through the resolution process, all communication between parties and the investigator must remain confidential. This means that the communications will not affect any other College process.

## 2. Investigations

Very serious matters, such as complaints concerning physical or sexual abuse, are not suitable for the resolution process. In addition, a nurse's history with the College is taken into consideration, and this may affect how a complaint is dealt with.

If your complaint is not appropriate for the resolution process, or you, the nurse and the College cannot reach a resolution agreement, a College investigator will be appointed to the case. The investigator will gather relevant information about your complaint. This may include gaining access to your health records, obtaining administrative records from a facility and interviewing witnesses who have first-hand knowledge about your complaint. The nurse will also be invited to present information relevant to the issues raised in your complaint.

Once the investigation is complete, the results are reviewed by a Panel of the ICRC. The committee decides whether the information gathered during the investigation supports the claims made in the complaint. If the information does support your complaint, the ICRC will consider the seriousness of the issues raised in your complaint and the nurse's history with the College to decide if remedial action is required to protect the public or meet the standards. The committee may issue a letter of concern or caution to the nurse. However, the committee will take no action if the information does not support your complaint. The ICRC will provide you with the reasons for their decision. A small percentage of

complaints (about five percent of investigations per year) involve very serious matters and are referred to the Discipline Committee.

## Public hearings

Hearings at the College are much like proceedings in a court of law. If the ICRC refers your complaint to the Discipline Committee, the College will present evidence before a Panel consisting of nurses and members of the public whose role is similar to that of a jury. They will hear the evidence presented by both parties and make a ruling based on that evidence. You may be asked to testify at the hearing if you have information relevant to the allegations before the Panel.

Note that the Panel is independent of the College. While College staff supports the work of the Panel by providing information and coordinating the hearing, they have no influence on Panels' decisions.

## Outcomes of hearings

Unlike a criminal or civil court of law, the Panel does not have the authority to request jail time for the nurse or seek financial compensation for you. Depending on the severity of the case, the Panel can order the nurse to do one or more of the following:

- pay a fine to the Ontario government (not the College or the complainant);
- appear in person for a reprimand delivered by the Panel;
- complete remedial education;
- place conditions a nurse's practice;
- suspend the nurse from working for a set period of time; and/or,
- in the most serious cases (especially sexual abuse), revoke the nurse's ability to practise nursing.

If your complaint results in a hearing before the Discipline Committee, you will receive a copy of the Panel's decisions and reasons after the matter is concluded. In addition, the results of all disciplinary hearings are published in the College's membership magazine, *The Standard*, and are made public on the College's web site at [www.cno.org/decisions](http://www.cno.org/decisions).

## Conclusion

No matter which option is used to resolve your complaint, a representative from the College's Investigations and Hearings department will be there throughout the process to answer your questions.

If you have concerns with a nurse's practice, and want to lodge a complaint with the College, contact the Investigator-on-Call at (416) 928-0900, ext. 6988; toll-free: (1-800) 387-5526, ext. 6988; e-mail: [investigations-intake@cnomail.org](mailto:investigations-intake@cnomail.org).

#### Collection of Personal Information

The College of Nurses of Ontario (the College) collects the information in the Complaint form under the general authority of the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, the *Nursing Act, 1991*, S.O. 1991, c. 32, and its regulations, and the College's by-laws. The College collects the information for the purpose of assessing the risk to the public when alerted that there is a concern about a nurse's practice or conduct. Appropriate measures are taken to safeguard the confidentiality of the personal information you provide and all documents become the property of the College.

If you have any questions about the collection, use, and/or disclosure of this information contact the Manager of Information Management, College of Nurses of Ontario, 101 Davenport Rd., Toronto, ON M5R 3P1, 416 928-0900 or toll-free in Ontario 1 800 387-5526.

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*Addressing Complaints at the College of Nurses of Ontario* Pub. No. 42017

ISBN 1-897308-72-8

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First published 2009 as *Resolving Complaints at the College of Nurses of Ontario*, Revised June 2009 as *Addressing Complaints at the College of Nurses of Ontario*. Updated January 2011 for "Collection of Personal Information" statement.

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