

CNO
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Addressing Complaints

Process Guide



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

THE STANDARD OF CARE.

What is the College of Nurses of Ontario?

In Ontario, the law requires health care professionals to be regulated. Formal bodies called “colleges” are the regulators. Their role is to ensure people in Ontario receive safe and high-quality care.

The College of Nurses of Ontario (the College) is the regulator for all nurses in Ontario. The College sets standards that nurses must meet in order to practice in this province. One way the College enforces its standards is by responding to complaints.

Who can complain to the College?

Complaints can come from patients and other members of the public. By law, the College must address every complaint it receives about nursing care.

What kinds of complaints can the College address?

The College must address complaints about any aspect of nursing care. Examples include complaints about giving medication unsafely, taking money, being rough with a patient and any form of sexual abuse. The College does **not** have the power to address a complaint when:

- another organization is already resolving the issue (for instance, a Workplace Safety and Insurance Board claim)
- the complaint is not about the nurse’s professional practice (for instance, a complaint about the nurse’s personal life)
- the complaint is about problems where the nurse works, not about the nurse (such as bad business practices at a care facility)
- the complaint is made in bad faith (for example, in retaliation as part of a personal dispute)
- the complaint is unsigned (made anonymously) and the College cannot get any further information.

What happens when someone wants to make a complaint?

First, the College must receive the complaint in some permanent form. It can’t take complaints over the phone. The complaint can be written or recorded (audio or video), and should include the name and complete contact information of the person making the complaint, called the **complainant**. Also include all complaint details, such as where and when the issue took place and the name of the nurse involved.

The College then writes to the complainant to acknowledge receipt of the complaint and explains the complaints process. The College may ask for

some follow-up information at this point.

In some cases, a complaint can be resolved quickly if the complainant simply brings the problem to the attention of the facility where the nurse works. The College encourages the complainant to try this first, if possible.

The College also writes to the nurse or nurses named in the complaint, informing them of the complaint and explaining the complaints process. The College does not represent the nurse involved in the complaint or offer legal advice. Its role is to protect the public. Nurses facing complaints may seek legal counsel, which is often available through their professional associations.

Alternative dispute resolution

Ontario law allows the College to resolve certain types of complaints using an alternative dispute resolution process. This process is faster, and more satisfactory results are reported for both the complainant and the nurse involved. This is because they each play a big role in how the complaint is addressed.

Alternative dispute resolution is only possible if everyone involved agrees to it. A trained facilitator from the College talks separately with the complainant and the nurse. They discuss the complaint and exchange ideas for resolving it. This is an opportunity for nurses to show they are willing to keep learning and striving to maintain and exceed the College’s standards of practice. At the College, this is called reflective practice.

If several nurses are involved in the complaint, and it is unclear which nurses the complainant is concerned about, the facilitator may propose that a group of nursing staff at the facility receive a presentation on nursing standards and engage in reflective practice.

The facilitator then drafts a resolution agreement, which is signed by all parties: the complainant, the nurse or nurses, and the College. For the complainant, signing means they accept the terms of the agreement as a full and final resolution of their complaint. For the nurse, signing means they must fulfill the terms of their agreement.

Everything in an alternative dispute resolution process stays confidential. A resolution agreement is not published in the College’s public register or made available to any current or future employer.

Investigating a complaint

When a complaint cannot be dealt with through alternative dispute resolution, it goes through the investigation process.

The role of the College investigator is to gather

information about the issues raised in the complaint. First, they interview the complainant. They may also interview witnesses and compile documents related to the complaint, such as health records.

Once all of the information is gathered, the investigator asks the nurse involved to respond to the complaint. The nurse receives a copy of any documents gathered in the investigation that could help with their response. They also receive copies of any decisions involving their nursing practice that the College has made in the past, since this history could be taken into consideration when the complaint is reviewed.

The nurse has 30 days to provide a written response. Once received, the investigator does any further investigation needed, and provides the results to the nurse involved. The nurse then has another opportunity to respond.

Next, the matter is scheduled for review by a panel of the Inquiries, Complaints and Reports Committee (ICRC). Neither the complainant nor the nurse or nurses involved attend the review meeting.

Reviewing the complaint

All of the information the investigator has gathered is carefully reviewed by the ICRC. This committee, composed of experienced nurses and members of the public, is chaired by a representative from the College Council.

If the information gathered during the investigation does not support the complaint, the ICRC will take no action. If the information gathered during the investigation supports the complaint, the ICRC will consider the seriousness of the issues raised. It also takes into account any previous decisions the College has made involving the nursing practice of the nurse named in the complaint.

Based on these considerations, the ICRC decides if remedial action is required to protect the public or ensure that the nurse meets the standards in the future. Here are some courses of action the ICRC can take, depending on the seriousness of the review's outcome:

- If the ICRC finds no support the nurse breached any of the standards of nursing practice, it may take no action.
- The ICRC can “issue advice” to the nurse about standards of practice and conduct related to the complaint.
- The ICRC can require the nurse to “appear before it for a caution.” This formal meeting stresses the standards the nurse should review in order to improve or change their nursing practice.
- The ICRC can require the nurse to complete a Remediation Program, a guided program of online

learning and practice reflection. The College monitors the nurse's participation in the program.

- The ICRC can refer some or all of the issues in the complaint to the Discipline Committee.

The nurse and complainant each receive a copy of the ICRC's decision and its reasons. And both the nurse and the complainant have a right to request a review by an independent body if they disagree with the decision. The Health Professions Appeal and Review Board is mandated to conduct such reviews.

What happens at discipline hearings?

If the complaint has been referred to the Discipline Committee, the committee holds a public hearing. This process is similar to how a law court works. A panel of the Discipline Committee has a role similar to that of a judge. Complainants may be asked to testify at the hearing. Nurses usually attend with their lawyers.

Here are some courses of action the Discipline panel can take, depending on the seriousness of the outcome:

- It can require the nurse to complete remedial education.
- It can require the nurse to appear in person for a reprimand.
- It can require the nurse to pay a fine to the Ontario Government.
- It can place conditions and limits on a nurse's practice.
- It can suspend a nurse from working for a set period of time.
- It can revoke a nurse's membership in the College.

The results of all discipline hearings are made public on the College's website, www.cno.org, and in the membership magazine, *The Standard*.

Do you have more questions about addressing complaints at the College?

Please contact the Investigator-on-call:

Phone: 416 963-7503

Toll-free in Canada: 1 877 963-7503

Email: investigations-intake@cnoemail.org

Collection of Personal Information

Please review the Privacy Code on the College's website (www.cno.org/privacy) to understand how your personal information will be used.

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