

ALTERNATIVE DISPUTE RESOLUTION ELIGIBILITY POLICY

Purpose

The purpose of this policy is to outline the criteria that must be met by a complaint, in order for it to be considered as eligible for ADR.

Scope

This policy applies to complaints filed with the College.

Definitions

ADR – the College’s alternative dispute resolution program

Member – a midwife registered with the College

Policy Statement

Upon receipt of a complaint filed with the College or at any point prior to a final decision or referral made by the ICRC, the College will determine if the complaint is eligible for ADR.

ADR cannot be used if:

- The allegations involve sexual abuse¹
- The allegations concern incapacity
- The complaint has been addressed by the Inquiries, Complaints and Reports Committee (“ICRC”) or referred to the Discipline Committee²
- The Member has a prior discipline history with the College
- The Member has had a complaint (or complaints) filed with the College in the preceding 3 years regarding their practice for which action was taken but was not referred to the Discipline Committee
- The Member is currently under investigation for any other issues by the ICRC
- The College believes that the public interest requires a formal investigation because the allegations involve:
 - Practice issues that are considered to be medium or high risk to public safety
 - Physical, emotional or financial abuse
 - Intentional dishonesty or fraud
 - High-conflict situations
- Any other circumstance that leads the Registrar to believe that ADR would not be effective or serve the public interest

¹ *Health Professions Procedural Code*, s. 25.1(b).

² *Ibid*, s. 25.1(a).

ADR cannot be used to resolve some of the allegations raised in a complaint. If all the allegations in a complaint do not meet the eligibility criteria listed above, the complaint must be addressed by the ICRC.

References

Health Professions Procedural Code, Schedule 2 to the *Regulated Health Professions Act*, S.O. 1991, c. 18.

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