



College of  
**Midwives**  
of Ontario

Ordre des  
**sages-femmes**  
de l'Ontario

# Complaints Process for Midwives

June 2018

[conduct@cmo.on.ca](mailto:conduct@cmo.on.ca)  
416-640-2252 ext. 224

## Introduction

As a member of a profession governed by the Regulated Health Professions Act, 1991, you may be the subject of a complaint at the College of Midwives of Ontario submitted by a client or client's family, by another midwife or by another health professional. It is the responsibility of the College, as the governing body for registered midwives in Ontario, to investigate complaints received concerning the conduct of registered midwives.

## What does the complaints process look like?

The College receives the complaint in a permanent form, either written or recorded (audio or video). Once the College receives confirmation that the complainant is making a formal complaint, you will be notified within 14 days. You will receive a Notice of Complaint in the mail that also contains a copy of the letter of complaint and any prior decisions involving you and the College.

Within 30 days of receiving the Notice of Complaint, you must courier the original midwifery record involving the client and keep a copy for your records. The original record will be returned to your practice once the investigation is closed.

The College will provide you with a copy of the Record of Investigation (ROI) once it is complete, which can include health records, the investigation report, and any other relevant documents to the complaint. According to the Health Professions Procedural Code, you have 30 days to make a written submission regarding the complaint. You should be aware that the information you give to the College is not protected from use against you in a subsequent College proceeding (for example, a discipline hearing). After your submission is received, it may be shared with the Complainant. You are entitled to seek legal counsel to assist you with the complaints process before responding. You may wish to contact your professional association (Association of Ontario Midwives) for help in obtaining legal counsel. If you do retain counsel, please have them notify the College in writing.

Once all relevant documentation has been received, the ROI is reviewed by a panel of the Inquiries, Complaints and Reports Committee (ICRC).

## Who is the Inquiries, Complaints and Reports Committee (ICRC)?

The ICRC investigates public complaints and information the College receives through reports related to professional misconduct, incompetence, or incapacity. Every panel must be composed of at least three persons, at least one of whom must be a public member of the College Council. The Chair of the ICRC will select a Panel to investigate the complaint after confirming that each panel member does not have a conflict (i.e. prior involvement in the events giving rise to the complaint, having a personal or work relationship with a participant in the matter).

## What kinds of matters go through the complaints process?

The following are examples of conduct which the ICRC might investigate:

- Failing to abide by the standards of practice of the College
- Failing to seek consent for treatment
- Failing to arrange a consultation with another health professional
- Discontinuing necessary services without arranging for alternative services
- Giving out information about the client without the client's consent
- Practising while incapacitated or impaired
- Verbal, physical, emotional or sexual abuse.

## What does the investigation process look like?

The purpose of the investigation is to gather information relevant to the complaint. This may include interview statements from you and the Complainant, witnesses or other health care practitioners. The Panel may ask the Registrar to appoint an investigator to inquire further into facts of the complaint. In doing so, the investigator may, on production of their identification, enter your practice site at any reasonable time and examine anything there that is relevant to the investigation.

## How long does the process take?

The College aims to complete its investigation within 150 days. However, due to the complexity of some cases, and delays in obtaining records, the investigation can take longer. You will receive status updates once the investigation has reached the 150-day and 210-day mark, and then monthly updates after that if still not completed.

## What are the possible outcomes?

After reviewing the ROI, a panel of the ICRC will meet to review the results of the investigation. The ICRC Risk Assessment Framework is a tool that aids the Panel in making fair, consistent and transparent decisions, and is posted on the College website. Neither you nor the Complainant are present at this review. After carefully considering all the information it receives, the Panel may choose to do one or more of the following:

1. Take no further action
2. Offer advice and recommendations
3. Require you to complete a Specified Continuing Education or Remediation Program (SCERP) which can include courses, papers or chart audits
4. Administer an oral caution, where you appear before the Panel
5. Require you to sign an acknowledgment and undertaking, which is a voluntary agreement between you and the College to place certain restrictions on your practise
6. Refer specified allegations of professional misconduct and/or incompetence in the complaint to the Discipline Committee
7. Refer the matter to another Panel of the ICRC for incapacity proceedings

## How will I find out the outcome?

You and the Complainant will both receive a copy of the final decision made by the Panel in the mail.

## What outcomes are public?

The following dispositions are posted on the public register permanently:

- Oral cautions
- All SCERPs
- All acknowledgments & undertakings (while in effect only)
- Specified allegations when there is a referral to the Discipline Committee
- Referrals to the Fitness to Practise Committee

## Can I appeal the decision?

If you are dissatisfied with a decision from the ICRC, an appeal to the **Health Professions Appeal and Review Board** may be made at:

Health Professions Appeal and Review Board  
151 Bloor Street West, 9th Floor  
Toronto ON M5S 1S4

Tel: 416-327-8512  
Toll-Free: 1-866-282-2179  
Fax: 416-327-8524  
Email: [hparb@ontario.ca](mailto:hparb@ontario.ca)



College of  
**Midwives**  
of Ontario

Ordre des  
**sages-femmes**  
de l'Ontario