



# Complaints Management Policy

## 1. Introduction

The College of Acupuncturists of Alberta (College) is responsible for regulating the Acupuncture Profession under the Health Professions Act (Act). Part of this role includes the management of complaints about its regulated members or former regulated members to ensure Albertans are receiving safe, competent, and ethical services.

The College supports the Minister of Primary and Preventative Health Services in the administration of the Act through the appointment of a Complaints Director who is responsible for determining the appropriate handling of complaints within their authority under Part 4 of the Act. In the event of a conflict between this policy and the Act, the Act shall prevail.

## 2. Purpose

The purpose of this policy is to establish a clear and consistent process for the fair, impartial, and timely management of all complaints received by the College under Part 4 of the Act, with due attention given to the concerns raised.

## 3. Definitions

Definitions are bolded the first time they appear within the Complaints Management Policy.

**Alternative complaint resolution process (ACR):** means a process to help the complainant, the College, and the respondent settle a complaint.

**Complaint:** means a formal written expression of dissatisfaction about the conduct or practice of a regulated member or former regulated member.

**Complainant:** means the person, organization, or group who makes a complaint.

**Complaints Director:** means the person appointed by the Council and responsible for the management of complaints under the Act.

**Former regulated member:** means a person who was registered as a member with the College within the last two years.

**Regulated member:** means an individual registered on the general, provisional, or courtesy register with the College.



## 4. Policy

### **Principles of Natural Justice**

- 4.1 The College is guided by the principles of natural justice, which are based on the fundamental notion that every person is owed a duty of fairness. The key principles of natural justice include:
  - 4.1.1 The right to be heard: This principle requires that all parties to a dispute be given the opportunity to present their case and respond to the other party's arguments.
  - 4.1.2 The right to know the case against them: Refers to a person's right to be informed of the allegations made against them, as well as the evidence supporting those allegations.
  - 4.1.3 The right to be judged impartiality: Requires the decision maker(s) to be neutral and unbiased in making a decision.
  - 4.1.4 The right to reasons for a decision: Refers to the right to receive clear and understandable reasons for a decision made by a person or organization that affects them.

### **Complaint Management**

- 4.2 Part 4 of the Act empowers the College to handle complaints in cases where allegations of unprofessional conduct, as defined in the Act, have been made against a **regulated member** or **former regulated member**.
- 4.3 The College will manage **complaints** in accordance with Part 4 of the Act ensuring that the processes in place are consistent, fair, objective, transparent, and within the requisite time limits, as well as in conformance with applicable privacy laws in effect.
- 4.4 A person who brings forward a complaint without a signed written complaint about a regulated member or former regulated member to the College will be treated as a concern and assessed by the **Complaints Director** to determine jurisdiction and best handling of the matter.
- 4.5 Formal written complaints signed by the **complainant** will be managed on a case-by-case basis in relation to the individual circumstances and based upon the evidence provided.
- 4.6 All complaints submitted about a regulated member or former regulated member will be assessed prior to opening a file to determine whether:
  - 4.6.1 The complaint meets the requirements of s.54 of the Act.
  - 4.6.2 The authority exists to action the complaint.
- 4.7 Subject to 4.5, the Complaints Director possesses the discretion to determine the most appropriate action and may choose one or more actions at any point and in any order before the commencement of a hearing including:
  - 4.7.1 Encouraging the complainant and the regulated member or the former regulated member to communicate with each other and resolve the complaint.



- 4.7.2 Attempting to resolve the complaint, with the consent of the complainant and the regulated member or former regulated member.
- 4.7.3 Making a referral to an **alternative complaint resolution process (ACR)**.
- 4.7.4 Requesting an expert to assess and provide a written report on the subject matter of the complaint.
- 4.7.5 Conducting or appointing an investigator to conduct an investigation.
- 4.7.6 Dismissing the complaint.
- 4.7.7 Making a direction under s.118 of the Act relating to incapacity.
- 4.8 At any point prior to a hearing tribunal making an order under s.82 of the Act, the Complaints Director may also make a direction under s.65, which provides the authority to impose conditions on the regulated member or suspend the practice permit of the regulated member. The regulated member has the option to seek a stay of the decision by applying to the Court of King's Bench.
- 4.9 Complaints alleging sexual abuse and/or sexual misconduct as defined in the Act involving a patient will:
  - 4.9.1 Not be handled informally or via the ACR process.
  - 4.9.2 Be referred to an investigation.
  - 4.9.3 Trigger the patient funding for treatment and counselling process, otherwise known as the Patient Relations Program, to determine the funding eligibility of the patient.
- 4.10 Complaints alleging female genital mutilation as defined in the Act will:
  - 4.10.1 Not be handled informally or via the ACR process.
  - 4.10.2 Be reported to a law enforcement agency with subsequent notice of this report to the complainant, the regulated member, or former regulated member.
- 4.11 Complaints alleging unauthorized practice will be assessed and a recommendation may be given to the Chief Executive Officer to issue a cease-and-desist letter for the first offence. Subsequent offences may result in potential action under s.49 of the Act.
- 4.12 Anonymous complaints or information received without a signed written complaint will not be accepted; however, the Complaints Director is authorized to act as set out in s.56 of the Act where the complaint or information received is of a serious nature or may be a risk to public safety.
- 4.13 If the Complaints Director assesses a complaint and deems it is of a serious nature or a risk to public safety, the Complaints Director may take action even if the Complainant withdraws the complaint.
- 4.14 Abandoned complaints and/or uncooperative complainants may restrict the College's ability to act.
- 4.15 The College does not have the authority to handle monetary compensation, damages, or compel the payment of monies.



- 4.16 Lodging a complaint does not prevent the complainant from taking legal action against the regulated member or former regulated member.
- 4.17 The College has the authority to continue through the complaints management process regardless of whether the complainant has lodged a complaint through another governing body or where the substance of the complaint is captured under additional legislation such as the Alberta Human Rights Commission governing the Alberta Human Rights Act.

## 5. Authority

This policy is established under the authority of Corporate Governance Policy G.1.2, which delegates authority to the Chief Executive Officer to establish policies and procedures for the management and operation of the College regarding corporate operations, and operating programs.

## 6. Scope

This policy applies to the complainant, regulated members, and former regulated members of the College.

## 7. Related Policies and Procedures

- R.1.4.1 Complaint Management Procedure
- R.1.5 Hearings Management Policy
- R.1.5.1 Hearings Management Procedure

## 8. Version History

Date	Notes
January 2, 2024	New policy
June 25, 2024	Update Ministry name; updated related policies with R.1.5