



Natural Health Practitioners of Canada
Praticiens de la Santé Naturelle du Canada

Complaints Resolution Process

Guide for the Complainant

January 2020

Introduction

The NHPC is a self-governing professional association that represents holistic health professionals across Canada. NHPC is not a regulatory college and does not have delegated powers outlined by provincial legislation.

The NHPC processes allegations of member misconduct and incompetence according to the steps set out in Article 10, Complaints Resolution Process (CRP), of the Association's Bylaws. The rules for governing the Association are set out in the Bylaws and are amended and approved by the NHPC membership.

NHPC's Approach to Complaints

The NHPC's approach to complaints centres around improving a member's practice. If a weakness or area of improvement is identified during the process, the Association's aim is to resolve misunderstandings and provide guidance and education to ensure that the member can implement positive changes in their practice. Most complaints received are resolved through a remedial education program.

The disciplinary component of the CRP is a last resort for resolving complaints. Disciplinary measures are only appropriate for serious, repetitive misconduct, and for members who are unwilling to engage in meaningful practice improvements.

NHPC's Complaint Resolution Process **does not**:

- award damages/compensation
- accept complaints with criminal allegations which should be directed to the police
- intervene in civil disputes, including contract disputes
- order a member to offer a discount or refund for services rendered
- represent the complainant or offer legal advice
- address a member's conduct outside of professional practice

How Are Decisions Made?

The NHPC evaluates each complaint brought forward in a process that is fair and consistent. The Code of Ethics establishes the expectations for professional practice and is the guide used to evaluate the behaviour and conduct of members.

Article 10 of the Association's Bylaws provides the NHPC's Chief Executive Officer and Registrar (CEO) with the decision-making authority in phase one and two of the complaints process. The Ethics Committee, a member-based committee, will review the complaint, conduct a preliminary investigation, and provide subject matter expertise to support the CEO's ability to resolve a complaint.

The CEO will determine the necessary steps in the process, decide on an appropriate resolution, or refer to formal disciplinary proceedings if necessary. In phase three of the CRP, the Sanction Committee has the authority to determine the appropriate sanctions and will render orders based on the facts and circumstances of the complaint.

The Role of the Complainant in the CRP

The complainant is the individual who reports the allegations to the NHPC and provides further detail or information when necessary. The complainant is notified when a complaint moves to another step in the process (complaint dismissal, pending resolution, or referred to investigation). Once a complaint is reviewed and accepted into the process, the complaint will be dealt with at the discretion of the NHPC.

When determining which steps are taken or resolutions are made, the NHPC considers the facts of the complaint, the member's previous conduct, and precedents set in previous complaints. Resolutions based on remedial education are the most common way that complaints are resolved.

How Long does a Complaint take to be Resolved?

Depending on the nature of the complaint and the number of complaints already in the process, it can take several months or longer to resolve a complaint.

Extraordinary Measures

Interim Condition or Suspension

Article 10 allows the NHPC to put a condition or suspension on a member's registration at any time during the Complaint Resolution Process. As interim orders can deprive a member of their ability to make a living, these measures are only appropriate in situations where there is a need to protect the public or the member's fitness to practice is in question.

Procedural fairness dictates that the member is given the opportunity to respond to the allegations before extraordinary measures are considered.

Overview of the Complaints Resolution Process

PHASE ONE: PRELIMINARY INVESTIGATION AND EARLY RESOLUTION

95% of complaints can be resolved during phase one

1. **Notification of Complaint:** The member is notified in writing and provided a copy of the complaint.
2. **Complaint is Acknowledged:** Once the NHPC formally accepts your complaint, you will be notified that the complaint has been acknowledged.
3. **Member Response (must be in writing):** The member is provided with 30 days to submit a response to the allegations in the complaint. If you would like to receive a copy of the member's response, the member must provide written consent for the NHPC to release the correspondence to you.
4. **Review:** The member's response is reviewed along with the allegations in the complaint. After the review, the NHPC may dismiss, resolve, or refer the complaint.

The NHPC may DISMISS the complaint if:

- there is not enough evidence to move forward with the complaint
- the Complaints Resolution Process is not appropriate for the complaint
- the complaint has already been remedied or resolved
- the complaint is determined to be frivolous or vexatious
- the complaint was appropriately dealt with as part of another proceeding
- NHPC does not have jurisdiction to address the complaint

**A dismissal of a complaint signifies the completion of the complaint process. The NHPC considers a dismissal to be the final decision on the complaint; there is no process for the complainant to appeal the decision.*

The NHPC may RESOLVE the complaint through early Alternative Dispute Resolution (ADR) or other remedial measures by:

- encouraging the complainant and the member to communicate with each other in order to resolve the matter
- facilitating a resolution between the complainant and the member
- appointing a mediator to facilitate a resolution, if both the complainant and member agree
- requesting an expert to assess and provide a written report on the subject matter of the complaint
- using remedial counselling or remedial measures to provide guidance to the member

Once ADR or remedial measures are completed by the NHPC, the complaints process is closed.

If more information is required, the NHPC will REFER the complaint to a formal investigation. Formal investigations are part of phase two of the Complaints Resolution Process.

PHASE TWO: FORMAL INVESTIGATION AND RESOLUTION

The majority of complaints that are formally investigated can be resolved through resolution tools that are detailed in Article 10

Though the NHPC completes a preliminary investigation of all complaints, some complaints require a more thorough investigation into the allegations against a member.

1. **Investigation:** Investigation methods used by the NHPC vary. Most investigations include a formal interview, either in person or over voice/video conference, to gather further information from the complainant and the member. The NHPC may conduct the investigation or appoint an external investigator.
2. **Review of Findings:** Once the investigation has been completed, a report is prepared by the investigator and submitted to the NHPC, who will review the findings.

After a review of the findings from the investigation, the NHPC may dismiss, resolve, or refer the complaint.

The NHPC may DISMISS the complaint if:

- there is not enough evidence to move forward with the complaint
- the complaints process is not appropriate for the complaint
- the complaint has already been remedied or resolved
- the complaint is determined to be frivolous or vexatious
- the complaint was appropriately dealt with as part of another proceeding
- the NHPC does not have jurisdiction to address the complaint

A dismissal of a complaint signifies the completion of the complaint process. The NHPC considers a dismissal to be the final decision on the complaint; there is no process for the complainant to appeal the decision.

The NHPC may RESOLVE the complaint through remedial measures or Alternative Dispute Resolution by:

- encouraging the complainant and the member to communicate with each other in order to resolve the matter
- facilitating a resolution between the complainant and the member
- appointing a mediator to facilitate a resolution, if both the complainant and member agree
- requesting an expert to assess and provide a written report on the subject matter of the complaint
- using remedial counselling or remedial measures to provide guidance to the member

Once resolution or remedial measures are completed by the NHPC, the complaints process is closed.

If serious misconduct is identified, the NHPC will REFER the complaint to formal disciplinary proceedings in phase three of the Complaints Resolution Process.

PHASE THREE: FORMAL DISCIPLINARY PROCEEDINGS

In phase three of the Complaints Resolution Process, the NHPC will prepare allegations and refer them to either an Arbitration Hearing or Sanction Hearing.

A formal **Arbitration Hearing** is required to determine whether the member engaged in serious misconduct.

1. The NHPC will hold a formal hearing in front of an independent arbitrator to determine the outcome of the allegations.
 - The NHPC will be represented by legal counsel who will present the allegations against the member.
 - The member should be represented by legal counsel who will defend against the allegations.
 - The complainant may be asked to serve as a witness.
2. The arbitrator will issue a written decision with reasons to support the findings.
 - The member and the complainant will receive a copy of the arbitrator's decision.
3. If the arbitrator finds any of the allegations to be proven, the decision is referred to the Sanction Committee for a hearing.
4. If the arbitrator does not find any of the allegations to be proven, the complaint is dismissed.

The member and the complainant will receive a copy of the Arbitrator's decision.

A **Sanction Hearing** will proceed if the investigation provides enough information for the NHPC to determine that the member has engaged in serious misconduct.

- The Sanction Committee, made up of NHPC members and select members of the Board of Directors, will hold a hearing to review the allegations and determine what orders are warranted.
- The member is provided with an opportunity to provide submissions (oral or written) to the Committee.
- The complainant is not involved in the proceedings.

The Sanction Committee has the authority to impose one or more of the following orders on the member:

- Issue a reprimand
- Suspend the Certificate of Membership of the member for a specified period of time or until certain conditions are met
- Accept, in place of a suspension, the member's undertaking to limit the member's practice for a specified period of time
- Impose any conditions or limitations on the practice of the member
- Require the member to waive, reduce, or repay a fee

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- Cancel the Certificate of Membership of the member
- Impose an award of costs of the investigation, any hearings, and other proceedings
- Impose a fine against the member, of a minimum of \$500 up to a maximum of \$5,000 cumulative, per complaint processed through Article 10
- Make any further or other order that it considers appropriate

*The member will receive the Sanction Committee's decision, including reasons to support the decision.
The complainant will receive a letter with information on what orders the Sanction Committee imposed.*