

BRIEFING NOTE

TO: Board of Directors

FROM: Governance Committee

DATE: October 5, 2020

SUBJECT: 9.5 Inquiries, Complaints and Reports Committee (ICRC) Terms of Reference and Mandate Policy 4-11

☒ For Decision

☐ For Information

☐ Monitoring Report

Purpose:

To review the proposed ICRC Committee Terms of Reference Policy 4-11.

Background:

The ICRC Committee Terms of Reference and Mandate Policy 4-11 falls into the Governance Process Policy category. This policy is designed to describe the purpose, scope and authority of the ICRC Committee. The ICRC Committee Terms of Reference and Mandate were created on May 14, 2012 and have not had a revision since that time.

For Consideration:

The Proposed amendments to the ICRC Committee Terms of Reference and Mandate Policy 4-11 will reflect the scope of responsibility the committee has been asked to undertake over the last eight years.

The original policy with the proposed revisions is redlined in **APPENDIX A** below and a clean version, **APPENDIX B**, is attached. Items no. 6, 7, of the section, “Accountability and Authority” as well as 8 under, “Responsibilities of the ICRC,” are matters the Committee are currently doing but are not referred to in the current terms of reference (or any other committees).

Public Interest Considerations:

Committee Terms of Reference create accountabilities for the members of each Committee and outline the Board’s expectations on how a committee will work together to accomplish specific roles and responsibilities that execute the College’s mandate of public protection.

Recommendation:

To approve the ICRC Committee Terms of Reference Policy 4-11 as recommended by the Governance Committee.

APPENDIX A

INQUIRIES, COMPLAINTS and REPORTS COMMITTEE (ICRC)

Terms of Reference ~~and Mandate~~

Committee Type: ~~Statutory~~

Terms of Reference*

Committee Composition and Meetings

1. ~~The~~ Board shall appoint the members of the ICRC ~~at the first Board meeting of the year for the following year at the last Board meeting of the year~~ in accordance with the by-laws.
2. The ICRC shall be composed of:
 - a. ~~at least four members of the Board Directors~~ who are ~~members~~ registrants of the College;
 - b. ~~at least three members of the Board Directors~~ appointed to the Board by the Lieutenant Governor in ~~Board Council~~;
 - c. ~~and at least three members-registrants~~ of the College who are not ~~members of Board Directors~~; and-
 - d. if the Board so decides, and the by-laws so permit, up to three individuals who are not registrants of the College and who are not Directors.
- 2.3. The chair and vice-chair of the ICRC shall be elected from among the members of the ICRC and the election may take place at or before the first committee meeting of the year.
- 3.4. Panels of the ICRC shall be selected by the chair of the ICRC from among the members of the Committee ICRC and each panel shall be composed of at least three persons, at least one of whom shall be a person appointed to the Board by the Lieutenant Governor in Board Council.
- 4.5. Panels of the ICRC, and the committee as a whole, shall meet ~~when as~~ required.
- 5.6. All Committee ICRC members are required to attend an annual orientation session and such other training sessions as may be deemed appropriate by the chair of the ICRC and/or the Board.

Authority and Accountability

7. The ICRC is a statutory committee of the College as set out in section 10(1)3 of the Health Professions Procedural Code (the "Code").

8. The ICRC is accountable to the Board for:

- a. Acting in accordance with the Regulated Health Professions Act, 1991 (the “RHPA”), including the Code, the Opticianry Act, 1991, the regulations under those acts, the by-laws and any other laws that apply to its processes and decision making.
- b. Fulfilling any other duties and responsibilities assigned to it by the Board.

Mandate Responsibilities of the ICRC

The ICRC shall:

- ~~6-9.~~ Perform such functions as are assigned to it under the Health Professions Procedural Code RHPA, Code, and the R regulations, by-laws, and policies of the College including conducting investigations and inquiries in a fair, neutral and efficient manner and providing reasonable and fair dispositions of all matters before it in accordance with applicable legislation and established rules and procedures.
- 10. Recommend to the Board proposals for changes to the legislation, including regulations to applicable statutes, and by-laws, as well as programs to support the inquiries, complaints and reports process.
- 11. Consider the results of investigations into unauthorized practice and, where appropriate, make recommendations to the Finance Committee and/or the Board about initiating legal proceedings to address the unauthorized practice.
- ~~7.—~~
- ~~8.—~~
- ~~9.— Consider resolutions of complaints that have been brought before it through an alternative dispute resolution process.~~
- ~~10.—~~
- 12. Submit an annual report to the Board. The report will include information on the number of complaints, the types of complaints dealt with, and the dispositions of those complaints and reports generally.

~~4.—~~

The ICRC may:

- ~~11. 1.~~ Consider resolutions of complaints that have been brought before it through an alternative dispute resolution process, as permitted by the RHPA. ;

12.13. Submit a report to [the](#) Board in between annual reports.

**Note: The chair and vice-chair of the Discipline Committee shall not be members of the ICRC.*

~~Terms of Reference and Mandate—Inquiries Complaints and Reports Committee Approved by
Board on May 14, 2012~~

POLICY TYPE: GOVERNANCE PROCESS**4-11 ICRC Committee Terms of Reference and Mandate Policy**

Committee Composition and Meetings

1. The Board shall appoint the members of the ICRC for the following year at the last Board meeting of the year in accordance with the by-laws.
2. The ICRC shall be composed of:
 - a. at least four Directors who are registrants of the College;
 - b. at least three Directors appointed to the Board by the Lieutenant Governor in Council;
 - c. at least three registrants of the College who are not Directors; and
 - d. if the Board so decides, and the by-laws so permit, up to three individuals who are not registrants of the College and who are not Directors.
3. The chair and vice-chair of the ICRC shall be elected from among the members of the ICRC and the election may take place at or before the first committee meeting of the year.
4. Panels of the ICRC shall be selected by the chair of the ICRC from among the members of the ICRC and each panel shall be composed of at least three persons, at least one of whom shall be a person appointed to the Board by the Lieutenant Governor in Council.
5. Panels of the ICRC, and the committee as a whole, shall meet as required.
6. All ICRC members are required to attend an annual orientation session and such other training sessions as may be deemed appropriate by the chair of the ICRC and/or the Board.

Authority and Accountability

7. The ICRC is a statutory committee of the College as set out in section 10(1)3 of the Health Professions Procedural Code (the “Code”).
8. The ICRC is accountable to the Board for:
 - a. Acting in accordance with the Regulated Health Professions Act, 1991 (the “RHPA”), including the Code, the Opticianry Act, 1991, the regulations under those acts, the by-laws and any other laws that apply to its processes and decision making.

- b. Fulfilling any other duties and responsibilities assigned to it by the Board.

Responsibilities of the ICRC

The ICRC shall:

9. Perform such functions as are assigned to it under the RHPA, Code, regulations, by-laws and policies of the College including conducting investigations and inquiries in a fair, neutral and efficient manner and providing reasonable and fair dispositions of all matters before it in accordance with applicable legislation and established rules and procedures.
10. Recommend to the Board proposals for changes to the legislation, including regulations to applicable statutes, and by-laws, as well as programs to support the inquiries, complaints and reports process.
11. Consider the results of investigations into unauthorized practice and, where appropriate, make recommendations to the Finance Committee and/or the Board about initiating legal proceedings to address unauthorized practice.
12. Submit an annual report to the Board. The report will include information on the number of complaints, the types of complaints dealt with, and the dispositions of those complaints and reports generally.

The ICRC may:

Consider resolutions of complaints that have been brought before it through an alternative dispute resolution process, as permitted by the RHPA.

13. Submit a report to the Board in between annual reports.

**Note: The chair and vice-chair of the Discipline Committee shall not be members of the ICRC.*