

STAFF INFORMAL RESOLUTION PROCESS

POLICY NUMBER: PC-004-01

DATE APPROVED: November 13, 2020

DATE TO BE REVIEWED: November 13, 2023

DISTRIBUTION: NSCMIRTP Board and staff

COMMITTEE: Professional Conduct Pool

DATE(S) REVIEWED (REVISED):

ISSUING AUTHORITY: NSCMIRTP Board

APPROVAL: 

POLICY STATEMENT

Prior to a complaint being referred to the Investigative Committee, the Registrar (or delegate) may informally resolve a complaint if the Registrar is satisfied that the resolution is consistent with the objects of the College, including that the resolution serves and protects the public interest; preserves the integrity of the profession; and maintains confidence in the ability of the profession to regulate itself.

The Registrar may consider whether a complaint is appropriate for informal resolution pursuant to this policy.

An informal resolution is an outcome agreed upon by the respondent and the College.

PROCEDURE

1. The Registrar (or delegate) will assess the complaint using the Informal Resolution Decision-Making Tool attached as Appendix A.
2. (a) If the assessment determines that an informal resolution may be appropriate, the Registrar (or delegate) may discuss possible options for resolution with the complainant and respondent.
(b) If the assessment determines that an informal resolution is not appropriate, the Registrar may take any other action permitted by the legislation, including referring the matter to a formal investigation or the Fitness to Practise process.
3. (a) At any point during the negotiation process, the Registrar (or delegate) may attempt to obtain any additional information required to satisfy themselves that the resolution is appropriate.
(b) All discussions and any admissions with respect to the complaint during the informal resolution process are made without prejudice. Such discussions and admissions shall not be referenced if the matter is forwarded to the Investigation Committee.
4. (a) If the parties agree on the content of an informal resolution outcome, the agreement will be set out in writing and confirmed by the parties.
(b) Written informal resolution agreements will include, at a minimum:
 - (i) a summary of the complaint and other relevant information obtained to date;
 - (ii) the content of the agreed-upon remedial action;
 - (iii) publication and notification requirements, if any; and
 - (iv) confirmation of acceptance by all the parties by signature or electronic means.
(c) The content of confirmed informal resolution agreements will be monitored by College staff for



successful completion.

(d) If a respondent breaches an informal resolution agreement or is otherwise unsuccessful in completing the agreement, this may be considered grounds of professional misconduct and the Registrar may take such action as is set out in the agreement or as permitted by the legislation, including, where appropriate, filing a new complaint.

5. In the event that the parties cannot reach an agreement on the content of an informal resolution agreement:

(a) the Registrar may take any other action permitted by the legislation, including referring the matter to a formal investigation or the Fitness to Practise process;

(b) any documents or other information gathered in the course of the negotiation process may be included in the investigation report, including e-mails and notes, and/or be provided to the Investigation Committee, with the exception of any discussions or admissions made in the course of negotiations.



APPENDIX A: INFORMAL RESOLUTION DECISION-MAKING TOOL

Step 1: Review the Complaint

Is the complaint appropriate for dismissal?

If so >> Dismiss

Step 2: Review the Conduct

Did the conduct involve any of the following?

- Physical, emotional or sexual abuse
- Boundary violations with clients/patients/colleagues of a sexual or romantic nature
- Intentional acts of harm
- Breach of trust or abuse of power or fiduciary role
- Misconduct that contributed to serious harm or death

If so >> Not appropriate for Informal Resolution >> Refer to formal investigation process

Step 3: Review the Individual

Is the individual an appropriate candidate for Informal Resolution? Consider the following factors:

- Does the individual demonstrate insight into his or her actions?
- Does the individual have a prior professional conduct history or a significant pattern of misconduct?
- Did the allegations involve deception, dishonesty or motive concealment?
- Has the individual demonstrated a willingness to address the issues?
- Has the individual been cooperative in the professional conduct process?
- Has the individual expressed remorse?
- Has the individual made admissions?
- Is there a low likelihood of the issues reoccurring?
- Is the individual ungovernable?

If the individual is not an appropriate candidate >> Not appropriate for Informal Resolution >> Refer to formal investigation process

Step 4: Review the Objects of the College's Professional Conduct Process

Is a staff Informal Resolution consistent with the objects of the College? Consider whether in the circumstances an informal resolution would do the following:

- Serve and protect the public interest?
- Preserve the integrity of the profession?
- Maintain public confidence in the ability of the profession to regulate itself?

If a staff Informal Resolution is not consistent with the objects of the College >> Not appropriate for Informal Resolution >> Refer to formal investigation process



Step 5: Determine the Appropriate Outcome

If Steps 1-4 indicate that a staff Informal Resolution is appropriate, then consider proposing and attempting to negotiate the content of the agreement with the parties. The content of the agreement may include, but is not limited to:

- Relevant education to address deficiencies in skills and knowledge
- Practice consultations and/or professional guidance
- Preceptoring/mentoring/auditing
- A plan by the respondent to prevent similar problems in the future, including reference to the relevant professional standards/code of ethics
- Requiring the respondent to make verifiable efforts to remediate systemic workplace issues
- Reflective essay
- Performance feedback (e.g., performance evaluations, a report from a supervisor, etc.)
- Expressions of remorse and/or apology
- Treatment of relevant physical or mental health conditions (including a report from treatment providers)
- Incorporation of an employer's action plan, if appropriate
- Agreement to restrict practice with notification as appropriate
- Publication/notification of the complaint and/or resolution in whole or in part, as appropriate (e.g., notification to other regulators; publication of a notice on the website, etc.)
- Restitution

If all the parties agree to the proposed resolution >> Prepare a written agreement

If all the parties, after negotiation, cannot agree on a proposed resolution >> Refer to formal investigation process

* Adapted from the College of Registered Nurses of Nova Scotia Staff Tool for Alternative Resolution (2016).