

One of the main responsibilities of the College is to protect the public and maintain the integrity of the profession by receiving, managing, and acting on complaints of unprofessional conduct. Although the College expects that all speech-language pathologists and audiologists practice to the minimum professional requirements, sometimes mistakes happen or concerns are brought forward to the College. Part IV of the Health Professions Act (the “HPA”) governs and guides the College on the complaints process.

So what happens when a complaint is submitted? Once a complaint is submitted, the College will provide a copy of the complaint form to the speech-language pathologist or audiologist and it will include the name of who submitted the complaint. The complaint is then reviewed by the Complaints Director and within thirty days, the Complaints Director will provide notice of the action taken. There are many possible actions and each complaint is unique. The action taken depends on the facts, circumstances and complexity of the complaint, but could include:

- Encouraging the complainant and the regulated member to communicate with each other and resolve the complaint.
- Resolving the complaint with the consent of the complainant and the regulated member. This is often completed through a resolution agreement.
- Referring the matter to an investigation. An investigation involves collecting more information about the concerns including documents and witness statements. It is not an assumption of unprofessional conduct.
- Dismissing the complaint and providing reasons for the dismissal.

After the initial action, there are more possible routes and outcomes for a complaint including resolution after an investigation or referring a complaint to a hearing before a Hearing Tribunal of the College to determine whether **unprofessional conduct** occurred.

What is unprofessional conduct?

Unprofessional conduct is defined in the HPA and could include:

- A lack of knowledge, skill or judgment in the provision of professional services;
- Contravening the code of ethics, the standards of practice or other applicable standards;
- Conduct that harms the integrity of the profession;
- Practicing while suspended or cancelled; or
- Failing, or refusing, to comply with a previous order from the College.

Who can submit a complaint?

A complaint may be submitted by anyone, including a colleague, a past or present patient or client, a member of the public, another health care professional, or a family member/friend/guardian of a patient or client.

A complaint could be about many different concerns such as patient or client care, in person or virtually, ethical concerns, privacy breaches, communication or off-duty conduct.

Did you know some reporting to the College is mandatory?

If you are an employer:

Employers are required to report unprofessional conduct to the College as soon as reasonably possible. This includes if their employee is **suspended**, is **terminated** or if they **resign** due to what the employer believes to be unprofessional conduct. In addition, an employer must report conduct that they believe is sexual misconduct or sexual abuse of a patient or client as soon as possible to the College.

Often people ask what is defined as employment, as the nature of speech-language pathology and audiology includes short-term or long-term contracts, volunteer hours in a school or the community or multiple part-time employers in different clinics.

The *HPA* defines employment as providing professional services either on a full time or part time basis, either paid or unpaid as an employee, consultant, contractor or volunteer. In other words, employment is not just full-time paid work.

If you are a regulated member:

A speech-language pathologist or audiologist is required to report to the Complaints Director if they have reason to believe that another regulated member has committed sexual abuse or sexual misconduct against a patient. This reporting requirement does not apply if the information was learned while providing professional services to the regulated member. Moreover, a speech-language pathologist or audiologist is bound by obligations to report concerning behaviour of other regulated members, including incompetent and/or unethical services.

Outside of reporting in the complaints process, a speech-language pathologist or audiologist is required to report certain information about their own practice to the Registrar relating to their practice permit with the College including findings of unprofessional conduct against them from another regulatory body, findings of professional negligence from a civil suit or if they are charged, or convicted, with a criminal offence.

How many complaints were received last year?

Every year in our Annual Report, the College publishes statistics about complaints received to ensure public transparency. The College received five (5) new complaints in 2020-2021. 60% of these new complaints were from a colleague and 40% of the complaints were from an employer. The College received a variety of complaints against regulated members, specifically, 60% were against audiologists and 40% were against speech-language pathologists. For more information see page 20 in our [2021 Annual Report](#).

Please note that any information in this article should not be considered legal advice and is intended to provide general information on the complaints process. If you have any questions or concerns you wish to discuss with the Complaints Director, please them at: complaintsdirector@acslpa.ca. Keep an eye on our website for updates on the complaints process in the coming months. If you found this article interesting, the rest of our [Insights publications can be accessed on our website](#). ■