



COMPLAINTS DECISION
APPEAL PROCEDURES

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1. BACKGROUND

The Manitoba College of Social Workers (MCSW) Complaints Committee (the Committee) is responsible for the evaluation of complaints regarding the conduct of MCSW members in accordance with Part 7 of *The Social Work Profession Act (SWPA)*. A complainant may appeal to the Board of Directors (the Board) when the Complaints Committee makes one of the following decisions:

1. Directs that the matter not be referred to the inquiry committee
2. Censures the MCSW member
3. Enters into an agreement with the MCSW member

2. APPEAL PROCESS

Appeal:

A Notice of Appeal to the MCSW Board must be submitted in writing by mail (post or email) to the attention of the registrar at the MCSW office within 30 days after the complainant is given notice of the Complaints Committee decision.

Appeal Review Meeting:

The Board will schedule an Appeal Review Meeting in response to the complainant's Notice of Appeal.

Appeals Panel:

The Board shall designate a Complaints Appeal Panel from among its members to determine an appeal from a Complaints Committee decision. The Complaint Appeal Panel shall be comprised of at least 3 members of the Board. There shall be a Chair or Co-Chairs.

Prior to the Appeal Review Meeting, Board members shall be queried as to their availability and to ensure that they do not have any conflicts of interest with the complainant, the MCSW member and/or their representatives. Members of the Board who are also members of the Complaints Committee will be excluded from the panel deciding the appeal and will have no participation in the appeal process.

Evaluation Process:

The Board will receive all documentation considered by the Complaints Committee in making their decision. The Board will also be provided with the notice of appeal and will accept a written submission from the complainant and the MCSW member. Information considered by the Board upon appeal is limited to that known to the Committee at the time the decision was rendered. The Board may request additional information from the complainant and/or the MCSW member, if required.

The Board is not required to hold a hearing or to give any person an opportunity to appear or make oral submissions before making a decision.

3. DECISION OF THE APPEAL PANEL

The Board of Directors must do one or more of the following:

1. Make any decision that in its opinion ought to have been made by the Complaints Committee in accordance with Subsection 31(1) of *SWPA*
2. Quash, vary or confirm the decision of the Complaints Committee
3. Refer the matter back to the Complaints Committee for further consideration in accordance with any direction that the Board may make

The Board of Directors must provide the complainant and the MCSW member with a written notice setting out its decision and the reasons for the decision. A copy of the written decision will be sent by registered mail or personal service to the complainant and the MCSW member.

The Act does not provide for an appeal of the Board of Directors decision.

4. ROLE OF THE COMPLAINTS APPEAL PANEL CHAIR

On Receipt of the Notice of Appeal

In consultation with the Registrar, coordinate the date, time and location of the Appeal Review Meeting.

At the Appeal Review Meeting

1. Take primary lead in directing the discussion of the Board and ensure input from Board members in an attempt to reach a decision.
2. Take primary lead in writing the decision and reasons for decision as soon as possible after a decision is rendered.
3. Following review and approval by all members of the Board members on the Appeal Panel, the Chair will sign the final written decision on behalf of the Board.
4. Ensure that the decision of the Board is communicated in writing to the complainant and the MCSW member as soon as possible after a decision is rendered.

5. ROLE OF THE REGISTRAR

The Registrar and/or designated MCSW staff shall:

1. Acknowledge receipt of the appeal,
2. Assemble the following materials for the Board of Directors Appeals Panel:
 - a. All documents relied upon by the Complaints Committee in reaching their decision
 - b. The decision of the Complaints Committee, including any supporting documentation (i.e. censure, agreement)
 - c. The Notice of Appeal submission of the complainant
3. Provide the MCSW member with a copy of the Notice of Appeal.

4. Provide the complainant with an opportunity to make a written submission.
5. Provide the MCSW member an opportunity to make a written submission.
6. Ensure that the written decision of the Board is sent by registered mail to the complainant and the MCSW member.

Written submissions by the complainant and the MCSW member must be submitted by deadlines provided by the Board, unless otherwise permitted by the Appeal Panel Chair, on written request. In the event that written submissions are not received by the Board by the deadlines provided, the Board of Directors will proceed in evaluating and making a decision on the appeal.