

Manitoba College
of Social Workers 

COMPLAINTS DECISION

APPEAL PROCEDURES

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1. BACKGROUND

The purpose of professional regulation is to protect the public and maintain the integrity of the profession. One key role of the College is to consider and investigate complaints made regarding the conduct of Social Workers registered with the College. Social Workers are obligated to practice safely, competently and ethically in accordance with the Manitoba College of Social Workers (The College/MCSW) Code of Ethics and Standards of Practice. The College has a responsibility to assess all complaints, ensuring a fair and just process. *The Social Work Profession Act is not aimed at satisfying the rights of individual complainants, but rather the protection of the public in general.*

The Manitoba College of Social Workers (MCSW, the College) 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 member

2. APPEAL PROCESS

Appeal:

The Notice of Appeal form (available on the MCSW website) must be submitted by the Complainant to the College. This form and any supporting documents must be received within 30 days after the Complainant is given notice of the Complaints Committee decision. These documents will be shared with the Member.

Appeal Review Meeting:

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

Appeal Panel:

The Board shall designate a Complaints Appeal Panel from among its members who will review the Complaints Committee decision. The Complaint Appeal Panel shall be comprised of at least 3 members of the Board.

A list of the Board Members is available on the MCSW website.

Prior to the Appeal Review Meeting, Board members shall be queried 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 reviewing 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 form, any supporting documents submitted by the Complainant, and will accept a written response of the appeal from 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. No new information can be submitted upon appeal.

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 BOARD OF DIRECTORS 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 email or registered mail to the Complainant and the MCSW Member.

The Act does not provide for an appeal of the Board of Directors decision. The case is considered closed after the decision is rendered.

4. TIMELINES

There are no legislative timelines for the Appeal review. The process can be lengthy due to many different variables. College staff will not provide updates as available.

The Appeal Panel's written decision will be provided to the Member and the Complainant.