



POLICY AND PROCEDURE MANUAL

POLICY	Reporting to Police and Other Authorities		
SECTION	Council & Committees	POLICY #	II – 3(v)
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NEXT REVIEW DATE	2020/2021	PAGE #	1 of 2

POLICY STATEMENT

The College receives information through complaints and reports that may suggest that a member has committed a criminal act or other offence. For reasons of transparency and public, the College may report this information to the police or other relevant authorities, in compliance with this policy.

BACKGROUND

Some allegations against members received by the College are of a nature that may appear to warrant criminal and/or provincial offence charges. These could include, but are not limited to fraud, sexual abuse or failure to report child abuse, or abuse in a long-term care home or retirement home. This information may reach the College in a variety of ways, including through a complaint received and by a mandatory report.

Under the *Regulated Health Professions Act, 1991 (RHPA)*, the College is permitted to disclose otherwise confidential information when it is reasonable to believe that doing so may reduce or eliminate a risk of harm to a person or group of persons. The College is also permitted to disclose information to the police or other relevant authorities to aid an investigation undertaken with a view to a law enforcement proceeding, or from which a law enforcement proceeding is likely to result.

The College is not expected to have expert knowledge of the *Criminal Code* or of all provincial acts. Therefore, if a member's alleged conduct appears to be criminal in nature or appears to contravene a provincial statute such that the contravention appears to be an offence, the College may report this information to the police or other relevant authorities.

This policy is created pursuant to the College's rule-making authority to govern its own procedures and practices under section 25.1 of the *Statutory Powers Procedure Act, 1990* s.22.

PROCEDURE

1. If the College is contemplating reporting a matter to the police or other authorities, the College will first advise the complainant or reporter that they may wish to report the matter themselves. The College generally believes that the victim or witness to the alleged conduct is the more suitable reporter as they are more likely to have first-hand knowledge of the incident(s).
2. Should the complainant or reporter indicate that they wish to report the matter to the police or other authorities, the College will provide and/or arrange support for the individual making the report, as necessary and appropriate.
3. The College recognizes that there are numerous reasons why an individual may choose not to report a matter to the police or other relevant authorities. If the complainant or reporter does not wish to contact the police or other relevant authorities, or in cases where the information comes to the

College independent of a particular complainant or reporter, the Registrar may consider reporting the member's conduct to the police or other relevant authorities if the following conditions are met:

- a. The alleged conduct appears to be criminal in nature, or appears to be an offence under a provincial act; and
 - b. There are reasonable grounds to believe that the conduct poses risk(s) of harm to the public, and reporting could reduce the risk of future harm; and/or
 - c. The College is in possession of additional information, such as the member's prior history, that reasonably suggests the member's alleged conduct may be indicative of a pattern of behaviour that poses risk(s) of harm to the public.
4. Where possible, the Registrar will inform the complainant or reporter that the information is being reported to the police or other relevant authorities. The Registrar will also inform the member when a police report has been submitted, provided that, based on discussions with the police, the Registrar is satisfied that informing the member will not interfere with the integrity of the police investigation.
 5. Should the Registrar make a report to the police or other relevant authorities, the Registrar will:
 - a. Provide the member's name, mailing address and a summary of the relevant allegations and/or relevant documents, pursuant to authorized disclosures under s.36(e) of the *RHPA*;
 - b. Only include the complainant and/or witness' name and identifying information if the complainant or witness has consented to the report. If the complainant and/or witness not consent to the report, the Registrar will not provide their identity, and will redact identifying information from documents accordingly; and,
 - c. In all cases, withhold any and all of the member's responses to the allegations in all forms, whether obtained by way of summons or on consent.

The Registrar will only provide information related to subsections 5(b) and 5(c) above if ordered to do so by a production order or other court order.

6. The College will provide public decisions made by the Discipline Committee to the police should the Discipline Committee's findings raise issues of potential criminal actions.