



Midwifery Council of New Brunswick
Conseil de l'Ordre des sages-femmes
du Nouveau-Brunswick

COMPLAINTS COMMITTEE

Terms of Reference

As per the *Midwifery Act*, the Complaints Committee will be established by the Midwifery Council of New Brunswick from an approved roster. This Roster will be reviewed every 3 years by the Registrar to ensure currency and willingness to serve as a member.

For more information please refer to the MCNB Professional Complaints Manual here:
<https://www.midwiferycnb.ca/uploads/1/2/4/1/124158264/midwives-complaints-en.pdf>

Mandate of the Committee

Where a complaint is filed with the Registrar, the Registrar shall refer the complaint to the Complaints Committee if the conduct or actions complained of may constitute professional misconduct, incompetence or incapacity in accordance with the *Midwifery Act* s. 39(3). The Committee investigates and considers complaints. The Committee's deliberations are judicial in nature. The Committee also has an important role to resolve Complaints.

Powers

As per the *Midwifery Act* subsection 48 (1), the Complaints Committee may:

- (a) direct that no further action be taken if, in the opinion of the committee, the complaint is frivolous or vexatious or there is insufficient evidence of professional misconduct, incompetence or incapacity,
- (b) refer allegations of professional misconduct, incompetence or incapacity to a Discipline Committee,
- (c) caution the member, or;
- (d) take such other action as it considers appropriate in the circumstances.

These include under subsection 49 (1) of the *Act*;

where the Complaints Committee considers the action necessary to protect the public pending the conduct and completion of proceedings before the Discipline Committee in respect of a member, the Complaints Committee may, subject to subsection (2), make an interim order

- (a) directing the Registrar to impose specified restrictions on the member's registration,
- or

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(b) directing the Registrar to suspend the member's registration.

Responsibilities and Administrative Duties

To carry out the complaints process as outlined in the MCNB Professional Complaints Manual. The Complaints Committee may, at their discretion, request legal counsel to provide advice and assistance as required.

Membership

- Two persons who are registered midwives in good standing of the regulated midwifery profession under the *Midwifery Act*, or from another jurisdiction. Preference will be given to those with prior experience serving on a Complaints committee.
- One public representative who has never practised midwifery.

Note:

- No person is eligible to sit as a member of the Complaints Committee if the person is a member of the Discipline Committee or a member of the Council.
- All Complaints Committee members declare they are not in conflict and are capable of impartial decision-making as per the MCNB Professional Complaints Manual.

Chair of Committee

The Council shall appoint a chairperson.

Quorum

Two members of a committee, one of whom shall be the public representative, constitute a quorum.

Term of Office

Members will be appointed from the Roster as required.

Confidentiality

Every member of the Committee shall preserve confidentiality with respect to all information that comes to their knowledge in the course of their duties and shall not communicate any information to any other person.

Reporting authority

When a Complaints Committee concludes its investigation, it issues a written decision signed by the Chairperson. Any decision of the Complaints Committee is provided to the Registrar, who then informs the Complainant, and the Respondent.

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