Anonymous Complaints and Information Policy

Purpose

The purpose of this policy is to establish the College's approach to receiving, assessing, and responding to anonymous complaints and anonymous information in a manner that:

- supports the College's public protection mandate;
- promotes accessibility to the complaints process;
- recognizes trauma-informed and culturally safe regulatory practices; and
- ensures procedural fairness to registrants and former registrants subject to investigation.

Legislative Reference

This policy should be read in conjunction with the following provisions:

- *Social Workers Act*, section 26, which governs complaints made to the Registrar;
- *Social Workers Act*, section 27, which governs investigations by the Inquiry Committee, including the Inquiry Committee's authority to investigate a registrant on its own motion;
- BCCSW Bylaws, section 70, which addresses notice of the disposition of investigations;
- BCCSW Bylaws, section 75, which defines misconduct and incompetence for the purposes of the Act and Bylaws.

Definitions

Anonymous Complaint

A submission regarding the conduct, competence, or ethical practice of a registrant or former registrant where the individual making the submission does not identify themselves to the College and seeks to have the matter treated as a complaint under section 26 of the *Social Workers Act*.

Anonymous Information

Information received by the College from an unidentified source that may relate to the College's public protection mandate, including information about a registrant, former registrant, unauthorized use of title, unauthorized practice, or other matters within the College's jurisdiction.

Scope

This policy applies to anonymous complaints and anonymous information received by the College related to matters within the College's public protection mandate.

This policy does not limit the College's authority to initiate investigations or inquiries in accordance with Section 27(2) of the *Social Workers Act* where information received raises public protection concerns.

Guiding Principles

The College recognizes that individuals may have legitimate reasons for not identifying themselves when raising concerns, including fear of retaliation, trauma-related concerns, dependency relationships, workplace repercussions, or concerns about privacy and confidentiality.

The College recognizes that barriers to reporting may be experienced more acutely by Indigenous peoples, racialized people, vulnerable clients, people with disabilities, people experiencing trauma, and individuals in dependent or unequal power relationships.

The College will ensure that any action taken is consistent with procedural fairness for registrants and former registrants, while balancing accessibility, public protection, and fairness when determining whether anonymous information can be acted upon.

Procedural fairness obligations generally require an individual, who is the subject of regulatory action, to:

- understand the allegations being made;
- have access to the evidence being relied upon; and
- have an opportunity to respond.

Policy

1) The College does not process anonymous submissions as complaints under section 26 of the *Social Workers Act*.
2) The complaints, investigation, and discipline processes under the Act confers rights on, and requires the College to communicate with, an identified complainant, including the right to notice of dispositions and to make further submissions. Anonymous submissions are therefore incapable of being processed as complaints under section 26 of the Act.
3) Where an individual does not wish to identify themselves, the College may receive the submission as anonymous information.
4) Where appropriate, the College may encourage the individual who provided the anonymous information to identify themselves so that the College can better assess the information, communicate with the individual, and determine whether the matter may proceed as a complaint under section 26 of the *Social Workers Act*.
5) Where the anonymous information does not contain sufficient detail, cannot be independently verified, or cannot be acted upon in a procedurally fair manner, the College may determine that no further action can be taken.

6) Where anonymous information raises a public protection concern and may be assessed or verified through other means, the Registrar may refer the matter for consideration under section 27 of the *Social Workers Act*, including consideration of whether the Inquiry Committee should initiate an investigation on its own motion.