

INDEPENDENT COMPLAINTS REVIEW OFFICER REGULATION



icccrc
IMMIGRATION CONSULTANTS OF
CANADA REGULATORY COUNCIL
crcic
CONSEIL DE RÉGLEMENTATION DES
CONSULTANTS EN IMMIGRATION DU CANADA

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1. AUTHORITY

1.1 This Regulation is enacted pursuant to sections 27 and 56.7 of the By-law.

2. PURPOSE

2.1 The purpose of this Regulation is to outline the responsibilities and authority of the Independent Complaints Review Officer (the "ICRO"). The ICRO considers requests for review made by complainants whose complaints were closed on or after July 1, 2018 without a referral to the Discipline Committee.

3. DEFINITIONS

3.1 In this Regulation, capitalized terms, unless otherwise defined herein, have the same meaning as they do in the By-law.

3.2 In this Regulation:

(a) "**Council**" includes the Complaints Committee [*Conseil*].

4. RESPONSIBILITY AND AUTHORITY OF THE ICRO

4.1 The ICRO has the power and discretion to decide how to respond to any request by a complainant to review the closing of their complaint. The ICRO may decide to do one or more of the following:

- (a) refuse the complainant's request for a review, because it does not raise issues that are serious enough, or because any review will likely not lead to any different outcome, or for any other reason;
- (b) review the closing of the complaint, by investigating the Council's handling of the complaint;
- (c) mediate with the complainant and the Council to try to achieve an agreement to settle the matter; or
- (d) stop or temporarily suspend a review at any time, and close the review without any referral or further action, or decide to refer the complaint back to the Council.

4.1 The ICRO shall have the same powers of investigation as the Council and its employees or agents. The ICRO may require the Council or any of its employees, agents, Board or Committee members, to provide any information or materials related to the complaint under review, and the procedures that were used to deal with that complaint.

4.2 The ICRO's review of a complaint shall be based upon whether the procedures used by the Council in handling the complaint were fair. Under the By-law, the ICRO cannot review the actual merits of any particular complaint. The ICRO's review will be guided by the principles in the

Tribunal Committee Rules of Procedure and the By-laws related to the Complaints and Discipline process.

- 4.3 During the review, if the ICRO receives significant information that the Council did not have during its handling of the complaint, the ICRO may refer that information back to the Council for further consideration, and the ICRO may wait for a response from the Council before continuing with the review.
- 4.4 The ICRO may close a review by deciding to take no further action or deciding to refer the complaint to the Council with a recommendation for further action by the Council, which includes any employee or agent, or the Complaints Committee.
- 4.5 The ICRO and any person acting under the authority or direction of the ICRO shall keep confidential any information or document that comes to their knowledge or possession as a result of the ICRO's handling, investigation or review of the complaint process. The same rules of confidentiality that apply to the Council's handling or investigation of complaints applies to the ICRO's review of the complaint procedure.

5. REPORTING BY THE ICRO

- 5.1. The ICRO shall inform the complainant and the Council in writing of the decision whether or not to refer a complaint to the Council, and the reasons for that decision. The Licensee, Firm or Sole Proprietorship subject to the complaint will also be notified of the outcome.
- 5.2. The ICRO shall report to the Council every quarter of the calendar year:
 - (a) statistics that include the number of requests for reviews received in each quarter, the number of reviews concluded in each quarter, the number of reviews still active at the end of each quarter, and the general outcomes of the concluded reviews;
 - (b) a summary of the disposition of the reviews concluded by the ICRO in each quarter, including a summary of any matters referred to the Council, and the reasons for that referral; and
 - (c) an assessment of the Council's handling of complaints, including any trends or concerns, and recommendations regarding improvement of those processes.

6. APPOINTMENT AND QUALIFICATIONS OF THE ICRO

- 6.1. The Board will appoint the Independent Complaints Review Officer, and may appoint an alternate, for a term of three (3) years.
- 6.2. The Board may reappoint the ICRO, or alternate, for one or more additional three-year term once the initial term is served.

- 6.3. At the time of the appointment or reappointment, the Board will fix the remuneration for the entire three-year term of the ICRO, or alternate. This remuneration may be on a per diem or retainer basis, or a combination of both.
- 6.4. In any review for which the ICRO has a conflict of interest, as defined in the Conflict of Interest Policy for Board Members, Officers and Committee Members, or the ICRO is otherwise unavailable or unable to act, the alternate shall act as the ICRO and shall have all the powers and duties of the ICRO.
- 6.5. The ICRO shall:
- (a) have expertise in the areas of administrative law and professional regulation;
 - (b) be a person of recognized knowledge, judgment, objectivity and integrity, with demonstrated skills in problem solving and dispute resolution; and
 - (c) not be a Licensee, not be a current or former personnel of the Council (that is, an employee or a member of the Council's Board) and not be an Officer of the Council.
- 6.6. The ICRO may be removed from office during the ICRO's term only by a resolution approved by at least two thirds of the Board of the Council.