

## MEETING GUIDELINES

# Inquiry Committee

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## Introduction

The Inquiry Committee is responsible for reviewing and adjudicating serious complaint matters as defined by the *Health Professions Act (HPA)*. It operates in panels, as described in the College Bylaws.

The College Board appoints the members of the Inquiry Committees including the chair and vice-chair of each panel. Each panel of the committee must include a minimum of three members and be comprised of at least one third public members.

These guidelines are designed to help committee members to understand their responsibilities and meeting logistics to support efficient and effective meetings.

A simple definition of an effective meeting is "the assembly of people gathering to discuss ideas and make decisions that produce an outcome of value." Meetings succeed when individuals are well informed and engaged in a culture of trust and respect, empowered to contribute freely, and participate in positive and robust interactions with their peers. This approach, together with alignment behind a clear mandate, strong values, coherent strategic priorities, and a commitment to continuous improvement, grounds the way in which committee meetings are conducted at the College.

These guidelines are also informed by agreements that extend beyond the College, notably the Declaration of Commitment to Cultural Safety and Humility, signed by all provincial health regulators in March 2017 that sets out a vital pledge to increase the level of cultural safety, humility, health literacy and relationship-based care to improve health outcomes for First Nations people. The College is committed to creating space that is safe, inclusive, and not intimidating to any individual.

## Getting started

Upon appointment to the committee, each member will receive an appointment letter from the registrar, which will include:

- College email and temporary password instructions
- Board governance policies for review and signature to be returned to the registrar's office:
  - Conflict of Interest Policy
  - Code of Conduct Policy
  - Confidentiality Policy
  - Committee Use of Electronic Communication Policy
- Finance and CRA tax forms for review and completion to be returned to finance department:
  - Board and Committee Personal Information Form
  - Federal Personal Tax Credits Return Form
  - British Columbia Personal Tax Credits Return Form

- Election to Stop Contributing to the Canada Pension Plan, or Revocation of a Prior Election Form
- Board governance policies for review:
  - Media Relations Policy
  - Social Media Policy
- Other documents for review:
  - College Webmail User Guide
  - Board and Committee Honoraria Policy and Rate Limits
  - Travel and Business Expense Policy
  - *What is a Record?*
  - Expense Management System User Guide for Board and Committees

An orientation by the Registrar or Chief Legal Counsel, including:

- The role of the Inquiry Committee and guiding legislation
- An overview of the different panels and the definition of a serious matter as per the Health Professions Act.
- The importance of administrative fairness in decision making

An orientation by the Deputy Registrar and Director, Complaints and Practice Investigations, including:

- An overview of the complaints process and the respective team members
- Metrics on the volume of complaints opened and closed
- The role of the Health Professions Review Board (HPRB)

## Types of meetings

Depending on the panel of the Inquiry Committee, there are between 5 and 10 regular meetings per year, scheduled in September. At least 1/3 of the committee members in attendance must be public members to constitute a quorum. In the absence of the chair, the vice-chair will chair the meeting.

Inquiry Committee meetings are “in camera” pursuant to Bylaw 1-20 (8) and all activities all correspondence and documentation concerning an affected registrant’s illness, will be maintained in confidence except as provided for in sections 1-20(9), 1-20(10) and 1-20(11). See below. This type of meeting is open to staff involved in discussion items but closed to registrants and the public. Minutes are recorded for these meetings but are not published on the College’s website.

How and where a meeting takes place are important considerations for staff. Technology provides greater flexibility than ever, so multiple channels can be made available to participants wherever possible to help manage time, availability, cost and quorum.

## In-person

In-person meetings are the most usual type of meeting for committee members, predominantly because committee meetings involve significant discussion, planning, problem solving and decision-making. This is the best type of meeting to hold when it is important to reduce distractions and fully engage participants; being face-to-face with colleagues helps build shared understanding, co-operation and empathy.

## Teleconference/videoconference/hybrid meetings

The option to attend a meeting remotely, either by teleconference or videoconference, is available to anyone unable to participate in person. This might mean that a meeting becomes a hybrid meeting where some members are attending in person and some are attending virtually. Members will be encouraged to meet in person if it is a designated “in person” meeting. If a committee member cannot attend in-person, they will be required to seek consent of the committee chair to attend virtually and ensure that the staff member organizing the meeting is notified. Remote meetings tend to work best for straightforward discussions, where no group work is taking place or controversial decisions are being made.

## Email

Email meetings are convened for one specific purpose only: either when information needs to be disseminated quickly, or an urgent decision is required that cannot wait until the next scheduled committee meeting.

## The meeting: before, during and after

### Before the meeting

#### Agenda

Agendas are prepared by staff and reviewed with the chair and are based upon the Inquiry Committee’s activities since the last meeting and emerging issues.

Agendas follow a standard template, including:

- the time, date, location and type of meeting
- the names of participants who have confirmed their attendance or forwarded their regrets, the names of staff and guests attending the meeting
- a formal acknowledgment of the territory on which the meeting is taking place, and for those not in person are located
- for each agenda item:
  - the time estimated for each discussion
  - whether the committee is receiving the item for information, discussion or decision
  - a reference to the briefing note number and supporting material
- When developing agendas, staff and committee chair need to be confident that
  - the committee is spending the most amount of time on the most important issues,

- the committee will have the information and time to have an appropriate discussion for each agenda item,
- the agenda is not too ambitious for the time allocated, and
- the right people will be in the room for each discussion.

### Complaint file documentation

Complaint files form the basis of the meeting package. The members are provided with the pertinent information collected through the investigation, including a copy of the initial complaint, the subject physician's response, medical records and as needed, expert opinions or non-subject physician responses. Panel members are not to introduce any materials not already included in the package. Decisions must be made exclusively on the material provided in the package.

### Reviewer's summaries

For every complaint file presented to the Inquiry Committee a Reviewer's Summary is included. These documents summarize the complaint, the physician's response(s), the medical records and highlight specific questions for Committee discussion. The summary is provided to assist the Committee members when reviewing the complaint file; bringing their attention to the allegations of the complainant and/or specific documents within the medical record.

### Meeting package

Two weeks prior to the scheduled meeting the Panel members will be couriered or emailed the meeting package. The package includes an agenda, complaint file materials, briefing notes, prior meeting minutes and resource documents.

Upon receipt of the package, Panel members should:

- confirm access to the meeting package,
- review the agenda and notify the deputy registrar or administrative coordinator if a conflict of interest is identified such as
  - any interest, involvement with or connection to any complaint party (subject or complainant) or
  - a personal or family connection which may create a conflict or a perception of conflict,
- read the material carefully. If further investigation is required, registrar staff may seek such information for review at a subsequent meeting.
- notify staff if they are unable to attend the meeting (if this has not already been done), and
- notify staff if they will be attending in-person or remotely (if this has not already been done).

At Panel A, each member of the panel is assigned select files in advance and asked to provide a summary of the complaint and whether they feel criticism is warranted at the meeting. Guidelines for providing such a review are appended hereto.

For Panels B and C, registrant members of the panel are assigned files in advance and asked to provide a summary of the complaint and whether they feel criticism is warranted at the meeting.

For Panel E, registrant members of the panel are assigned files in advance and asked to provide a summary of the practice investigation and whether they feel the registrant is meeting the minimal expected standard for their specialty.

### Logistics for remote participants

To maximize meeting effectiveness for participants joining remotely, they should:

- inform the chair in advance if they plan to join the meeting late or leave early
- test equipment ahead of time
- make sure internet access is available and working
- have a contingency in place in the event one mode of technology does not work
- if on camera, dress appropriately, avoiding stripes or bold patterns which can be visually distracting
- if on camera, try to have a natural light source in front of the screen and turn off any light sources behind them
- minimize background noise
- try to call from a landline if possible (cell phones are prone to static interference)
- have the dial-in number, codes or login details ready
- keep audio on mute unless speaking
- join the meeting at least 10 minutes early to resolve technical glitches
- not place the call on hold, in case the call plays news or music as part of its hold system

### During the meeting

Section 3 of the College's [Code of Conduct Policy](#) sets out the requirements for board members' conduct during meetings. The same code applies to Inquiry Committee members, specifically:

- accountability, integrity and respect
- active participation
- diversity and inclusion
- cultural safety and humility

In addition to the tenets of the code, participants connected to the meeting remotely are advised to:

- give full attention to the meeting as they would if in the same room
- identify themselves if they wish to speak
- wait to be acknowledged by the chair before speaking

- speak clearly
- address participants by name if asking specific questions
- ask for clarity if any part of the discussion is unclear
- be patient if there is a slight delay in transmission
- mute the line when not speaking

### **After the meeting**

All committee members are required to complete an online evaluation of how the meeting was conducted. The survey link will be sent electronically to each committee member and their completed form is due within one week. Survey results will be tabulated and provided to the chair and registrar and CEO. Survey results will also be shared with the Governance Committee as well as the committee itself at its next meeting.

If there have been any problems with the meeting, participants should provide feedback to staff as soon as possible so these can be addressed.

Management will ensure that any action items or communications are attended to following the meeting, consulting with the chair and vice-chair, where necessary. The chair will also follow up with participants separately after the meeting if a commitment to discuss matters offline was made.

## **Decision-making**

### **Staff/committee recommendations**

Depending on the nature of the decision, staff may include a recommendation in a briefing note or other committee package material. Recommendations are never brought forward in isolation; previous discussions, analysis of strategic priorities, consideration of external factors, consultation with stakeholders, and previous committee discussions are considered.

### **Decision-making process**

- The panel is responsible for deciding whether to be critical of the clinical care or conduct of each registrant named in a complaint matter. Decisions regarding criticism are generally made by consensus. If the panel is unable to reach a consensus, further discussion is facilitated by the chair. Panel members can request to abstain from the decision, or have their objection noted in the minutes, although decisions are the decision of the whole and must be supported by even those who recused, abstained, or objected.
- If the panel is critical of a registrant's care or conduct, they are then provided the registrant's past conduct history, as defined by the *HPA*, prior to deciding on outcome. Where a pattern of misconduct is being asserted, the relevant complaint history may be provided as a part of the package.
- Remediation directed by the panel must be consented to by the registrant and can include education, undertakings, and/or reprimands as per section 36(1) of the *HPA*. The panel can also direct a registrant to attend for a concluding interview with

registrar staff to discuss the learnings from the complaint and any practice changes made.

- For matters meeting the charging standard, the panel may authorize the registrar to issue a citation, commencing a disciplinary hearing. These decisions must only be made by Panel A, except for matters of failing to comply with the professional obligation to engage with the College (section 4-11 of the College Bylaws).
- The panel is permitted to investigate a registrant's practice more comprehensively, following a complaint investigation, by passing a resolution to open a 33(4) practice investigation file.
- When a resolution is put forward (e.g. opening of a practice investigation), there must be both a mover and a seconder before it is put to the committee for a vote. Resolutions are passed with a majority vote and recorded in the minutes.

### **Consensus decision-making**

The Board has agreed that its decisions will be achieved through consensus whenever possible; this applies to the Inquiry Committee as well.

#### **Process**

A consensus process needs to incorporate the following elements:

- clarity of the issue that needs to be resolved
- open, but coordinated discussion where everyone can voice their perspectives
- formation of a proposal based on perspectives and information
- test for agreement and amend proposal if required
- clarity of the decision for the minutes and actions required

Inquiry Committee decisions are resolved by majority vote as cast by attending committee members.

### **Important considerations for committee members**

The primary test for any decision will always be whether the outcome serves and protects the public. Inquiry Committee members should keep the scope of the College's mandate and objects uppermost in mind, and may wish to ask themselves the following questions:

1. Why are we having this discussion/making this decision?
  - Is it in our mandate?  
Protecting the public by ensuring physicians and surgeons meet expected standards of practice and conduct
2. Do we trust the decision-making process in light of the importance of the decision (risk implications, strategic importance, budget implications, and impact on stakeholders)? If not, what needs to change?
3. Are the right people with the right experience and knowledge in the room to support a good decision?
4. Have we understood all the necessary facts and information?



5. Is there additional information we need to make a good decision?
6. Are the assumptions made reasonable?
7. Is there more than one possible course of action?
8. Do we have agreement on the outcome?
9. Would it be better to defer making a decision now, until we have further information or additional time to continue the discussion?

Timeliness of decisions is a key consideration for the committee. When the committee decides to defer a decision, it is best practice to think about what the unintended consequences of that deferment might be.

## **Resolutions**

A resolution is a written statement of an action approved by the panel. It usually deals only with single or directly related issues.

Once a decision has been reached, the chair will call for a motion for resolution. Following any further discussion, the chair will ask the committee to indicate, usually by a show of hands, or verbal acknowledgment for participants attending remotely, acceptance of the resolution. For the sake of clarity, the chair will then restate the decision that has been approved, so it can be captured correctly for the minutes.

All motions must begin with the words “I move that...” and all resolutions recorded as “Resolved that...” and the language of the body of both motion and resolution must track exactly.

## **Recording decisions**

Once finalized, resolutions should be explicit, not only so there is no room for misinterpretation or misunderstanding, but also so that anyone reviewing the resolution in the future can understand its meaning and intent.

Individual votes are not recorded unless the committee has agreed to record the vote, or unless an individual committee member requests that their vote be noted.

The minutes are the official record of the meeting. They follow a standard template, as with agendas, the minutes record the time, date, location and type of meeting, the names of participants who attended the meeting or forwarded their regrets, the names of staff and guests in attendance, and a formal acknowledgment of the territory on which the meeting is taking place. The minutes state the nature of the matter before the committee, the reason the committee was asked to consider it, a note of the questions asked, and what action was taken by the panel, if any.

The draft minutes are added to the next meeting agenda for review and approval by the panel. The minutes are signed by the chair once approved by the panel. A log of all resolutions is kept by staff of the registrar’s office and is a resource to the panel, if required.

## **The chair**

As meeting facilitator, the chair is responsible for setting the tone of the meeting and ensuring good governance practices are adhered to. It is an active role to keep committee members engaged while building a safe, cohesive, and collaborative forum in which

discussions can take place and clear decisions can be made. The chair opens the meeting with a First Nations land acknowledgement.

### **During the meeting**

- For remote participants, check they are available to start the meeting and have the relevant material.
- Verify that remote participants can see and hear properly and review the general guidelines with them (e.g. muting the line when not speaking, identifying themselves, etc.).
- At the outset of the meeting (or, if need be, at any time during), ask attendees if they know of any conflicts of interest with agenda items under discussion.
  - If a conflict of interest is identified by an attendee, allow time for them to leave the room, log off or disconnect their call, and then later rejoin the meeting.
- Remember that every agenda item has a purpose. Encourage participants to express their opinions but make sure that any decision reached is based on facts, and close the discussion ensuring that either its purpose is achieved, or another process has been triggered.
- Take time to seek views from each committee member. If discussion stalls, ask questions to unearth why, to ensure there are no gaps in understanding that need to be addressed.
- Actively promote good debate by asking for alternative or dissenting views when decisions are not straightforward.
- Acknowledge participants who ask an uncomfortable question or continue to ask questions because they are not yet satisfied or comfortable with the response.
- Draw attention to the College and PRP mandate to ensure committee members stay on track.
- If a question is asked, allow participants a moment to think of an answer, perhaps even giving them the opportunity to spend time formulating questions on their own or in pairs.
- Go around the table, asking participants by name for their comments or answers.
- Make sure there are sufficient pauses after asking a question to someone attending remotely.
- Ask a specific person a specific question rather than asking open-ended questions to the group (to avoid multiple people speaking up at once, which can happen on teleconferences).
- Read the room—if energy is low or conversation is waning, call a short break.
- When a resolution has been put forward, make sure that everyone understands what is being asked of them.
- Keep a list of issues that are more appropriately discussed offline or at another meeting.

- Remember to formally close the meeting, thanking all participants, including those attending remotely.
- Most importantly, inject warmth, humour and fun into the meeting wherever appropriate.

### **After the meeting**

It is always good practice for the chair to debrief regularly with management and support staff as soon as possible to maintain strong and trusting relationships, and ensure that meetings continue to be managed effectively.