

## COLLEGE OF RESPIRATORY THERAPISTS OF ONTARIO



Title: **Disclosure of Witness Statements**

Number: **CD – 110 - Disclosure**

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### PURPOSE

One of the key statutory responsibilities of the CRTO is to investigate concerns about the ability of a Member to practice in a safe, ethical and competent manner. The Inquiries, Complaints and Reports Committee investigates all Member-specific concerns of professional misconduct, incompetence or incapacity. Investigative practices include interviewing witnesses to the incidents or situations that gave rise to the concerns.

The CRTO is of the opinion that obtaining information from witnesses in matters of complaints, reports and inquiries serves two purposes: 1) to provide a panel of the Inquiries, Complaints and Reports Committee (ICRC) with full information upon which to make its decision, and 2) to ensure that proper disclosure can be made to the Member in order for them to provide a complete response to the allegations.

### SCOPE

This policy applies to all investigations by the CRTO for concerns regarding Members' competence, capacity and conduct. This policy also informs CRTO staff and panels of the Inquiries, Complaints and Reports Committee when risks associated with disclosure are identified.

### BACKGROUND

Historically, the types of concerns most frequently reported to the CRTO about Members are related to unprofessional conduct. As a result, witnesses, who are often colleagues of the Members, are reluctant to participate in the investigative process. Witnesses cite fears of reprisal from the Members as reasons for their hesitation.

Regulated health care professionals have an obligation to cooperate with the CRTO. In addition, witnesses are a significant means of gathering information in an investigation. However, the CRTO recognizes that, where concerns of unprofessional conduct are alleged, there may be a greater potential for perceived threat between coworkers. This policy is therefore designed to provide witnesses with some comfort regarding the protection of their identities and information if need be, along with offering Members the scope of procedural fairness.



## POLICY

In keeping with the values of impartiality, fairness and transparency it is the policy of the CRTO to provide a Member with witness names and statements, unless there is a valid reason to believe that disclosure may result in unnecessary risk to an individual or the integrity of investigative processes. To that end, CRTO staff and its representatives will canvass witnesses about any safety risks regarding their names and/or statements being released to the Member; witnesses' responses will be documented in the case file.

When safety risks are identified, CRTO staff and the ICRC panel will consider the following when deciding whether or not to disclose information:

- (a) the nature of the information contained within the Investigator's Report may be detrimental to the Member (e.g., psychological harm);
- (b) the privacy interests of the witness (or an individual to whom the witness refers) would be significantly affected; or
- (c) other significant concerns have been raised by the witness(es), employer or other party regarding the impact of disclosure.

Options available to address safety risks include:

1. excluding the names of witnesses from the Investigation Report;
2. redacting portions of the witness statement; or
3. providing the Member with a summary of the witness statement.