

# Complaints Procedures

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*The purpose of this article is to outline the present procedures regarding complaints and inquiries directed to the Association from either members of the public or from fellow members of the Association.*

## TELEPHONE INQUIRIES

**A**LMOST EVERY day, the Association receives inquiries from the public regarding various matters. At times, these inquiries are in the nature of complaints. It is usually found that the telephone complaint is not one that is pursued any farther than an explanation given to the person who has called. These inquiries generally have to do with the pricing of a survey, the fact that the property as surveyed perhaps does not contain the acreage that was stated in the deed, the surveyor's reluctance to release copies of outdated plans of survey, or simply a lack of communication between the surveyor and the client. In the instances where there is no need to pursue the inquiry any further, an explanation is given to the client and generally this ends the inquiry. In the instance of those telephone complaints that are not pursued any further, the surveyor is not notified and in fact many times the surveyor's name does not even come into the conversation.

If it does appear that further investigation should be undertaken regarding the complaint, then the caller is asked to put the complaint in writing and to send it to the Complaints Committee.

## WRITTEN COMPLAINTS

Complaints are received in written form from members of the public and other surveyors on a regular basis. The following procedure is fairly indicative of the procedures used in processing complaints.

1. The information forwarded to the Association is reviewed to determine if there is enough information to identify the location of the survey and the substance of the complaint.
2. If the complaint is lacking information, the person inquiring is asked to send further information.

3. When enough information is available regarding the survey about which there is a complaint, the surveyor is asked to provide certain information regarding that survey. He may be asked for copies of his field notes, time sheets, copies of the underlying evidence used in establishing the survey, and his comments regarding the problem. The nature of the complaint will dictate what is required from the surveyor in each particular instance.
4. The client's complaint is acknowledged and a tentative date is given to the client by which we will respond to him.
5. The file is opened and the letters from the complainant and the letters to the surveyor and the complainant are entered in the file.
6. The information is received from the surveyor or surveyors and placed on file.
7. Once the information has been received the file is taken to the Complaints Committee for its review.
8. If the committee finds that further information is required then the surveyor will be contacted again to provide further information or explanations.
9. At this point the Complaints Committee, with the majority of complaints, is usually able to explain the problem to the client and end the complaint. Both the complainant and the surveyor are notified and the file is closed.
10. In other instances, the Complaints Committee recommends a course of action to the surveyor in order that the problem may be resolved. Once the surveyor has notified the Complaints Committee that he has undertaken these corrective measures, then the complainant is notified and the file is closed.

## COMPLAINTS FROM OTHER SURVEYORS

In the instances listed above, it is generally the public that is complaining against a surveyor and the surveyor, because of the nature of the survey and the fact that the complainant is often his own

client, is aware of who has been complaining.

In the instances where surveyors send in items of concern regarding surveys undertaken by fellow members of the Association, the name of the surveyor who has notified the Association of possible substandard or unethical work is not disclosed. The procedures for reviewing a complaint sent in by another member of the Association are similar to those above, however some slight differences do exist.

The surveyor laying a complaint generally will be submitting far more information than a client would, in that he would be expected to forward existing survey evidence available in the area which the other surveyor may not have considered, and probably would be called on to provide more information.

The majority of the complaints received from surveyors regarding fellow members of the Association are far more serious in nature than the complaints received from members of the public. Generally they are in regard to the standard of the survey or the competence of the member.

## PROFESSIONAL PRACTICE COMMITTEE

If the nature of the complaint brought to the Complaints Committee raises serious concerns regarding the general practice of the surveyor, the Professional Practice Committee is directed by the Complaints Committee to make investigation regarding certain matters. The Professional Practice Committee is chaired by the Standards Officer of the Association and has members who undertake both plan and field note examination, as well as field examination, regarding the surveys.

The number of complaints is not the sole criterion for deciding to investigate a member through the Professional Practice Committee. At times two or three well-documented complaints raise concerns with the committee to the same extent as ten or twelve complaints which may have been received. In most instances the Professional Practice Committee is investigating the quality of the surveys undertaken, with special emphasis on the survey evidence existing on the ground, the method by which the field notes indicate the survey has been undertaken, and what is actually shown on the plan. The Professional Practice Committee reports back to the Complaints Committee and once the Complaints Committee has this report, the



complete files, together with the Professional Practice Committee's reports, are then reviewed by the Complaints Committee.

At this time, the Complaints Committee must determine if they can recommend changes or assist the surveyor in alleviating or clearing up certain existing problems. Following investigations by the Professional Practice Committee, Complaints Sessions have been held with the surveyor to review the results of the investigations as well as to ask the surveyor to undertake certain new procedures and responsibilities.

In other instances, following the complete investigation by the Professional Practice Committee, the Complaints Committee has reviewed the materials and found that the matters which they have

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## **THE PRESIDENT'S PAGE**

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and the Fall of this year will bring information and requests for assistance to you all through the medium of bulletins, questionnaires, the "Quarterly" and regional group liaison councillors. Please cooperate by reading these data, answering the questions and above all, attend your next group meeting. ●

brought to light appear to be beyond the scope of the Complaints Committee. Matters that would be considered to be beyond the scope of the Complaints Committee would be matters that would appear to be professional misconduct including incompetence or professional misconduct itself, which is of such a nature that the Complaints Committee itself does not feel that it can deal with it. This decision of whether or not it is beyond the scope of the Complaints Committee may be made after the full investigations of the Professional Practice Committee are reviewed or may be made after a Complaints Session has been held with the surveyor. A Complaints Session is not necessarily held each and every time a surveyor is investigated. At times there appears to be no valid reason for having a Complaints Session as the investigation of the Professional Practice Committee is quite clear in its findings.

## **REVIEW BOARD**

If the Complaints Committee feels that it can no longer deal with the matter because it is beyond the scope of the committee, then the Complaints Committee recommends that the Secretary take the

complaint to the Discipline level. Prior to attending with the solicitor and drawing up the complaint against the member, the Secretary under the new procedures formulated approximately a year and a half ago, takes the matter to a Review Board which consists of a former member of Council and a former member of the Complaints Committee. These two people review the files and the investigations undertaken by the Complaints Committee in order to determine if, in their opinion, it should proceed to Discipline, or if the Complaints Committee should re-assess the findings that they have made.

## **DISCIPLINE**

Once the report by the Review Board has been made and the matter has been cleared for Discipline, a formal complaint is laid and served on the member. The Discipline procedures will not be dealt with further in this article.

## **EXCEPTIONS TO THE ABOVE PROCEDURES**

As with any set of procedures, there are exceptions. The above noted procedures regarding the processing of the complaint are not followed in two particular

instances; which deal mainly with non-monumentation and with non-supervision of offices. Due to the immediate nature of these items, the Standards Officer will have the Professional Practice Committee investigate almost immediately when the complaint is received and will report to the Complaints Committee at its earliest convenience. Meetings of the Complaints Committee have been called to deal with the problems brought to light in these areas.

The Association also has received complaints that were not in written form. Although these are in the minority of complaints received, the Association does receive notification regarding certain practices. Generally these are verbal complaints. For instance, a member will attend at the Association offices with plans and problems which he wishes to make the Association aware of. Also in the past, matters have been brought up at regional group meetings or other meetings, and the Complaints committee has been asked to look into these matters. Although this type of complaint only comprises a minority of the number of complaints processed, the Association is obliged upon notification of a problem, to pursue the matter if it appears to the Committee that there is substance (credibility) to the complaint.

## CONCERNS

The question which is probably most often asked is "Does the surveyor know that a complaint has been laid against him?". The answer would have to be "Yes" in probably ninety-five percent of the cases, as the surveyor is immediately notified and asked for certain information regarding the complaint. The times when he is not notified are on non-monumentation and non-supervision as listed above, as any notification in this regard would preclude a proper investigation of the complaint. As well, as indicated at the beginning of this article, surveyors are not notified if a matter is simply outlined on the telephone and explained to the client and the inquiry does not go further.

Another concern is the tidying up of the complaint subsequent to closing the file. The Committee attempts to always notify the surveyor when it has closed the complaint file in order that he knows that no further action will be taken, or to notify him what has been told to the client. If the surveyor has attended a Complaints Session and has undertaken to provide certain information to the Complaints Committee or to change his practices in a certain way, the file will not be closed until

some contact has been made with the surveyor to ascertain if in fact his undertaking has been followed.

The procedures which have been developed and are in use by the Association, have been developed to facilitate efficient processing of complaints, to ensure that the client's concerns are answered, and that the public is responded to by the professional body. The procedures are also to safeguard the surveyor from being investigated on frivolous complaints and it appears that the non-justified complaints are lessening substantially over the past few years. The majority of complaints and the serious complaints that are dealt with by the Complaints Committee are regarding standards of surveys. The procedures allow the surveyor to input into the committee all the information necessary for the committee to understand the surveyor's position regarding the surveys that he has undertaken. The Complaints Session also allows the surveyor to discuss with the Complaints Committee the reasons for his actions and it gives both the surveyor and the committee the opportunity to discuss mutual problems.

If there are any questions regarding the procedures, please contact the writer. ●