

OSPG Guidance: Overview of OSPG Audits, Investigations, and Performance Reviews

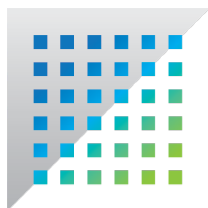
VERSION 1.1

MARCH 11, 2021

Issued by:



Paul Craven, Superintendent



OSPG

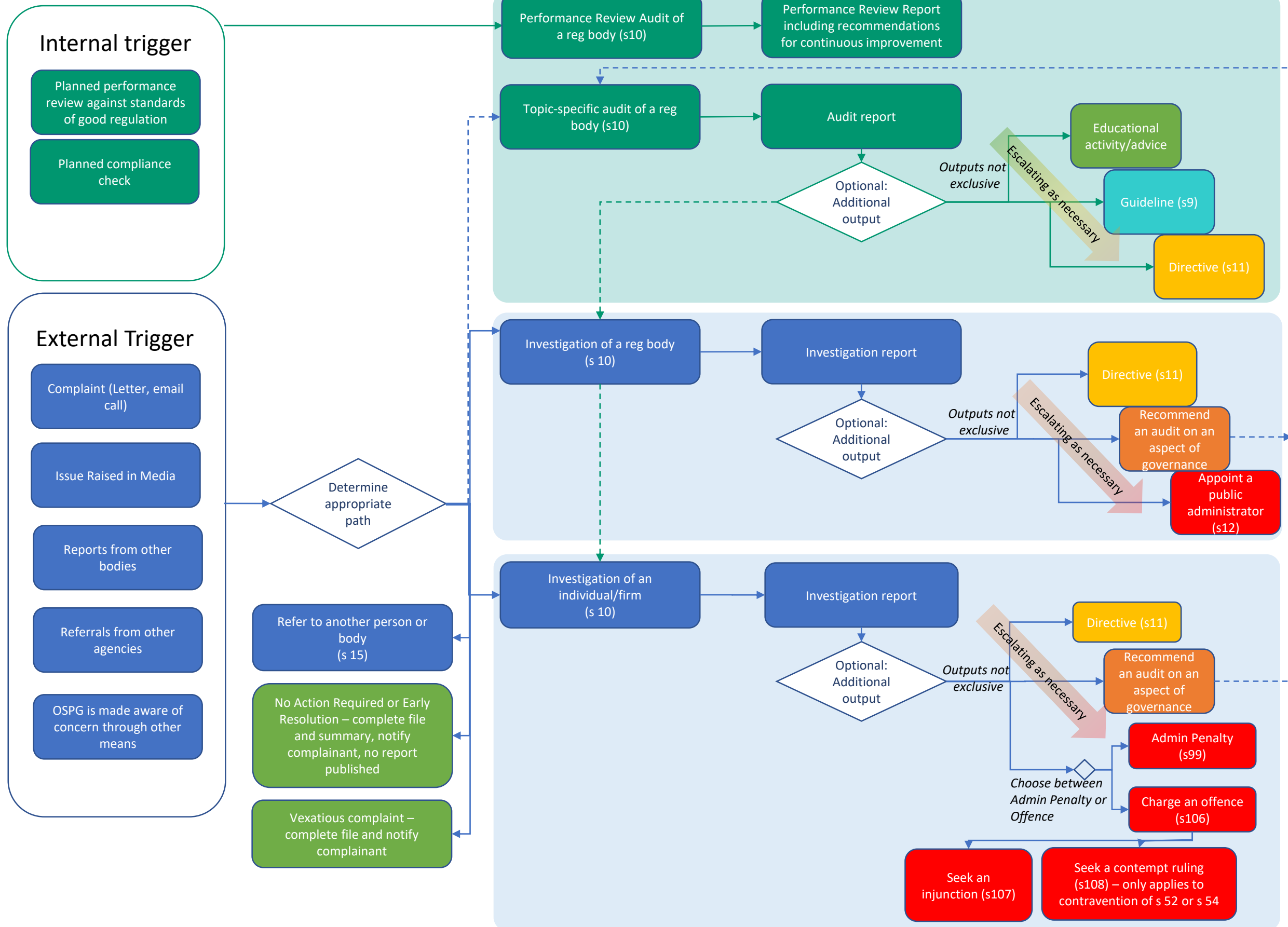
Office of the Superintendent
of Professional Governance



Version Control History

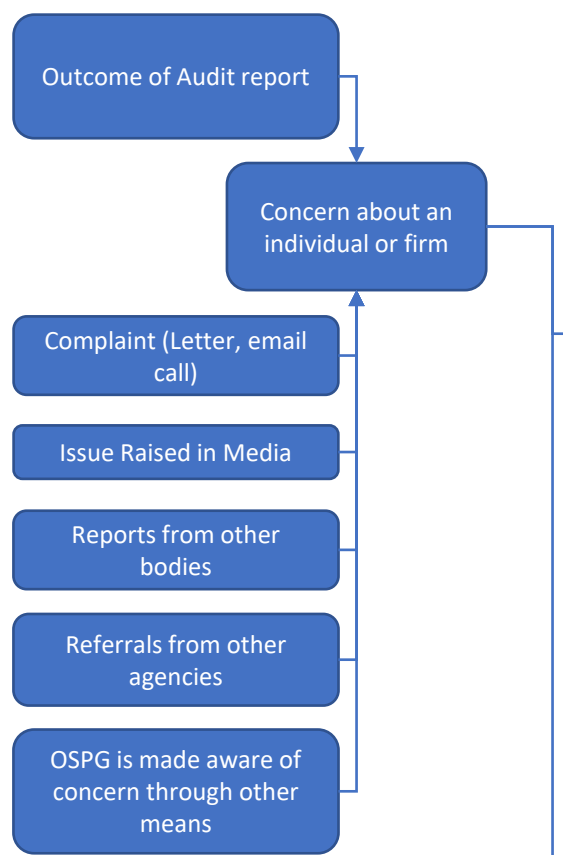
Version #	Date (YYY-MM-DD)	Modification	Approved by
1.0	2021-02-05	Initial version	Paul Craven, Superintendent
1.1	2021-03-11	Clarifications to diagram “Investigations of a Firm or Individual”	Paul Craven, Superintendent

Conceptual framework: OSPG Audits and Investigations



Conceptual framework:

Investigation of a firm or individual

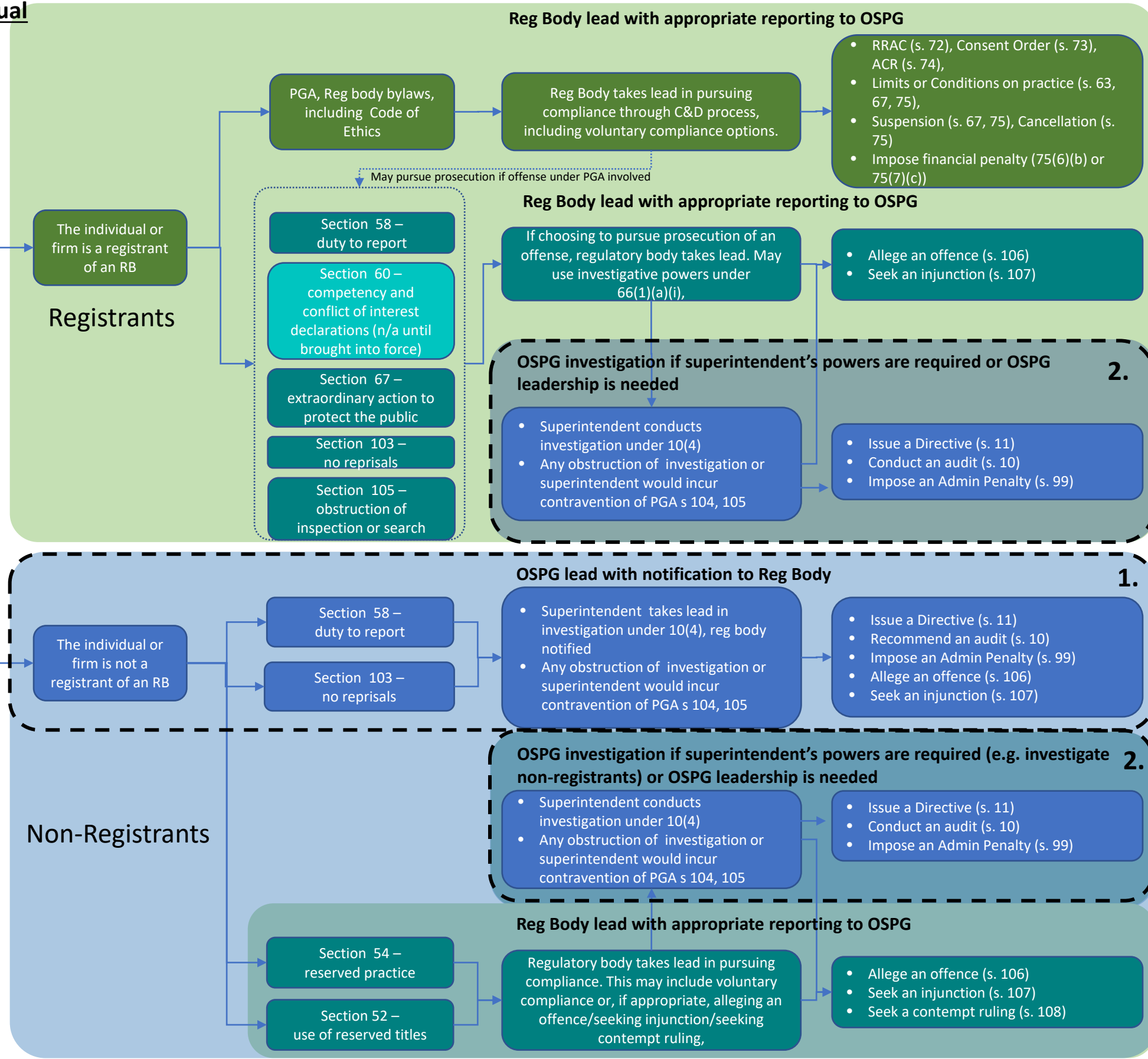


- Key principle:** Reg body typically takes lead unless
- Individual or firm is not a registrant, and the matter does not relate to reserved practice or reserved title
 - A power of the superintendent (not available to reg bodies) is appropriate to address the matter:
 - Investigate a non-registrant
 - S. 11(1)(c)(ii)– issue a directive necessary to address issues arising out of an investigation under section 10
 - S. 10 – conduct an audit on an aspect of professional governance in BC
 - S. 13 – compel persons (including non-registrants) to give evidence and order disclosure
 - S. 99 – impose an admin penalty
- OSPG reserves the right to take a leadership role if the superintendent otherwise determines it to be necessary in respect of the specific situation

Contravention

Lead

Potential Sanctions



Conceptual Framework: Routine OSPG performance reviews of regulatory bodies

Performance Review Selection and Planning

- OSPG establishes annual performance review plan considering:
 - How many regulatory bodies will be reviewed
 - Which Standards will be reviewed
 - Risk factors
 - Available resources
- Each regulatory body will be reviewed on each Standard on a regular basis
- Principles of performance review planning are published on OSPG website

Preliminary Assessment

- OSPG reviews existing documentation for regulatory body
 - Results of last performance review
 - Relevant annual performance indicators
 - Regulatory body website including register, reports, policies, press releases
 - Media reports, public statements by stakeholders
- OSPG solicits feedback on regulatory body from registrants and/or public
- OSPG makes preliminary assessment of whether a Standard is met or whether further information is required

Reporting

- OSPG writes performance review report
 - Explains what was looked at and what was found, may not include full details of everything considered
 - Provides enough information to show how decisions reached, recommendations for improvement
- OSPG shares draft report with regulatory body to clarify any factual misunderstandings
 - Reg body may include response to recommendations
- OSPG publishes performance review report on website
- Performance review reports inform OSPG annual reporting

Further Review

- OSPG determines how to obtain further information required to complete the review. May include:
 - Asking the regulatory body for further information
 - Meeting relevant staff from the regulatory body to discuss an aspect of its performance
 - Carrying out file reviews of a sample of a regulator's work
- New evidence obtained can cause reconsideration of a Standard that was "met" in the preliminary assessment
- OSPG analyses information to make final determination of whether a Standard is met

Foundation

- OSPG maintains relationships that establish baseline knowledge of business and risk factors for each reg body
 - Governance structure, mandate, accountability relationships, programs, resources, key risks, past performance, etc.
- OSPG establishes performance review objectives and criteria by way of Standards of Good Regulation and Performance Indicators
 - Periodically updated based on lessons learned from reviews, public feedback, and engagement with regulatory bodies