

Familiarization Review Report

2021-2022



OSPG

Office of the Superintendent
of Professional Governance

Familiarization Review Process

Background

At the time the Professional Governance Act (PGA) was brought into force in 2021, the Office of the Superintendent of Professional Governance (OSPG) published a general framework for conducting performance reviews of regulatory bodies. Because both the OSPG and regulatory bodies were newly operating under the PGA, the office has taken a phased approach to implementing the performance review program.

This year, a familiarization review was conducted between May 2021 and April 2022 for each of the five regulatory bodies currently under the PGA, seeking to enhance the OSPG's understanding of how each regulatory body is already meeting or planning to meet the draft Standards of Good Regulation (the Standards) as published in 2021 (see page 7). This process will inform the implementation of the OSPG's formal performance review program in future years, as well as a review of the Standards.

The familiarization review work involved examining each of the 20 standards, grouped into themed subsets of 4-6 standards, and assessing regulatory bodies against draft performance indicators. Regulatory bodies provided written responses for each phase, indicating how each standard is met (or planned to be met) along with supporting documentation and data. After review and analysis of the written material, OSPG staff conducted follow-up interviews with relevant staff and subject matter experts from the regulatory bodies.

A letter was issued at the conclusion of each phase to communicate findings to each regulatory body, including:

- areas where a standard appears to be met, and
- areas where there are opportunities to better meet a standard.

This public report marks the final milestone in this first familiarization review cycle. OSPG findings are presented by theme, covering all 20 standards. This report also includes highlights of select best practices that surfaced during this review. These provide some concrete examples of regulatory bodies' commitment to satisfying the letter and spirit of the PGA.

Observations on the Process

The familiarization review process provided a structure for the OSPG and each regulatory body to establish a common baseline of the extent to which they are currently meeting the Standards and the path forward to come into full compliance. The process was labour-intensive for both the OSPG and regulatory body staff – however this high effort was found to be commensurate with the high value of establishing a fulsome baseline for each regulatory body.

OSPG staff gained a deeper understanding of regulatory body operations beyond the areas that were of focus during implementation. They also observed that there is no single approach to achieving a given standard – a variety of approaches can potentially meet a standard, enabling regulatory bodies of varying sizes and experience levels to focus on continuous improvement.

Regulatory bodies received concrete feedback from the OSPG to inform their organizational priorities during continued operations under the PGA. Future performance reviews will focus on assessing prioritized areas for each regulatory body. OSPG staff will continue to advise and support regulatory bodies with continuous improvement efforts.

Regulatory Bodies Reviewed in this Report

Applied Science Technologists and Technicians of BC
Association of BC Forest Professionals
BC Institute of Agrologists
College of Applied Biologists
Engineers and Geoscientists BC

Transparency and Accountability (Standards 1-6)



Standards 1 through 6 describe expected outcomes for transparency and accountability including:

- ease of access to information on the regulatory body's website
- clear delineation of the regulatory body's duty and responsibility,
- diversity, equity and inclusion within the organization and among registrants,
- action taken to support reconciliation with Indigenous peoples
- self-assessment and continuous improvement
- assessment and mitigation of risks to the environment, health and safety

Best Practice: Standard 3 – Diversity and Equity:

The Applied Science Technologists and Technicians of British Columbia (ASTTBC) played an integral role, along with nine other provincial regulators, in designing and implementing the Expediting Technology Professionals Labor Market Integration Project. This program aims to leverage the talents, skills and entrepreneurial spirit of technology professionals who come to Canada, as well as Canadian Armed Forces members and veterans, to work and contribute to innovation and growth in the Canadian economy.

The National Gateway - Engineering Technology Canada, an online portal, provides tools and resources for individuals seeking certification with one of Canada's provincial regulators.

Since its implementation, the project has resulted in several positive outcomes including the expedited certification process for Internationally Educated Technology Professionals and technically trained Canadian military personnel and veterans, as well as increased potential for re-purposing valuable technical expertise of military personnel and veterans transitioning to civilian careers.

General observations:

- OSPG staff found some formal documented policies and programs that satisfy expected outcomes for transparency and accountability. In many cases OSPG staff identified informal and undocumented processes that align with the intended objective of a standard.
- Many regulatory bodies are implementing database/systems upgrades, which will contribute to improving transparency and ease of access to information.
- Diversity, equity and inclusion (DEI) is an area that requires further attention by OSPG and regulatory bodies under the PGA. Some regulatory bodies have already implemented programs and policies to incorporate DEI principles into their governance.
- Regulatory bodies have an important role in framing how the profession is perceived by prospective registrants and the public. However, factors outside a regulatory body's control can also affect educational institution enrollment patterns and, therefore, a regulatory body's ability to increase diversity among its registrants.

Best Practice: Standard 3 – Diversity and Equity:

The College of Applied Biologists (CAB) has developed some creative approaches to reducing barriers to registration. CAB has increased the number of streams than can lead to registration within each category, accommodating applicants with a range of educational backgrounds and work histories. This change supports achieving increased diversity within CAB's registrant base by providing alternatives to the traditional pathways to registration, while also ensuring competence standards are met.



Standards 7 through 10 describe expected outcomes for competence, conduct and continuing education, including:

- Updated standards of professional and ethical conduct, standards of competence and standards of practice
- Guidance to support registrant understanding of practice standards
- Academic requirements, trainee programs and continuing education requirements that prioritize the public interest
- Collaborative relationship with educational providers

Best Practice: Standard 8 – Practice Guidance: Engineers and Geoscientists BC (EGBC) provides up-to-date guidance to help registrants apply EGBC’s standards through a variety of means. EGBC employs dedicated staff Practice Advisors to support registrants with interpretation of, and guidance on, the standards of professional and ethical practice.

Guidance is clear and easily accessible on EGBC’s [website](#). EGBC has a process in place for reviewing and updating guidance, seeking input from advisory groups, and ensuring that registrants are kept informed of changes. Recent practice guidance contains information that has been drawn from registrant questions and feedback from experts in the field. FAQs based on registrant feedback are also available on EGBC’s website to support understanding and implementation of standards.

Best Practice: Standard 9 – Continuing Education: The British Columbia Institute of Agrologists (BCIA) has well-established requirements and processes for [continuing education](#). Their model includes a set number of hours of continuing education related to a registrant’s declared areas of practice that must be completed each year. Registrants must declare the type of continuing education they have participated in each year when annual dues are collected. Failure to provide such a report on time incurs a late fee and may result in disciplinary action.

BCIA also has an established audit process for continuing education requirements. Registrants are selected for random audits undertaken by the Audit and Practice Review Committee, and the percentage of registrants audited annually has increased under the PGA. If an audit finds that a registrant has not completed continuing education requirements, the registrant must prepare and submit a plan to the committee outlining how they will complete the requirements by committee’s deadline.

General observations:

- All regulatory bodies have clear and accessible information on educational requirements to become a registrant.
- All regulatory bodies have ethical/ professional conduct standards in place.
- While entry to the profession is an important opportunity to verify a new registrant’s credentials and competence, regulatory bodies are encouraged to continue supporting registrants throughout their professional career through technical practice guidance developed on a risk-priority basis.
- OSPG staff identified a range of approaches that satisfy competence, conduct and continuing education requirements as set out in standards 7-10, including:
 - libraries of technical practice standards,
 - dedicated practice advisors/ directors,
 - formal processes for reviewing and updating practice standards,
 - close collaboration with educational institutions.
- Some regulatory bodies have formal processes for feedback on continuing education.



Standards 11 through 15 describe expected outcomes for registration, audits and practice reviews, including:

- Accurate and complete register of professionals
- Transparent, objective and fair registration process
- Risk-based enforcement of title and reserved practice
- Assessment of registrants' standing with the regulatory body
- Proactive, transparent, objective and fair audit and practice reviews

Best Practice: Standard 13 – Reserved Title and Practice:

The Association of BC Forest Professionals (ABCFP) is positioned to enforce reserved title and reserved practice within the forestry sector. ABCFP is poised to increase its preliminary efforts to work closely with employers to identify where positions require individuals with reserved title or reserved practice. In addition, ABCFP delivers topic-specific continuing education sessions to registrants to explain the obligations of reserved title and reserved practice.

In alignment with available resourcing, ABCFP proactively reaches out to individuals in the public who have represented themselves as foresters in media to ensure they are aware of reserved title and reserved practice and do not misrepresent themselves. ABCFP also conducts proactive searches of court proceedings to identify cases related to registrants to determine if any infringement of reserved title or reserved practice has occurred.

Where potential breaches have been found, ABCFP staff review cases and acquire a legal assessment on the appropriate steps to resolve identified cases of infringement of reserved title and reserved practice.

General observations:

- Registration was a core area of business for regulatory bodies prior to coming under the PGA. One general opportunity identified by OSPG is in relation to development of policies/supporting materials for complaints about registration and to improve understanding of the “review on the record” process.
- All regulatory bodies use multiple communication channels to keep registrants aware of good standing requirements. This is an essential component of the annual registration renewal process.
- Enforcement of reserved title varies among regulatory bodies depending on resourcing and experience.
- Regulatory bodies with reserved practice have a formal proactive approach to enforcement of reserved practice. Regulatory bodies receiving reserved practice this year are encouraged to draw upon these experiences to develop their approach to enforcement of reserved practice.
- OSPG staff have identified some opportunities for regulatory bodies to better promote understanding of reserved title and reserved practice, as set out in the Superintendent's directive [Dir-2022-01](#).
- OSPG staff noted some delays to implementation of audit and practice reviews under the PGA, due to the diversity of approaches legislated under former statutes and the resources required to transition those programs.

Complaints and Discipline (Standards 16-20)



Standards 16 through 20 describe expected outcomes for competence, conduct and continuing education, including:

- Straightforward and accessible process for raising a concern about a registrant
- Transparent, objective and fair discipline process
- Disciplinary decisions are made in accordance with the established process and are consistent with the PGA
- Regulatory body prioritizes cases to protect the public interest and take appropriate action
- All parties to a complaint are kept informed and are able to participate effectively

General observations:

- OSPG staff have observed a wide range of experiences among the regulatory bodies as a result of different organization size and volume of complaints.
- Timeliness and transparency are the primary concerns driving people to contact OSPG about the regulatory body complaints process.
- OSPG recognizes that regulatory bodies have a limited ability to address the timing for many parts of the discipline process while maintaining procedural fairness.
- The adversarial nature of a discipline process is such that one participant is typically dissatisfied with the outcome and some complaints are expected.
- Regulatory bodies are still gaining experience with matters initiated under the PGA and new bylaws (many matters underway in the past year were initiated under former statutes). OSPG's expectations for best practices in the complaints and discipline process are set out in [OSPG's guidance](#).

Summary and Next Steps

Summary

The results of the familiarization review show notable progress by all regulatory bodies in addressing concerns raised in the [Professional Reliance Review](#). This is an early step on the path of strengthening and bringing consistency to professional governance in BC, which we expect to further evolve over time.

During the familiarization review process, OSPG also identified areas for improvement for all regulatory bodies under the PGA. We acknowledge that each regulatory body coming under the PGA has started with its own experience and history. Performance management is a process of continuous improvement, and each regulatory body is on its own timeline to be responsive to the results of the Professional Reliance Review and subsequent oversight by OSPG.

Future Performance Reviews

Familiarization reviews will continue to be conducted for new regulatory bodies within their first year after being established under the PGA. This first baseline assessment of all 20 standards establishes the extent to which the regulatory body is currently meeting the standards and the path forward to come into full compliance with the standards. Following the familiarization review process, annual performance reviews will focus on select topics and be tailored to each regulatory body's individual circumstance.

Actions planned for 2022-2023

The OSPG has committed to reviewing and updating the Standards of Good Regulation based on the experience of undertaking the first round of familiarization reviews. Proposed changes will focus on improving clarity, eliminating duplication, aligning themes, and assisting with OSPG's future assessments.

Upon completing their transition to the PGA, the Architectural Institute of BC will begin their familiarization review. The process will follow the one conducted for the first five regulatory bodies, with minor process improvements based on the lessons learned from the first round of familiarization reviews.

Regulatory bodies who have completed a familiarization review will be transitioned to a theme-based performance review (focused on a different subset of the 20 standards each year). Areas of focus for 2022-2023 include foreign credential recognition plus a second area of focus that is unique to each regulatory body. Performance reviews will begin in late 2022.

Draft Standards of Good Regulation as Published in 2021

<p>Transparency and Accountability</p>	<ol style="list-style-type: none"> 1. Regulatory body provides accurate, accessible information about requirements for registration, standards, guidance, processes and decisions 2. Regulatory body is clear about its duty and responsibilities, applies policies appropriately across all functions and avoids inappropriate advocacy 3. Regulatory body applies a diversity and equity lens to processes and policies that impact its registrants and the people they serve. 4. Regulatory body takes action within its operations to support reconciliation with Indigenous peoples, including supporting the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) 5. Regulatory body examines and reports on its own performance, incorporates feedback, lessons learned and best practices across all functions 6. Regulatory body assesses and mitigates risks to the environment or to the health and safety of the public in respect of its registrants
<p>Setting Standards of Competence and Conduct</p>	<ol style="list-style-type: none"> 7. Regulatory body maintains up-to-date standards of professional and ethical conduct, standards of competence, and standards of practice 8. Regulatory body provides up-to-date guidance to help registrants apply the standards; the guidance addresses emerging areas of risk and appropriately prioritizes
<p>Education and Continuing Competence</p>	<ol style="list-style-type: none"> 9. Regulatory body maintains up-to-date standards for academic requirements, trainee programs and continuing education programs (CEP) that prioritize public interest protection within the profession and Indigenous reconciliation 10. Regulatory body works collaboratively with educational providers to support registrants in meeting identified outcomes through education and continuing education
<p>Registration</p>	<ol style="list-style-type: none"> 11. Regulatory body maintains and makes publicly available an accurate and complete register of professionals 12. Regulatory body has a registration process that is transparent, objective, impartial and fair 13. Regulatory body enforces title and reserved practice based on risk and the response is targeted and proportionate 14. Regulatory body confirms registrants continue to be in good standing
<p>Audit and Practice Reviews</p>	<ol style="list-style-type: none"> 15. Regulatory body has a transparent, objective, impartial and fair process for proactively assessing the conduct or competence of its registrants
<p>Complaints and Discipline</p>	<ol style="list-style-type: none"> 16. Anyone can raise a concern about a registrant related to incompetence, professional misconduct, conduct unbecoming a registrant, or a breach of the PGA, its regulations or the regulatory body's bylaws 17. Regulatory body's investigation and discipline process is transparent, objective, impartial, fair, and allows for thorough, evidence-based and proportionate responses to complaints. 18. Regulatory body ensures all decisions are made in accordance with its processes and are consistent with the PGA and its statutory objectives, the regulatory body's standards, and relevant case law. 19. Regulatory body prioritizes cases to protect the public interest and takes appropriate action. 20. All parties to a complaint are kept updated on the progress of their cases and can participate effectively in the process where appropriate.